



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-THIRD GENERAL ASSEMBLY

102ND LEGISLATIVE DAY

WEDNESDAY, APRIL 28, 2004

12:18 O'CLOCK P.M.

SENATE
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102nd Legislative Day

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The Senate met pursuant to adjournment.
 Senator del Valle, Chicago, Illinois, presiding.
 Prayer by Pastor Steve Best, Wellspring Chapel, DeKalb, Illinois.
 Senator Link led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, April 27, 2004, was being read when on motion of Senator Haine, further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

LEGISLATIVE MEASURES FILED

The following Committee amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Committee Amendment No. 1 to House Bill 1959
 Senate Committee Amendment No. 1 to House Bill 3985
 Senate Committee Amendment No. 1 to House Bill 4851
 Senate Committee Amendment No. 1 to House Bill 4996

The following Floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Floor Amendment No. 2 to House Bill 750
 Senate Floor Amendment No. 1 to House Bill 1083
 Senate Floor Amendment No. 1 to House Bill 1269
 Senate Floor Amendment No. 1 to House Bill 6811
 Senate Floor Amendment No. 1 to House Bill 4239

MESSAGE FROM THE HOUSE

A message from the House by
 Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2329

A bill for AN ACT in relation to housing.
 Passed the House, April 27, 2004.

MARK MAHONEY, Clerk of the House

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 510

Offered by Senator E. Jones and all Senators:
 Mourns the death of Miriam Brooks-Sumlin of Chicago.

SENATE RESOLUTION 511

Offered by Senators Harman - Obama and all Senators:
 Mourns the death of Karl Joachim "Jock" Weintraub of Hyde Park.

SENATE RESOLUTION 512

Offered by Senator Forby and all Senators:
 Mourns the death of Jack A. Montague of Pittsburg.

SENATE RESOLUTION 513

Offered by Senator Forby and all Senators:
 Mourns the death of Gary A. Weston of Vienna.

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By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

Senators Lightford - Harmon - Jacobs offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 73

WHEREAS, The General Assembly takes pride in recognizing the accomplishments and contributions of Illinois officials and citizens; and

WHEREAS, The General Assembly, as an august body, exercises discerning judgment in resolutions to cite the noted achievements of a select few individuals, especially when bestowing one of the highest methods of recognition by the State; and

WHEREAS, In recognition of the lasting contributions that Patricia Thompson Madden made on the issue of mental health at the John J. Madden Mental Health Center, and across the State of Illinois, the General Assembly would like to recognize Ms. Madden, who served as the Center's Administrator for ten years, by naming the Center's Administrative Pavilion after her; and

WHEREAS, Patricia Thompson Madden was a woman who dedicated her life to persons with mental illness; she died on August 31, 2003; she is survived by her son, Robert Baren, and daughter-in-law Alice; her father, Robert Thompson; her sister, Elizabeth, and brother-in-law Stanley Hewins; her brother, Lawrence Robert Thompson, and sister-in-law Rhonda; her aunt, Nancy Tobar; her nephews, Jason and his wife Olivia Herrick, Christopher, Shawn and his wife Daniele, Eric, and Shaden Thompson; and her nieces Carrie and Shaelynn Thompson; and

WHEREAS, Patricia Thompson Madden was born in Peoria and moved frequently as a child, living in Chicago; Muncie, Indiana; Kansas City, Missouri; and Villa Park; she was a member of the first graduating class of Willowbrook High School in Villa Park; after graduating from the University of Illinois with a bachelor's degree in nursing, she received her master's degree in community mental health nursing from Arizona State University; and

WHEREAS, Patricia Thompson Madden went to work after college at the U.S. Army Hospital in Montgomery, Alabama, where as a firsthand witness of the civil rights movement, she became an advocate of equal rights for all; and

WHEREAS, Patricia Thompson Madden went on to work with psychiatric patients at the Veterans Administration Hospital in Waco, Texas, where she witnessed the toll the Vietnam War took on returning veterans, and in the late 1960s, she served as a psychiatric nurse at Denver General Hospital; she also spent several years teaching at California State University in Sacramento; and

WHEREAS, Patricia Thompson Madden returned to the Chicago area in 1986 and began working for the State of Illinois, first as the Associate Director for Administration of the Illinois State Psychiatric Institute and then as the Hospital Administrator of the John J. Madden Mental Health Center for ten years; and

WHEREAS, Patricia Thompson Madden was very involved in the Oak Park community, where she was a sixteen year resident, serving as chairperson of the Barrie Park Citizens Advisory Committee from its inception in 1999 and as a member of the First United Church of Oak Park, where she served as chairperson of the Christian Education Committee, as a member of the Church Council, and as an ordained Elder in the Presbyterian Church; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Administrative Pavilion at the John J. Madden Mental Health Center in Maywood is named the Patricia Thompson Madden Administrative Pavilion in honor of Patricia Thompson Madden; and be it further

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RESOLVED, That suitable copies of resolution be presented to the family of Patricia Thompson Madden; and be it further

RESOLVED, That copies of this resolution be presented to the Director of Central Management Services, the Secretary of Human Services, and other operating authorities for the cited building.

REPORTS FROM STANDING COMMITTEES

Senator Jacobs, Chairperson of the Committee on Insurance and Pensions, to which was referred **House Bills numbered 378, 1269, 5075 and 6616**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Haine, Chairperson of the Committee on Local Government, to which was referred **House Bills numbered 4108, 4132 and 5050**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Haine, Chairperson of the Committee on Local Government, to which was referred **House Bills numbered 4280 and 5017**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator del Valle, Chairperson of the Committee on Education, to which was referred **House Bills numbered 3979, 4225, 4266, 4744 and 5215**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator del Valle, Chairperson of the Committee on Education, to which was referred **House Bills numbered 4444, 4522 and 6906**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Shadid, Chairperson of the Committee on Transportation, to which was referred **House Bills numbered 4012, 4086, 4269, 4457, 4458, 4833, 5320, 6567, 6954 and 7015**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Trotter, Chairperson of the Committee on Appropriations I, to which was referred the Motion to concur with House Amendment to the following Senate Bill, reported that the Committee recommends that it be adopted:

Motion to Concur in House Amendment 2 to Senate Bill 1271

Under the rules, the foregoing Motion is eligible for consideration by the Senate.

Senators Cullerton and Dillard, Co-Chairpersons of the Committee on Judiciary, to which was referred **House Bills numbered 1875, 3977, 3981, 4006, 4120, 4135, 4247, 4287, 4393, 4426, 4505, 4788, 4790, 4949, 5130, 5875, 6574 and 7043**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senators Cullerton and Dillard, Co-Chairpersons of the Committee on Judiciary, to which was referred **House Bills numbered 4403 and 5415**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senators Cullerton and Dillard, Co-Chairpersons of the Committee on Judiciary, to which was referred the following Senate floor amendments, reported that the Committee recommends that they be adopted:

Senate Amendment No. 4 to Senate Bill 2791
Senate Amendment No. 4 to Senate Bill 2800

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Walsh, Chairperson of the Committee on Agriculture and Conservation, to which was referred **Senate Resolution No. 499**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 499** was placed on the Secretary's Desk.

Senator Clayborne, Chairperson of the Committee on Environment and Energy, to which was referred **House Bills numbered 4432 and 5823**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Clayborne, Chairperson of the Committee on Environment and Energy, to which was referred **House Bills numbered 4099 and 5094**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Obama, Chairperson of the Committee on Health and Human Services, to which was referred **House Bills numbered 1660, 4154, 4502, 4558, 4612, 4818, 4870, 4894, 4980, 5164 and 5889**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Obama, Chairperson of the Committee on Health and Human Services, to which was referred **House Bills numbered 486, 1659, 4197, 4232, 4475, 4837, 5057 and 5058**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Obama, Chairperson of the Committee on Health and Human Services, to which was referred **Senate Joint Resolution No. 64**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 64** was placed on the Secretary's Desk.

