



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-THIRD GENERAL ASSEMBLY

110TH LEGISLATIVE DAY

MONDAY, MAY 17, 2004

4:26 O'CLOCK P.M.

SENATE
Daily Journal Index
110th Legislative Day

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The Senate met pursuant to adjournment.
 Senator Rickey Hendon, Chicago, Illinois presiding.
 Prayer by Pastor Ed Scearce, Grace Church, Normal, Illinois.
 Senator Link led the Senate in the Pledge of Allegiance.

The Journal of Thursday, May 13, 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.

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 2158
 Motion to Concur in House Amendment 1 to Senate Bill 2165
 Motion to Concur in House Amendment 1 to Senate Bill 2495
 Motion to Concur in House Amendment 1 to Senate Bill 2654

LEGISLATIVE MEASURES FILED

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

Senate Amendment No. 3 to House Bill 729
 Senate Amendment No. 1 to House Bill 1004
 Senate Amendment No. 2 to House Bill 3715
 Senate Amendment No. 2 to House Bill 3835
 Senate Amendment No. 7 to House Bill 4241
 Senate Amendment No. 3 to House Bill 4502
 Senate Amendment No. 1 to House Bill 4977
 Senate Amendment No. 4 to House Bill 5017

MESSAGES 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. 2252

A bill for AN ACT in relation to the regulation of professions.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2252

Passed the House, as amended, May 17, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2252 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Section 2105-75 as follows:

(20 ILCS 2105/2105-75) (was 20 ILCS 2105/61f)

Sec. 2105-75. Design professionals ~~designated~~ ~~Dedicated~~ employees. There are established within the Department certain design professionals ~~designated~~ ~~dedicated~~ employees. These employees shall be

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devoted ~~primarily exclusively~~ to the administration and enforcement of the Illinois Architecture Practice Act, the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, and the Structural Engineering Practice Act of 1989. The design professionals designated dedicated employees that the Director shall employ, in conformity with the Personnel Code, shall include but not be limited to at a minimum shall consist of one full-time Design Licensing Manager Coordinator, one full-time Assistant Licensing Manager Coordinator, 4 full-time licensing clerks, one full-time attorney, and 2 full-time investigators. These employees shall work ~~primarily exclusively~~ in the licensing and enforcement of the design profession Acts set forth in this Section and may shall not be used ~~, when available, for for the licensing and enforcement of any other Act or other duties in the Department subject to the authorization of the Department.~~
(Source: P.A. 91-91, eff. 7-9-99; 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01.)".

Section 10. The Illinois Architecture Practice Act of 1989 is amended by changing Sections 3, 4, 13, and 36 as follows:

(225 ILCS 305/3) (from Ch. 111, par. 1303)

(Section scheduled to be repealed on January 1, 2010)

Sec. 3. Application of Act. Nothing in this Act shall be deemed or construed to prevent the practice of structural engineering as defined in the Structural Engineering Practice Act of 1989, the practice of professional engineering as defined in the Professional Engineering Practice Act of 1989, or the preparation of documents used to prescribe work to be done inside buildings for non-loadbearing interior construction, furnishings, fixtures and equipment, or the offering or preparation of environmental analysis, feasibility studies, programming or construction management services by persons other than those licensed in accordance with this Act, the Structural Engineering Practice Act of 1989 or the Professional Engineering Practice Act of 1989.

Nothing contained in this Act shall prevent the draftsmen, students, project representatives and other employees of those lawfully practicing as licensed architects under the provisions of this Act, from acting under the direct supervision and control of their employers, or to prevent the employment of project representatives for enlargement or alteration of buildings or any parts thereof, or prevent such project representatives from acting under the direct supervision and control of the licensed architect by whom the construction documents including drawings and specifications of any such building, enlargement or alteration were prepared.

Nothing in this Act or any other Act shall prevent a licensed registered architect from practicing interior design services. Nothing in this Act shall be construed as requiring the services of an interior designer for the interior designing of a single family residence.

The involvement of a licensed architect is not required for the following This Act does not apply to any of the following:

(A) The building, remodeling or repairing of any building or other structure outside of the corporate limits of any city or village, where such building or structure is to be, or is used for farm purposes, or for the purposes of outbuildings or auxiliary buildings in connection with such farm premises.

(B) The construction, remodeling or repairing of a detached single family residence on a single lot.

(C) The construction, remodeling or repairing of a two-family residence of wood frame construction on a single lot, not more than two stories and basement in height.

(D) Interior design services for buildings which do not involve life safety or structural changes.

However, when an ordinance of a unit of local government requires the involvement of a licensed architect for any buildings included in the preceding paragraphs (A) through (D), the requirements of this Act shall apply. All # buildings not included in the preceding paragraphs (A) through (D), including multi-family buildings and buildings previously exempt from the involvement of a licensed architect under those paragraphs but subsequently non-exempt due to a change in occupancy or use, are subject to the requirements of this Act. Interior alterations which result in life safety or structural changes of the building are subject to the requirements of this Act.

(Source: P.A. 91-91, eff. 1-1-00; 91-133, eff. 1-1-00; 92-16, eff. 6-28-01.)

(225 ILCS 305/4) (from Ch. 111, par. 1304)

(Section scheduled to be repealed on January 1, 2010)

Sec. 4. Definitions. In this Act:

(a) "Department" means the Department of Professional Regulation.

(b) "Director" means the Director of Professional Regulation.