MESSAGES FROM THE GOVERNOR

2004-3

EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF CERTAIN PROGRAMS OF THE DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY AND THE DEPARTMENT OF REVENUE TO THE DEPARTMENT OF PUBLIC AID AND THE DEPARTMENT ON AGING

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that "Reorganization" includes, in pertinent part (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, and (b) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and

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WHEREAS, the Department of Commerce and Economic Opportunity, the Department of Revenue, the Department of Public Aid and the Department on Aging are executive agencies directly responsible to the Governor which exercise the rights, powers, duties and responsibilities derived from 20 ILCS 605 et seq., 20 ILCS 2505 et seq., 20 ILCS 2205 et seq. and 20 ILCS 105 et seq., respectively; and

WHEREAS, streamlining and consolidating certain programs of some of these agencies into other agencies offers the opportunity to eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, realize savings in administrative costs, promote more effective sharing of best practices and state of the art technology and realize other cost savings, among other things; and

WHEREAS, the Department of Commerce and Economic Opportunity administers a comprehensive low income energy assistance program ("LIHEAP") and the Illinois Home Weatherization Assistance program (collectively, with LIHEAP, "LIHEAP/Weatherization") which incorporate income assistance, home weatherization, and other measures to ensure that Illinois residents have access to affordable energy services; and

WHEREAS, the Illinois Department of Revenue administers the Circuit Breaker and Pharmaceutical Assistance Programs (the "Circuit Breaker/Pharmaceutical Programs") that provide grants and prescription medicines to senior citizens and disabled adults; and

WHEREAS, the aforementioned benefits of consolidation can be achieved by transferring (i) LIHEAP/Weatherization from the Department of Commerce and Economic Opportunity to the Department of Public Aid, and (ii) the Circuit Breaker/Pharmaceutical Programs from the Department of Revenue to the Department of Public Aid and the Department on Aging; and

WHEREAS, for purposes of this Executive Order, LIHEAP/Weatherization and the Circuit Breaker/Pharmaceutical Programs are sometimes referred to collectively as the "Programs," the Department of Commerce and Economic Opportunity and the Department of Revenue are sometimes referred to collectively as the "Transferring Agencies," and the Department of Public Aid and the Department on Aging are sometimes referred to collectively as the "Receiving Agencies"; and

WHEREAS, the specific functions, as well as the staff performing those functions, of the LIHEAP/Weatherization Programs shall be transferred to the Department of Public Aid by way of an interagency agreement between the Department of Commerce and Economic Opportunity and the Department of Public Aid (the "LIHEAP/Weatherization Interagency Agreement") in accordance with the objectives of 20 ILCS 605/1 et seq. and this Executive Order; and

WHEREAS, the specific functions, as well as the staff performing those functions, of the Circuit Breaker/Pharmaceutical Programs shall be transferred to the Receiving Agencies by way of an interagency agreement between the Department of Revenue and the Receiving Agencies (the "Circuit Breaker/Pharmaceutical Programs Interagency Agreement") in accordance with the objectives of 320 ILCS 25/1 et seq. and this Executive Order.

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. TRANSFER

- A. Effective July 1, 2004 or as soon thereafter as practicable, the powers, duties, rights and responsibilities related to (i) LIHEAP/Weatherization shall be transferred from the Department of Commerce and Economic Opportunity to the Department of Public Aid pursuant to the LIHEAP/Weatherization Interagency Agreement, and (ii) the Circuit Breaker/Pharmaceutical Programs shall be transferred from the Department of Revenue to the Department of Public Aid and the Department on Aging pursuant to the Circuit Breaker/Pharmaceutical Programs Interagency Agreement. The statutory powers, duties, rights and responsibilities of the Transferring Agencies associated with these Programs derive from 20 ILCS 605 et seq., 20 ILCS 605/605 et seq., 20 ILCS 625 et seq., 220 ILCS 5/8-206, 305 ILCS 20 et seq. and 305 ILCS

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22/1 et seq. for LIHEAP/Weatherization and 35 ILCS 515/7, 35 ILCS 200/20-15, 220 ILCS 10/9, 305 ILCS 5/3-1, 320 ILCS 25/1 et seq., 320 ILCS 50/1 et seq., 320 ILCS 50/20, 320 ILCS 55/1 et seq. and 320 ILCS 55/5 for the Circuit Breaker/Pharmaceutical Programs.

- B. Whenever any provision of an Executive Order or any Act or section thereof transferred by this Executive Order provides for membership of the Director of either of the Transferring Agencies on any council, commission, board or other entity relating to the Programs, the Director of the appropriate Receiving Agency or their designee(s) shall serve in that place. If more than one such person is required by law to serve on any council, commission, board or other entity, an equivalent number of representatives of the Receiving Agency shall so serve.

II. EFFECT OF TRANSFER

The powers, duties, rights and responsibilities vested in the Programs shall not be affected by this Executive Order, except that all management and staff support or other resources necessary to the operations of the Programs shall be provided by the Receiving Agencies.

- A. The status and rights of employees in the Transferring Agencies engaged in the performance of the functions of the Programs shall not be affected by the transfer. The rights of the employees, the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order. Personnel under the Transferring Agencies affected by this Executive Order shall continue their service within the Receiving Agencies.
- B. All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights and responsibilities related to the Programs and transferred by this Executive Order from the Transferring Agencies to the Receiving Agencies, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Receiving Agencies; provided, however, that the delivery of such information shall not violate any applicable confidentiality constraints.
- C. All unexpended appropriations and balances and other funds available for use in connection with any of the Programs shall be transferred for use by the Receiving Agencies for the Programs pursuant to the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriation was originally made.

III. SAVINGS CLAUSE

- A. The powers, duties, rights and responsibilities related to the Programs and transferred from the Transferring Agencies by this Executive Order shall be vested in and shall be exercised by the Receiving Agencies. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the Transferring Agencies or their divisions, officers or employees.
- B. Every person or entity shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as had been exercised by the Transferring Agencies or their divisions, officers or employees.
- C. Every officer of the Receiving Agencies shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.

- D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Transferring Agencies in connection with any of the functions of the Programs transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Receiving Agencies.
- E. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the Programs before this Executive Order takes effect; such actions or proceedings may be prosecuted and continued by the Receiving Agencies.
- F. Any rules of the Transferring Agencies that relate to the Programs, are in full force on the effective date of this Executive Order and have been duly adopted by the Transferring Agencies shall become the rules of the Receiving Agencies for the Programs. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rulings filed with the Secretary of State by the Transferring Agencies that are pending in the rulemaking process on the effective date of this Executive Order and pertain to the functions transferred, shall be deemed to have been filed by the Receiving Agencies. As soon as practicable hereafter, the Receiving Agencies shall revise and clarify the rules transferred to them under this Executive Order to reflect the reorganization of rights, powers and duties affected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The Receiving Agencies may propose and adopt under the Illinois Administrative Act such other rules of the reorganized agencies that will now be administered by the Receiving Agencies.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

s/Rod R. Blagojevich, Governor

Issued by Governor: March 31, 2004
 Filed with Secretary of State: April 1, 2004

2004-4

EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF CERTAIN FUNCTIONS OF THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES TO THE DEPARTMENT OF STATE POLICE

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that "Reorganization" includes, in pertinent part (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, and (b) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and

WHEREAS, the Department of Central Management Services and the Department of State Police are executive agencies directly responsible to the Governor which exercise the

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rights, powers, duties and responsibilities derived from 20 ILCS 405 et seq. and 20 ILCS 2605 et seq., respectively; and

WHEREAS, streamlining and consolidating the functions of certain of these agencies into a single agency offers the opportunity to eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, realize savings in administrative costs, promote more effective sharing of best practices and state of the art technology and realize other cost savings, among other things; and

WHEREAS, the foregoing benefits can be achieved by transferring the law enforcement and security functions (the "Functions") of the Department of Central Management Services (the "Transferring Agency") to the Department of State Police (the "Receiving Agency").

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. TRANSFER

Effective July 1, 2004, the powers, duties, rights and responsibilities related to the Functions shall be transferred from the Transferring Agency to the Receiving Agency. The statutory powers, duties, rights and responsibilities of the Transferring Agency associated with these Functions derive from 20 ILCS 405/405-315.

II. EFFECT OF TRANSFER

The powers, duties, rights and responsibilities related to the Functions shall not be affected by this Executive Order, except that all management and staff support or other necessary resources related to the Functions shall be provided by the Receiving Agency.

D. The staff of the Transferring Agency engaged in the performance of the Functions shall be transferred to the Receiving Agency. The status and rights of employees in the Transferring Agency engaged in the performance of the Functions shall not be affected by the transfer. The rights of the employees, the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order. Personnel under the Transferring Agency affected by this Executive Order shall continue their service within the Receiving Agency.

E. All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights and responsibilities related to the Functions and transferred by this Executive Order from the Transferring Agency to the Receiving Agency, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Receiving Agency.

F. All unexpended appropriations and balances and other funds available for use in connection with any of the Functions shall be transferred for use by the Receiving Agency for the Functions pursuant to the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriation was originally made.

III. SAVINGS CLAUSE

G. The powers, duties, rights and responsibilities related to the Functions and transferred from the Transferring Agency by this Executive Order shall be vested in and shall be exercised by the Receiving Agency. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the Transferring Agency or their divisions, officers or employees.

H. Every person or entity shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as had been exercised by the Transferring Agency or its divisions, officers or employees.

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- I. Every officer of the Receiving Agency shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.
- J. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Transferring Agency in connection with the Functions transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Receiving Agency.
- K. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the Transferring Agency before this Executive Order takes effect; such actions or proceedings may be prosecuted and continued by the Receiving Agency.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

s/Rod R. Blagojevich, Governor

Issued by Governor: March 31, 2004
 Filed with Secretary of State: April 1, 2004

2004-5

EXECUTIVE ORDER TO TRANSFER CERTAIN ADMINISTRATIVE AND SUPPORT FUNCTIONS OF THE ILLINOIS BUILDING COMMISSION TO THE CAPITAL DEVELOPMENT BOARD

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that "Reorganization" includes, in pertinent part (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, and (b) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and

WHEREAS, the Capital Development Board and the Illinois Building Commission are executive agencies directly responsible to the Governor which exercise the rights, powers, duties and responsibilities derived from 20 ILCS 3105 et seq. and 20 ILCS 3918 et seq., respectively; and

WHEREAS, streamlining and consolidating some of the administrative and support functions of these agencies into a single agency offers the opportunity to eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, realize savings in administrative costs, promote more effective sharing of best practices and state of the art technology and realize other cost savings, among other things; and

WHEREAS, the Illinois Building Commission (i) serves as a forum to suggest resolution of conflicts between State agencies, or between a State agency and another entity that consents to the resolution forum, concerning State building requirements, and (ii) reviews proposed State building requirement amendments and proposed legislation for conflicts with

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current State law or building requirements and makes recommendations concerning those amendments or laws to the proper authorities; and

WHEREAS, the aforementioned benefits can be achieved by transferring some of the administrative and support functions, including information technology, clerical, accounting, human resources and office space (the "Functions") of the Illinois Building Commission (the "Transferring Agency") to the Capital Development Board (the "Receiving Agency"); and

WHEREAS, the consolidation and streamlining of the Functions of the Transferring Agency to the Receiving Agency shall not impede, disrupt or impair in any fashion the independent and conflict resolution responsibilities and duties of the Transferring Agency as contemplated in 20 ILCS 3918 et seq.

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. TRANSFER

Effective July 1, 2004, the powers, duties, rights and responsibilities related to the Functions of the Transferring Agency shall be transferred to the Receiving Agency. The statutory powers, duties, rights and responsibilities of the Transferring Agency associated with these Functions derive from 20 ILCS 3918 et seq.

II. EFFECT OF TRANSFER

The powers, duties, rights and responsibilities other than the Functions vested in the Transferring Agency shall not be affected by this Executive Order, including the Transferring Agency's ability to serve as an independent forum to suggest resolution of conflicts between State agencies, or between a State agency and another entity that consents to the resolution forum, concerning State building requirements, except that the Functions necessary to the operation of the Transferring Agency shall be provided by the Receiving Agency.

G. The staff of the Transferring Agency engaged in the performance of the Functions shall be transferred to the Receiving Agency. The status and rights of such employees under the Personnel Code shall not be affected by the transfer. The rights of the employees, the State and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order. Personnel under the Transferring Agency affected by this Executive Order shall continue their service within the Receiving Agency.

H. All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights and responsibilities transferred by this Executive Order from the Transferring Agency to the Receiving Agency, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Receiving Agency.

I. All unexpended appropriations and balances and other funds available for use in connection with any of the Functions shall be transferred for use by the Receiving Agency for the Functions pursuant to the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriation was originally made.

III. SAVINGS CLAUSE

L. The powers, duties, rights and responsibilities related to the Functions and transferred from the Transferring Agency by this Executive Order shall be vested in and shall be exercised by the Receiving Agency. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the Transferring Agency or its divisions, officers or employees.

M. Every person or entity shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and

- responsibilities as had been exercised by the Transferring Agency or its divisions, officers or employees.
- N. Every officer of the Receiving Agency shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.
- O. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Transferring Agency in connection with any of the Functions transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Receiving Agency.
- P. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the Functions of the Transferring Agency before this Executive Order takes effect; such actions or proceedings may be prosecuted and continued by the Receiving Agency.
- Q. Any rules of the Transferring Agency that relate to the Functions, are in full force on the effective date of this Executive Order and have been duly adopted by the Transferring Agency shall become the rules of the Receiving Agency for the Functions. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rulings filed with the Secretary of State by the Transferring Agency that are pending in the rulemaking process on the effective date of this Executive Order and pertain to the Functions transferred, shall be deemed to have been filed by the Receiving Agency. As soon as practicable hereafter, the Receiving Agency shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, powers and duties affected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The Receiving Agency may propose and adopt under the Illinois Administrative Act such other rules of the reorganized agencies that will now be administered by the Receiving Agency.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

s/Rod R. Blagojevich, Governor

Issued by Governor: March 31, 2004
 Filed with Secretary of State: April 1, 2004

2004-6

EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF FUNCTIONS OF THE DEPARTMENT OF FINANCIAL INSTITUTIONS, THE DEPARTMENT OF INSURANCE, THE DEPARTMENT OF PROFESSIONAL REGULATION AND THE OFFICE OF BANKS AND REAL ESTATE INTO THE NEWLY CREATED DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

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WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that "Reorganization" includes, in pertinent part, (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, (b) the abolition of the whole or any part of any agency which does not have, or upon the taking effect of such reorganization will not have, any functions, and (c) the establishment of a new agency to perform all or any part of the functions of an existing agency or agencies; and

WHEREAS, the Department of Financial Institutions, the Department of Insurance, the Department of Professional Regulation and the Office of Banks and Real Estate are executive agencies directly responsible to the Governor which exercise the rights, powers, duties and responsibilities derived from 20 ILCS 1205 et seq., 20 ILCS 1405 et seq., 20 ILCS 2105 et seq. and 20 ILCS 3205 et seq., respectively; and

WHEREAS, substantial benefits can be achieved by the transfer of all functions (the "Functions"), respectively, of the Department of Financial Institutions, the Department of Insurance, the Department of Professional Regulation and the Office of Banks and Real Estate (the "Consolidating Agencies") into a newly created Department of Financial and Professional Regulation (the "New Agency") and the subsequent corresponding abolition of the Consolidating Agencies; and

WHEREAS, consolidating the powers, duties, rights, responsibilities and Functions of the Consolidating Agencies into the New Agency provides for opportunities to increase operational efficiency and effectiveness, eliminate redundancies in functions and costs, increase accessibility by consumers and industry, increase accountability, simplify the organizational structure of the Executive Branch, increase leverage of specialized expertise, facilities and technology, promote a more effective sharing of best practices and realize significant economies of scale, among other things; and

WHEREAS, the transfer of the Functions of the Consolidating Agencies into the New Agency shall not impede, disrupt or impair in any fashion any council, commission, board or other entity previously established and operating under any of the Consolidating Agencies.

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

- I. CREATION OF NEW DEPARTMENT
 - A. Effective July 1, 2004, the New Agency shall be created and known as the "Department of Financial and Professional Regulation."
 - B. The New Agency shall have an officer as its lead known as the Secretary who shall be responsible for all agency Functions. Appointment to this office shall be made by the Governor, by and with the advice and confirmation of the Senate. Vacancies in the office of the Secretary shall be filled pursuant to 20 ILCS 5/5-605. The Secretary of the New Agency shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, as the case may be.
 - C. The New Agency shall also have four Directors who will oversee the respective Functions of the Consolidating Agencies within the New Agency and report to the Secretary, as well as such other assistants and deputies as may be appropriate for the efficient operation of the New Agency. None of the four Directors, nor any such assistants or deputies, shall be state officers subject to Senate confirmation.

- II. TRANSFER OF FUNCTIONS
 - A. Effective July 1, 2004, the Functions and all associated powers, duties, rights and responsibilities of the Consolidating Agencies shall be transferred to the New Agency. The statutory powers, duties, rights and responsibilities of the Consolidating Agencies associated with these Functions derive from the statutes listed in the attached Appendix.
 - B. Whenever any provision of an Executive Order or any Act or section thereof transferred by this Executive Order provides for membership of the Director or Commissioner of any of the Consolidating Agencies on any

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council, commission, board or other entity, the Secretary or, at the Governor's discretion, the appropriate Director of the New Agency, or their designee(s), shall serve in that place. If more than one such person is required by law to serve on any council, commission, board or other entity, an equivalent number of representatives of the New Agency shall so serve.

III. ABOLITION OF CONSOLIDATING AGENCIES

The Consolidating Agencies listed in this Part III shall be abolished effective July 1, 2004. The rights, powers and duties associated with the Functions vested by law in these Consolidating Agencies, or any office, division, council, committee, bureau, board, commission, officer, employee, or associated individual, person or entity, and all rights, powers and duties of the Consolidating Agencies related to the Functions, including funding mechanisms, shall be transferred to the New Agency in accordance with Part II of this Executive Order:

- A. Department of Financial Institutions (20 ILCS 1205 et seq.)
- B. Department of Insurance (20 ILCS 1405 et seq.)
- C. Department of Professional Regulation (20 ILCS 2105 et seq.)
- D. Office of Banks and Real Estate (20 ILCS 3205 et seq.)

IV. EFFECT OF TRANSFER

The powers, duties, rights and responsibilities related to the Functions and transferred by the Consolidating Agencies to the New Agency shall not be affected by this Executive Order, except that they shall all be carried out by the New Agency from the effective date of the transfers.

- J. The staffs of the Consolidating Agencies engaged in the performance of the Functions shall be transferred to the New Agency. The status and rights of such employees under the Personnel Code shall not be affected by the transfers. The rights of the employees, the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order.
- K. All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights and responsibilities transferred by this Executive Order from the Consolidating Agencies to the New Agency, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the New Agency.
- L. All unexpended appropriations and balances and other funds available for use in connection with any of the Functions shall be transferred for use by the New Agency for the Functions pursuant to the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriations were originally made.

V. SAVINGS CLAUSE

- R. The powers, duties, rights and responsibilities related to the Functions and transferred from the Consolidating Agencies by this Executive Order shall be vested in and shall be exercised by the New Agency. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by any of the Consolidating Agencies or their divisions, officers or employees.
- S. Every officer of the New Agency shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.
- T. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon any of the Consolidating Agencies in connection with any of the Functions

transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the New Agency.

- U. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the Functions of any of the Consolidating Agencies before this Executive Order takes effect; such actions or proceedings may be prosecuted and continued by the New Agency.
- V. Any rules of the Consolidating Agencies that relate to the Functions, are in full force on the effective date of this Executive Order and that have been duly adopted by the Consolidating Agencies shall become the rules of the New Agency. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rules filed with the Secretary of State by the Consolidating Agencies that are pending in the rulemaking process on the effective date of this Executive Order and pertain to the Functions transferred, shall be deemed to have been filed by the New Agency. As soon as practicable hereafter, the New Agency shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, powers and duties affected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The New Agency, consistent with the Consolidating Agencies' authority to do so, may propose and adopt under the Illinois Administrative Procedures Act such other rules of the Consolidating Agencies that will now be administered by the New Agency. To the extent that, prior to the effective date of the transfers, the Director or Commissioner of a Consolidating Agency had been empowered to prescribe regulations or had other rulemaking authority with respect to transferred Functions, such duties shall be exercised from and after the effective date of the transfers jointly by the Secretary and the Director responsible for the oversight of those respective Functions.

VI. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

s/Rod R. Blagojevich, Governor

Issued by Governor: March 31, 2004

Filed with Secretary of State: April 1, 2004

Appendix

Department of Financial Institution statutes affected by the Reorganization:

Financial Institutions Code, 20 ILCS 1205/1 et seq.

Illinois Credit Union Act, 205 ILCS 305/1 et seq.

Currency Exchange Act, 205 ILCS 405/0.1 et seq.

Transmitters of Money Act, 205 ILCS 657/1 et seq.

Sales Finance Agency Act, 205 ILCS 660/1 et seq.

Debt Management Service Act, 205 ILCS 665 et seq.

Consumer Installment Loan Act, 205 ILCS 670/1 et seq.

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Title Insurance Act, 215 ILCS 155/1 et seq.
 Development Credit Corporations Act, 815 ILCS 35/1 et seq.
 Safety Deposit Box Act, 240 ILCS 5/0.01 et seq.
 Motor Vehicle Retail Installment Sales Act, 815 ILCS 375/1 et seq.
 Retail Installment Sales Act, 815 ILCS 405/1 et seq.
 Interest Act, 815 ILCS 205/11
 High Risk Home Loan Act, 815 ILCS 137/1 et seq.

Department of Insurance statutes affected by the Reorganization:

Department of Insurance Law, 20 ILCS 1405 et seq.
 Illinois Insurance Code, 215 ILCS 5/1 et seq.
 Small Employer Health Insurance Rating Act, 215 ILCS 93/1 to 215 ILCS 93/40
 Small Employer Rating, Renewability and Portability Health Insurance Act, 215 ILCS 95/1 to 215 ILCS 95/55 [Repealed]
 Illinois Health Insurance Portability and Accountability Act, 215 ILCS 97/1 to 215 ILCS 97/99
 Reinsurance Intermediary Act, 215 ILCS 100/1 to 215 ILCS 100/60
 Comprehensive Health Insurance Plan Act, 215 ILCS 105/1 to 215 ILCS 105/15
 Children's Health Insurance Program, 215 ILCS 106/1 to 215 ILCS 106/99 [Repealed effective July 1, 2004]
 Producer Controlled Insurer Act, 215 ILCS 107/1 to 215 ILCS 107/99
 Dental Care Patient Protection Act, 215 ILCS 109/1 to 215 ILCS 109/85
 Dental Service Plan Act, 215 ILCS 110/1 to 215 ILCS 110/47
 Employee Leasing Company Act, 215 ILCS 113/1 to 215 ILCS 113/99
 Employees Dental Freedom of Choice Act, 215 ILCS 115/1 to 215 ILCS 115/4
 Farm Mutual Insurance Company Act of 1986, 215 ILCS 120/1 to 215 ILCS 120/17
 Health Care Purchasing Group Act, 215 ILCS 123/1 to 215 ILCS 123/75
 Health Maintenance Organization Act, 215 ILCS 125/1-1 to 215 ILCS 125/6-19
 Limited Health Service Organization Act, 215 ILCS 130/1001 to 215 ILCS 130/4009
 Managed Care Reform and Patient Rights Act, 215 ILCS 134/1 to 215 ILCS 134/299
 Pharmaceutical Service Plan Act, 215 ILCS 135/1 to 215 ILCS 135/46.1 [Repealed]
 Uniform Prescription Drug Information Card Act, 215 ILCS 138/1 to 215 ILCS 139/99
 Product Liability Insurance Act, 215 ILCS 140/0.01, 215 ILCS 140/1 [Repealed]
 Property Fire Loss Act, 215 ILCS 145/0.1, 215 ILCS 145/1
 Religious and Charitable Risk Pooling Trust Act, 215 ILCS 150/1 to 215 ILCS 150/28
 Service Contract Act, 215 ILCS 152/1 to 215 ILCS 152/99
 Title Insurance Act, 215 ILCS 155/1 to 215 ILCS 155/25
 Viatical Settlements Act, 215 ILCS 158/1 to 215 ILCS 158/99
 Vision Service Plan Act, 215 ILCS 160/1 to 215 ILCS 160/32 [Repealed]
 Voluntary Health Services Plans Act, 215 ILCS 165/1 to 215 ILCS 165/30
 Intergovernmental Cooperation Act, 5 ILCS 220/1 to 5 ILCS 220/16
 State Employees Group Insurance Act of 1971, 5 ILCS 375/1 to 5 ILCS 375/17
 Civil Administrative Code of Illinois (Part 11.5), 20 ILCS 1405/56.3, 20 ILCS 1405/1405-1 to 20 ILCS 1405/1405-30
 Military Code of Illinois, 20 ILCS 1805/30.20
 State Fire Marshall Act, 20 ILCS 2905/0.01 to 20 ILCS 2905/3
 Experimental Organ Transplantation Procedures Act, 20 ILCS 3935/1 to 20 ILCS 3935/5
 Illinois Municipal Code, Art. 11, Corporate Powers and Functions (Public Health, Safety and Welfare), 65 ILCS 5/11-10-1 to 65 ILCS 5/11-10-3, 65 ILCS 5/11-152-1 to 65 ILCS 5/11-152-4.
 Asbestos Abatement Act, 105 ILCS 105/1 to 105 ILCS 105/16
 Illinois Banking Act, 205 ILCS 5/5, 205 ILCS 5/48.2
 Illinois Savings and Loan Act of 1985
 Art. 1 General Provisions, 205 ILCS 105/1-6, 205 ILCS 105/1-11
 Art. 4 Capital 205 ILCS 105/4-2
 Art. 5 Investments 205 ILCS 105/5-3
 Savings Bank Act
 Art. 1 General Provisions 205 ILCS 205/1008

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Illinois Corporate Credit Union Act, 205	ILCS 305/13,	205	ILCS 305/55
Fiduciary Provisions	205	ILCS 620/1-6	
Art. IX Miscellaneous Provisions, Fiduciary Advisory Committee, 205	ILCS 620/9-1		620/9-6
Structural Pest Control Act, 225	ILCS 235/9		
Elevator Safety and Regulation Act, 225	ILCS 312/100		
Fire Sprinkler Contractor Licensing Act, 225	ILCS 317/1 to 225	ILCS 317/999	
Petroleum Equipment Contractors Licensing Act, 225	ILCS 729/35		
Senior Pharmaceutical Assistance Act, 320	ILCS 50/1 to 320	ILCS 50/99	
Medical Patient Rights Act, 410	ILCS 50/0.01 to 410	ILCS 50/99	
Hearing Screening for Newborns Act, 410	ILCS 213/1 to 410	ILCS 213/99	
Fire Investigation Act, 425	ILCS 25/0.01 to 425	ILCS 25/13.1	
Carnival and Amusement Rides Safety Act, 430	ILCS 85/2-14		
Illinois Vehicle Code			
Ch. 3 Certificates of Title and Registration of Vehicles, 625 ILCS 5/3-100 to 625 ILCS 5/3-2006			
Ch. 7 Illinois Safety and Family Financial Responsibility Law, 625 ILCS 5/7-100 to 625 ILCS 5/7-708			
Ch. 8 Motor Vehicles Used for Transportation of Passengers, 625 ILCS 5/8-101 to 625 ILCS 5/8-116			
Ch. 9 Owners of For-Rent Vehicles for Hire, 625 ILCS 5/9-101 to 625 ILCS 5/9-110			
Ch. 18a Illinois Commercial Relocation of Trespassing Vehicles Law, 625 ILCS 5/18a-301			
Boat Registration and Safety Act			
Art. V Operation of Motor Boats, 625	ILCS 45/5-1 to 625	ILCS 45/5-21	
Criminal Code of 1961			
Art. 46 Insurance Fraud, Fraud on the Government, and Related Offenses, 720 ILCS 5/46-1 to 720 ILCS 5/46-5			
Criminal Juris Prudence Act (insurance law violation), 720 ILCS 275/119 [Repealed]			
Insurance Claims for Excessive Charges Act, 720	ILCS 325/1 to 720	ILCS 325/15	
Bail Bond False Statement Act, 720	ILCS 540/0.01,	720 ILCS 540/1	
Quasi-criminal and Misdemeanor Bail Act, 725	ILCS 195/0.01 to 725	ILCS 195/5	
Insurance Claims Fraud Prevention Act, 740	ILCS 92/1 to 740	ILCS 92/45	
Securities in Fiduciary Accounts Act, 760	ILCS 75/0.01 to 760	ILCS 75/4	
Condominium Property Act, 765	ILCS 605/12,	765 ILCS 605/12.1	
Mortgage Certificate of Release Act, 765	ILCS 935/5 to 765	ILCS 935/99	
Bailment Insurance Act, 765	ILCS 1015/0.01 to 765	ILCS 1015/4	
General Not-for-Profit Corporation Act of 1986, 805 ILCS 105/101.01 to 805 ILCS 105/117.05			
Motor Vehicle Retail Installment Sales Act, 815	ILCS 375/8 to 815	ILCS 375/10	
Restricted Call Registry Act, 815	ILCS 402/5		
Retail Installment Sales Act, 815	ILCS 405/8 to 815	ILCS 405/11.1	
Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/1 to 815 ILCS 505/12			
Uniform Deceptive Trade Practices Act, 815	ILCS 510/1 to 815	ILCS 510/7	
Health Insurance Claim Filing Act, 820	ILCS 45/0.01 to 820	ILCS 45/2	
Medical Care Savings Account Act of 2000, 820	ILCS 153/1 to 820	ILCS 153/99	
Workers Compensation Act, 820	ILCS 305/1 to 820	ILCS 305/6	
Workers Occupational Diseases Act, 820 ILCS 310/4 to 820 ILCS 310/6			

Department of Professional Regulation statutes affected by the Reorganization:

Department of Professional Regulation Law, 20 ILCS 2105 et seq.

Acupuncture Practice Act of 1989, 225 ILCS 2/

Illinois Architecture Practice Act of 1989, 225 ILCS 305/

Illinois Athletic Trainers Practice Act, 225 ILCS 5/

Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985,
225 ILCS 410/

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Professional Boxing and Wrestling Act, 225 ILCS 105/
 Collection Agency Act, 225 ILCS 425/
 Mail Order Contact Lens Act, 225 ILCS 83/
 Illinois Controlled Substances Act, 720 ILCS 570/
 Illinois Dental Practice Act, 225 ILCS 25/
 Detection of Deception Examiners Act, 225 ILCS 430/
 The Private Detective, Private Alarm, Private Security and Locksmith Act of 2004, 225 ILCS 447/
 Dietetic and Nutrition Services Practice Act, 225 ILCS 30/
 Electrologist Licensing Act, 225 ILCS 412/
 Environmental Health Practitioner Licensing Act, 225 ILCS 37/
 Funeral Directors and Embalmers Licensing Code, 225 ILCS 41/
 Home Medical Equipment and Services Provider License Act, 225 ILCS 51/
 Humane Euthanasia in Animal Shelters Act, 510 ILCS 72/
 Interior Design Title Act, 225 ILCS 310/
 Illinois Landscape Architecture Act of 1989, 225 ILCS 315/
 Illinois Professional Land Surveyor Act of 1989, 225 ILCS 330/
 Marriage and Family Therapy Licensing Act, 225 ILCS 55/
 Massage Licensing Act, 225 ILCS 57/
 Medical Practice Act of 1987, 225 ILCS 60/
 Medical Corporation Act, 225 ILCS 15/
 Naprapathic Practice Act of 1993, 225 ILCS 63/
 Nursing and Advance Practice Nursing Act, 225 ILCS 65/
 Nursing Home Administrators Licensing and Disciplinary Act
 Illinois Occupational Therapy Practice Act, 225 ILCS 75/
 Illinois Optometric Practice Act of 1987, 225 ILCS 80/
 Orthotics, Prosthetics and Pedorthics Practice Act, 225 ILCS 84/
 Perfusionist Practice Act, 225 ILCS 125/
 Pharmacy Practice Act of 1987, 225 ILCS 85/
 Illinois Physical Therapy Act, 225 ILCS 90/
 Physician Assistant Practice Act of 1987, 225 ILCS 30
 Podiatric Medical Practice Act of 1987, 225 ILCS 100/
 Professional Counselor and Clinical Professional Counselor Licensing Act, 225 ILCS
 107/
 Professional Engineering Practice Act of 1989, 225 ILCS 325
 Professional Geologist Licensing Act, 225 ILCS 745
 Professional Service Corporation Act, 805 ILCS 10/
 Clinical Psychologist Licensing Act, 225 ILCS 15/
 Illinois Public Accounting Act, 225 ILCS 450/
 Respiratory Care Practice Act, 225 ILCS 106/
 The Illinois Roofing Industry Licensing Act, 225 ILCS 335
 Illinois Certified Shorthand Reporters Act of 1984, 225 ILCS 415/
 The Clinical Social Work and Social Work Practice Act, 225 ILCS 20/
 Illinois Speech-Language Pathology and Audiology Practice Act, 225 ILCS 110/
 Structural Engineering Licensing Act of 1989, 225 ILCS 340
 Veterinary Medicine and Surgery Practice Act of 1983, 225 ILCS 115/
 Wholesale Drug Distributors Act, 225 ILCS 120/
 Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act,
 225 ILCS 130/
 The Department of Professional Regulation:
 Illinois Police Training Act, 50 ILCS 705/6.1

Office of Banks and Real Estate statutes affected by the Reorganization:

Office of Banks and Real Estate Act, 20 ILCS 3205/0.1 et seq.
 State Treasurer Act, 15 ILCS 505/0.01 et seq.
 Illinois Bank Examiners' Education Foundation Act, 20 ILCS 3210/1 et seq.
 State Finance Act, 30 ILCS 105/1 et seq.
 Illinois Banking Act, 205 ILCS 5/1 et seq.
 Illinois Bank Holding Company Act of 1957, 205 ILCS 10/1 et seq.

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Illinois Savings and Loan Act of 1985, 205 ILCS 105/1-1 et seq.
 Savings Bank Act, 205 ILCS 205/1001 et seq.
 Pawnbroker Regulation Act, 205 ILCS 510/0.01 et seq.
 Banking Emergencies Act, 205 ILCS 610/0.01 et seq.
 Electronic Fund Transfer Act, 205 ILCS 616/1 et seq.
 Corporate Fiduciary Act, 205 ILCS 620/1-1 et seq.
 Promissory Note and Bank Holiday Act (Part 3), 205 ILCS 630/17 et seq.
 Residential Mortgage License Act of 1987, 205 ILCS 635/1-1 et seq.
 Foreign Banking Office Act, 205 ILCS 645/1 et seq.
 Foreign Bank Representative Office Act, 205 ILCS 650/1 et seq.
 Financial Institution Activity Reporting Act, 205 ILCS 680/1 et seq.
 Check Printer and Check Number Act, 205 ILCS 690/1 et seq.
 Auction License Act, 225 ILCS 407/5-1 et seq.
 Home Inspector License Act, 225 ILCS 441/1-1 et seq.
 Real Estate License Act of 2000, 225 ILCS 454/1-1 et seq.
 Real Estate Appraiser Licensing Act of 2002, 225 ILCS 458/1-1 et seq.
 Land Sales Registration Act of 1999, 765 ILCS 86/1-1 et seq.
 Real Estate Timeshare Act of 1999, 765 ILCS 101/101 et seq.
 Uniform Disposition of Unclaimed Property Act, 765 ILCS 1025/0.05 et seq.
 High Risk Home Loan Act, 815 ILCS 137/1 et seq.
 Deposit of State Moneys Act, 15 ILCS 520/0.01 et seq.
 Interest Act, 815 ILCS 205/0.01 et seq.

The foregoing Executive Orders numbered 3, 4, 5 and 6 were referred to the Committee on Rules.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 3869, sponsored by Senator Brady, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4782, sponsored by Senator Luechtefeld, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4827, sponsored by Senator Syverson, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 6874, sponsored by Senator Trotter, was taken up, read by title a first time and referred to the Committee on Rules.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator DeLeo, **House Bill No. 393** was taken up, read by title a second time. Floor Amendment No. 1 was held in the Committee on Rules. There being no further amendments the bill was ordered to a third reading.

On motion of Senator Meeks, **House Bill No. 2587** having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1 . Amend House Bill 2587 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by adding Section 2705-321 as follows:
 (20 ILCS 2705/2705-321 new)

[April 28, 2004]

Sec. 2705-321. Illinois Transit Ridership and Economic Development (TRED) Pilot Project Program: new facilities and service.

(a) Subject to bond fund appropriation, the Department of Transportation shall establish the Illinois Transit Ridership and Economic Development (TRED) Pilot Project Program to build transit systems that more effectively address the needs of Illinois workers, families, and businesses. The Illinois TRED Pilot Project Program shall provide for new or expanded mass transportation service and facilities, including rapid transit, rail, bus, and other equipment used in connection with mass transit, by the State, a public entity, or 2 or more of these entities authorized to provide and promote public transportation in order to increase the level of service available in local communities, as well as improve the quality of life and economic viability of the State of Illinois.

The Illinois TRED Pilot Project Program expenditures for mass transportation service and facilities within the State must:

(1) Improve the economic viability of Illinois by facilitating the transportation of Illinois residents to places of employment, to educational facilities, and to commercial, medical, and shopping districts.

(2) Increase the frequency and reliability of public transit service.

(3) Facilitate the movement of all persons, including those persons who, because of age, economic circumstance, or physical infirmity, are unable to drive.

(4) Contribute to an improved environment through the reduction of air, water, and noise pollution.

(b) Under the Illinois TRED Pilot Project Program, subject to bond fund appropriation, the Department shall fund in fiscal year 2005, in coordination and consultation with other government agencies that provide or fund transportation services, the Illinois Public Transportation Association, and transit advocates, projects as specified in subsection (c). Total funding for each project shall not exceed \$500,000 and the funding for all projects shall not exceed \$4,500,000. The Department shall submit annual reports to the General Assembly by March 1 of each fiscal year regarding the status of these projects, including service to constituents including local businesses, seniors, and people with disabilities, costs, and other appropriate measures of impact.

(c) Subject to bond fund appropriation, the Department shall make grants to any of the following in order to create:

(1) The Altgeld Gardens - Ford Supplier Park Rush-hour service, which shall provide rush-hour-only service (6:00 AM to 10:00 AM and 3:00 PM to 7:30 PM) that shall start at 130th Street and State Street and go directly to Altgeld Gardens (stopping at the store in the center of Altgeld Gardens), then leave Altgeld Gardens and go directly to the Ford supplier park on 130th Street, then to 130th and Torrence Avenue (the Ford production plant), then north on Torrence Avenue with at least one stop close to Washington High School, then to the shopping plaza at 95th Street and Stony Island. After completing its route, the bus shall turn around and go back on the same route. Service shall be every 20 minutes.

(2) The Pilsen/Lawndale Demonstration Project, which consists of the following:

(A) Pilsen Commercial route, which shall create weekday bus service to support the 16th and 18th street commercial district. Service shall begin at Cicero and Cermak and proceed along 16th Street and then 18th Street to Michigan Ave. This service shall run on weekdays from 9:00 a.m. to 2:00 p.m. and then from 6 p.m. to 10 p.m.

(B) Lawndale-to-the-Loop Rush hour express route, which shall create an extended rush-hour-only express service (4:00 a.m to 9:00 a.m. and 4:00 p.m. to 10:00 p.m.), starting at Pulaski and Cermak and traveling along Ogden and Polk with limited stops between Pulaski, the Medical District, and the Chicago Loop.

(3) The Intertownship Transportation Program for Northwest Suburban Cook County, which shall complement existing Pace service and involve cooperation of several townships to provide transportation services for senior and disabled residents across village and township boundaries that is currently not provided by Pace and by individual townships and municipalities.

(4) RIDES transit services to Richland and Lawrence Counties to extend transit services into Richland and Lawrence Counties and enhance service in Wayne, Edwards, and Wabash Counties that share common travel patterns and needs with Lawrence and Richland counties. Funding shall be used to develop a route structure that shall coordinate social service and general public requirements and obtain vehicles to support the additional service.

(5) Peoria Regional Transportation Initiative, which shall fund the development of a plan to create a regional transportation service in the Peoria-Pekin MSA that integrates and expands the existing services and that would allow local leaders to develop a funding plan and a timetable to secure final political approval. The plan is intended to facilitate regional economic development and provide greater mobility to workers, senior citizens, and people with disabilities.

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(6) Rock Island MetroLINK/Black Hawk College Coordination Project, which shall provide a deeply discounted, semester-based bus pass for unlimited travel on any MetroLINK bus route to students and faculty at local community colleges to increase ridership on the metropolitan bus system and better link community college students with transportation alternatives.

(7) The West Central Transit District to serve Scott and Morgan Counties. Funding shall be used to develop a route structure that shall coordinate social service and general public requirements and obtain vehicles to support the service.

(8) Community College Coordination Projects, which shall provide deeply discounted semester-based bus passes for unlimited travel on any Champaign-Urbana MTD, and Danville Mass Transit bus routes to students, faculty, and staff at Parkland College, and Danville Area Community College to better link community colleges with transportation alternatives.

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2587, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, in line 11 by deleting "bond fund"; and

on page 2, in lines 15 and 27, by deleting "bond fund"; and

on page 4, by replacing lines 13 through 19 with the following:

"(6) Rock Island MetroLINK/Black Hawk College Coordination Project, which shall increase mobility for lower income students to access educational services and job training on the metropolitan bus system, which will better link community college students with transportation alternatives." and

on page 4, by replacing lines 25 through 31 with the following:

"(8) Additional community college coordination projects, which shall increase mobility for lower income students to access educational services and job training on any Champaign-Urbana MTD and Danville Mass Transit bus routes, which will better link community college students with transportation alternatives."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator J. Sullivan, **House Bill No. 3828** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 3893** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 3922** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **House Bill No. 3978** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **House Bill No. 4023** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haime, **House Bill No. 4025** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 4027** was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Rules.

There being no further amendments the bill was ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 4076** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Martinez, **House Bill No. 4106** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **House Bill No. 4263** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **House Bill No. 4285** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 4288** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 4310** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 4318** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4318 on page 1, after line 17, by inserting the following:

"(a-3) Nothing in subsection (a-5) of this Section shall apply to a child in whose interests a petition under Section 2-13 of the Juvenile Court Act of 1987 is pending."; and

on page 1, line 21, after "denial of visitation", by inserting "by a parent"; and

on page 2, line 4, after "the court", by inserting ", other than a Juvenile Court.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Peterson, **House Bill No. 4351** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **House Bill No. 4361** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 4370** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **House Bill No. 4372** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **House Bill No. 4374** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **House Bill No. 4389** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **House Bill No. 4395** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bomke, **House Bill No. 4400** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Rutherford, **House Bill No. 4402** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 4424** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 4461** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **House Bill No. 4469** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **House Bill No. 4506** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Welch, **House Bill No. 4621** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **House Bill No. 4651** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **House Bill No. 4660** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, **House Bill No. 4705** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4705 on page 1, line 21, by inserting "only" immediately after "against"; and

on page 2, line 19, by inserting "only" immediately after "against".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Obama, **House Bill No. 4712** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **House Bill No. 4730** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 4751** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 4777** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 4840** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **House Bill No. 4862** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 4887** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **House Bill No. 4914** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 4962** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 4966** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **House Bill No. 5023** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 5061** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schoenberg, **House Bill No. 5165** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **House Bill No. 5197** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 5207** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 5732** was taken up, read by title a second time. Floor Amendment No. 1 was held in the Committee on Rules. There being no further amendments the bill was ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 6740** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Financial Institutions, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 6740 on page 2, line 10, by changing "ensure that" to "encourage".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Righter, **House Bill No. 6902** was taken up, read by title a second time and ordered to a third reading.

REPORT FROM STANDING COMMITTEE

Senator Obama, Chairperson of the Committee on Health and Human Services, to which was referred **House Bill No. 6706**, reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Harmon, **House Bill No. 307** was taken up, read by title a second time and ordered to a third reading.

REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its April 28, 2004 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Executive: **Senate Amendment No. 1 to House Bill 1959; Senate Amendment No. 2 to House Bill 6654.**

Labor & Commerce: **Senate Amendment No. 1 to House Bill 4851.**

Revenue: **Senate Amendment No. 1 to House Bill 3985.**

State Government: **Senate Amendment No. 1 to House Bill 4996.**

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Cullerton, **House Bill No. 1269** was taken up, read by title a second time. Floor Amendment No. 1 was held in the Committee on Rules. There being no further amendments the bill was ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 3981** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **House Bill No. 4006** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **House Bill No. 4012** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 4086** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 4108** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **House Bill No. 4120** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Risinger, **House Bill No. 4132** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator W. Jones, **House Bill No. 4225** was taken up, read by title a second time. Committee Amendment No. 1 was held in the Committee on Rules. There being no further amendments the bill was ordered to a third reading.

On motion of Senator Welch, **House Bill No. 4266** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schoenberg, **House Bill No. 4269** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 4280** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4280 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by adding Section 9-2-4.5 as follows:
(65 ILCS 5/9-2-4.5 new)

Sec. 9-2-4.5. Special assessment for payment of costs associated with certain ordinance violations.

(a) For purposes of this Section, "Code" means any municipal ordinance that requires, after notice, the cutting of weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, or the abatement of nuisances from private property.

(b) In addition to any other method authorized by law, if (i) a property owner is cited with a Code violation, (ii) non-compliance is found upon reinspection of the property after the due date for compliance with an order to correct the ordinance violation or with an order for abatement, and (iii) costs for services rendered by the municipality to correct the violation remain unpaid at the point in time that they would become a debt due and owing the municipality, then those costs may be collected as a special assessment on the property under this Division. However, on the date of closing of a sale of property on which a special assessment has been assessed under this Section, a lien shall be imposed on the property in the amount of the special assessment that is due and owing the municipality on the date of closing."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 4287** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **House Bill No. 4393** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **House Bill No. 4403** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4403 on page 1, line 5, by replacing "and 6-208" with "6-208, and 6-306.6"; and on page 23, below line 3, by inserting the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 6-306.6 as follows:
(625 ILCS 5/6-306.6) (from Ch. 95 1/2, par. 6-306.6)

Sec. 6-306.6. Failure to pay traffic fines, penalties, or ~~and~~ court costs.

(a) Whenever any resident of this State fails to pay any traffic fine, penalty, or ~~and~~ cost imposed for a violation of this Code, or similar provision of local ordinance, the clerk may notify the Secretary of State, on a report prescribed by the Secretary, and the Secretary shall prohibit the renewal, reissue or reinstatement of such resident's driving privileges until such fine, penalty, or ~~and~~ cost ~~has~~ has been paid in full. The clerk shall provide notice to the driver, at the driver's last known address as shown on the court's records, stating that such action will be effective on the 46th day following the date of the above notice if payment is not received in full by the court of venue.

(a-1) Whenever any resident of this State who has made a partial payment on any traffic fine, penalty, or cost that was imposed under a conviction entered on or after the effective date of this amendatory Act of the 93rd General Assembly, for a violation of this Code or a similar provision of a local ordinance, fails to pay the remainder of the outstanding fine, penalty, or cost within the time limit set by the court, the clerk may notify the Secretary of State, on a report prescribed by the Secretary, and the Secretary shall prohibit the renewal, reissue, or reinstatement of the resident's driving privileges until the fine, penalty, or cost has been paid in full. The clerk shall provide notice to the driver, at the driver's last known address as shown on the court's records, stating that the action will be effective on the 46th day following the date of the notice if payment is not received in full by the court of venue.

(b) Following receipt of the report from the clerk, the Secretary of State shall make the proper notation to the driver's file to prohibit the renewal, reissue or reinstatement of such driver's driving privileges. Except as provided in paragraph (2) of subsection (d) of this Section, such notation shall not be removed

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from the driver's record until the driver satisfies the outstanding fine, penalty, ~~or and~~ cost and an appropriate notice on a form prescribed by the Secretary is received by the Secretary from the court of venue, stating that such fine, penalty, ~~or and~~ cost has been paid in full. Upon payment in full of a traffic fine, penalty, ~~or and~~ court cost which has previously been reported under this Section as unpaid, the clerk of the court shall present the driver with a signed receipt containing the seal of the court indicating that such fine, penalty, ~~or and~~ cost ~~has have~~ been paid in full, and shall forward forthwith to the Secretary of State a notice stating that the fine, penalty, ~~or and~~ cost ~~has have~~ been paid in full.

(c) The provisions of this Section shall be limited to a single action per arrest and as a post conviction measure only. Fines, penalty, ~~or and~~ costs to be collected subsequent to orders of court supervision, or other available court diversions are not applicable to this Section. ~~A driver making a partial payment of any outstanding fine, penalty, and cost is not a sufficient basis for the clerk to notify the Secretary for any subsequent action pursuant to this Section.~~

(d) (1) Notwithstanding the receipt of a report from the clerk as prescribed in subsection (a), nothing in this Section is intended to place any responsibility upon the Secretary of State to provide independent notice to the driver of any potential action to disallow the renewal, reissue or reinstatement of such driver's driving privileges.

(2) The Secretary of State shall renew, reissue or reinstate a driver's driving privileges which were previously refused pursuant to this Section upon presentation of an original receipt which is signed by the clerk of the court and contains the seal of the court indicating that the fine, penalty, ~~or and~~ cost ~~has have~~ been paid in full. The Secretary of State shall retain such receipt for his records.

(Source: P.A. 89-71, eff. 1-1-96)."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator DeLeo, **House Bill No. 4426** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **House Bill No. 4444** having been printed, was taken up and read by title a second time.

Committee Amendment No. 1 was held in the Committee on Rules.

The following amendments were offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 4444 on page 2, line 27, after "that", by inserting "(A)"; and

on page 2, line 29, after "due to", by inserting "a lack of air conditioning or air quality or both and upgrades to mechanical systems must be made or (B) there is a substantial, immediate, and otherwise unavoidable threat to the health, safety, or welfare of pupils due to".

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 4444 on page 2, line 3, by deleting "bleachers"; and

on page 2, line 18, after "occurs;", by inserting "or whenever any such district determines that it is necessary to upgrade its bleachers to current safety standards".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Sieben, **House Bill No. 4458** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 4833** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **House Bill No. 5017** having been printed, was taken up and read by title a second time.

Committee Amendment No. 1 was held in the Committee on Local Government.

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The following amendments were offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 5017 by replacing everything after the enacting clause with the following:

"Section 5. The Fire Protection District Act is amended by changing Section 4a and by adding Section 16.08b follows:

(70 ILCS 705/4a) (from Ch. 127 1/2, par. 24.1)

Sec. 4a. ~~Change to elected board of trustees; petition; election; ballot; nomination and election of trustees.~~ Any fire protection district organized under this Act may determine, in either manner provided in the following items (1) and (2) of this Section, to have an elected, rather than an appointed, board of trustees.

(1) If the district lies wholly within a single township but does not also lie wholly within a municipality, the township board of trustees may determine, by ordinance, to have an elected board of trustees.

(2) Upon presentation to the board of trustees of a petition, signed by not less than 10% of the electors of the district, requesting that a proposition for the election of trustees be submitted to the electors of the district, the secretary of the board of trustees shall certify the proposition to the appropriate election authority who shall submit the proposition at a regular election in accordance with the general election law. The general election law shall apply to and govern such election. The proposition shall be in substantially the following form:

Shall the trustees of..... YES
Fire Protection District be -----
elected, rather than appointed? NO

If a majority of the votes cast on such proposition are in the affirmative, the trustees of the district shall thereafter be elected as provided by this Section.

At the next regular election for trustees as provided by the general election law, a district that has approved by ordinance or referendum to have its trustees elected rather than appointed shall elect 3, 5, or 7 trustees, as previously determined by the organization of the district or as increased under Section 4.01 or 4.02. The initial elected trustees shall be elected for 2, 4, and 6 year terms. In a district with 3 trustees, one trustee shall be elected for a term of 2 years, one for a term of 4 years, and one for a term of 6 years. In a district with 5 trustees, 2 shall be elected for terms of 2 years, 2 for terms of 4 years, and one for a term of 6 years. In a district with 7 trustees, 3 shall be elected for terms of 2 years, 2 for terms of 4 years, and 2 for terms of 6 years. Except as otherwise provided in Section 2A-54 of the Election Code, the term of each elected trustee shall commence on the first Monday of the month following the month of his election and until his successor is elected and qualified. The length of the terms of the trustees first elected shall be determined by law at their first meeting. Except as otherwise provided in Section 2A-54 of the Election Code, thereafter, each trustee shall be elected to serve for a term of 6 years commencing on the first Monday of the month following the month of his election and until his successor is elected and qualified.

No party designation shall appear on the ballot for election of trustees. The provisions of the general election law shall apply to and govern the nomination and election of trustees.

Nominations for members of the board of trustees shall be made by a petition signed by at least 25 voters or 5% of the voters, whichever is less, residing within the district and shall be filed with the secretary of the board. In addition to the requirements of general election law, the form of the petition shall be as follows:

NOMINATING PETITIONS

To the Secretary of the Board of Trustees of (name of fire protection district):

We, the undersigned, being (number of signatories or 10% or more) of the voters residing within the district, hereby petition that (name of candidate) who resides at (address of candidate) in this district shall be a candidate for the office (office) of the Board of Trustees (full-term or vacancy) to be voted for at the election to be held (date of election).

The secretary of the board shall notify each candidate for whom a petition for nomination has been filed of the obligations under the Campaign Financing Act, as required by the general election law. The notice shall be given on the form prescribed by the State Board of Elections and in accordance with the requirements of the general election law.

The secretary shall, within 7 days of filing or on the last day for filing, whichever is earlier, acknowledge to the petitioner in writing his acceptance of the petition.

The provisions of Section 4 relating to eligibility, powers and disabilities of trustees shall apply equally to elected trustees.

Whenever a fire protection district determines to elect trustees as provided in this Section, the trustees appointed pursuant to Section 4 shall continue to constitute the board of trustees until the first Monday of the month following the

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month of the first election of trustees. If the term of office of any appointed trustees expires before the first election of trustees, the authority which appointed that trustee under Section 4 of this Act shall appoint a successor to serve until a successor is elected and has qualified. The terms of all appointed trustees in such district shall expire on the first Monday of the month following the month of the first election of trustees under this Section or when successors have been elected and have qualified, whichever occurs later.

(Source: P.A. 90-358, eff. 1-1-98.)

(70 ILCS 705/16.08b new)

Sec. 16.08b. Emergency medical technician licensure. The board of trustees of a fire protection district may require that all firefighters hired on or after the effective date of this amendatory Act of the 93rd General Assembly by any fire department within the district must be licensed as an EMT-B, EMT-I, or EMT-P under the Emergency Medical Service (EMS) Systems Act."

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 5017, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 3, line 15, by replacing "10%" with "5%".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Cronin, **House Bill No. 5050** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **House Bill No. 5130** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 5215** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **House Bill No. 5320** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **House Bill No. 5415** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 5415 on page 1, line 16, by deleting "or his or her designee".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 6567** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Forby, **House Bill No. 6616** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **House Bill No. 7043** was taken up, read by title a second time and ordered to a third reading.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Trotter, **Senate Bill No. 1271**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Trotter moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

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Yeas 56; Nays 1.

The following voted in the affirmative:

Althoff	Harmon	Peterson	Sullivan, D.
Bomke	Hendon	Petka	Sullivan, J.
Brady	Hunter	Radogno	Syverson
Burzynski	Jacobs	Rauschenberger	Trotter
Clayborne	Jones, J.	Righter	Viverito
Collins	Jones, W.	Risinger	Walsh
Crotty	Lauzen	Ronen	Watson
Cullerton	Lightford	Roskam	Welch
del Valle	Link	Rutherford	Winkel
DeLeo	Luechtefeld	Sandoval	Wojcik
Dillard	Maloney	Schoenberg	Mr. President
Forby	Martinez	Shadid	
Garrett	Meeks	Sieben	
Haine	Munoz	Silverstein	
Halvorson	Obama	Soden	

The following voted in the negative:

Cronin

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 1271**.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Cronin asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **Senate Bill No. 1271**.

At the hour of 1:08 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, April 29, 2004, at 11:00 o'clock a.m.