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(c) "Board" means the Illinois Architecture Licensing Board appointed by the Director.

(d) "Public health" as related to the practice of architecture means the state of the well-being of the body or mind of the building user.

(e) "Public safety" as related to the practice of architecture means the state of being reasonably free from risk of danger, damage, or injury.

(f) "Public welfare" as related to the practice of architecture means the well-being of the building user resulting from the state of a physical environment that accommodates human activity.

(Source: P.A. 86-702.)

(225 ILCS 305/13) (from Ch. 111, par. 1313)

(Section scheduled to be repealed on January 1, 2010)

Sec. 13. Qualifications of applicants. Any person who is of good moral character may take an examination for licensure if he or she is a graduate with a first professional degree in architecture from a program accredited by the National Architectural Accrediting Board and has completed such diversified professional training, including academic training, as is required by rules of the Department. Until January 1, 2010, in ~~lieu~~ of the requirement of graduation with a first professional degree in architecture from a program accredited by the National Architectural Accrediting Board, the Department may admit an applicant who is a graduate with a pre-professional 4 year baccalaureate degree accepted for direct entry into a first professional master of architecture degree program, and who has completed such additional diversified professional training, including academic training, as is required by rules of the Department. The Department may adopt, as its own rules relating to diversified professional training, those guidelines published from time to time by the National Council of Architectural Registration Boards.

Good moral character means such character as will enable a person to discharge the fiduciary duties of an architect to that person's client and to the public in a manner which protects health, safety and welfare. Evidence of inability to discharge such duties may include the commission of an offense justifying discipline under Section 19. In addition, the Department may take into consideration whether the applicant has engaged in conduct or actions that would constitute grounds for discipline under this Act.

(Source: P.A. 91-133, eff. 1-1-00.)

(225 ILCS 305/36) (from Ch. 111, par. 1336)

(Section scheduled to be repealed on January 1, 2010)

Sec. 36. Violations. Each of the following Acts constitutes a Class A misdemeanor for the first offense and a Class 4 felony for a second or subsequent offense:

(a) the practice, attempt to practice or offer to practice architecture, or the advertising or putting out of any sign or card or other device which might indicate to the public that the person is entitled to practice architecture, without a license as a licensed architect, or registration as a professional design firm issued by the Department. Each day of practicing architecture or attempting to practice architecture, and each instance of offering to practice architecture, without a license as a licensed architect or registration as a professional design firm constitutes a separate offense;

(b) the making of any wilfully false oath or affirmation in any matter or proceeding where an oath or affirmation is required by this Act;

(c) the affixing of a licensed architect's seal to any construction documents which have not been prepared by that architect or under the architect's direct supervision and control;

(d) the violation of any provision of this Act or its rules;

(e) using or attempting to use an expired, inactive, suspended, or revoked license, or the certificate or seal of another, or impersonating another licensee;

(f) obtaining or attempting to obtain a license or registration by fraud; or

(g) If any person, sole proprietorship, professional service corporation, limited liability company, corporation or partnership, or other entity practices architecture or advertises or displays any sign or card or other device that might indicate to the public that the person or entity is entitled to practice as an architect or use the title "architect" or any of its derivations unless the person or other entity holds an active license as an architect or registration as a professional design firm in the State; then, in addition to any other penalty provided by law any person or other entity who violates this subsection (g) shall forfeit and pay to the Design Professionals Administration and Investigation Fund a civil penalty in an amount determined by the Department of not more than \$5,000 for each offense.

An unlicensed person who has completed the education requirements, is actively participating in the diversified professional training, and maintains in good standing a training record as required for

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licensure by this Act may use the title "architectural intern", but may not engage in the practice of architecture.

(Source: P.A. 88-428.)".

Under the rules, the foregoing **Senate Bill No. 2252**, with House Amendment No. 1, was referred to the Secretary's Desk.

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. 2254

A bill for AN ACT concerning professional regulation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2254

Passed the House, as amended, May 17, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2254 by replacing everything after the enacting clause with the following:

"Section 5. The Acupuncture Practice Act is amended by changing Sections 10, 15, 40, and 110 as follows:

(225 ILCS 2/10)

(Section scheduled to be repealed on January 1, 2008)

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

"Acupuncturist" means the evaluation or treatment of persons affected through a method of stimulation of a certain point or points on or immediately below the surface of the body by the insertion of pre-sterilized, single-use, disposable needles, unless medically contraindicated, with or without the application of heat, electronic stimulation, or manual pressure to prevent or modify the perception of pain, to normalize physiological functions, or for the treatment of certain diseases or dysfunctions of the body. Acupuncture does not include radiology, electrosurgery, chiropractic technique, physical therapy, naprapathic technique, use or prescribing of any drugs, medications, herbal preparations, nutritional supplements, serums, or vaccines, or determination of a differential diagnosis. An acupuncturist registered under this Act who is not also licensed as a physical therapist under the Illinois Physical Therapy Act shall not hold himself or herself out as being qualified to provide physical therapy or physiotherapy services. An acupuncturist shall refer to a licensed physician or dentist, any patient whose condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the acupuncturist.

"Acupuncturist" means a person who practices acupuncture and who is licensed by the Department.

"Board" means the Board of Acupuncture.

"Dentist" means a person licensed under the Illinois Dental Practice Act.

"Department" means the Department of Professional Regulation.

"Director" means the Director of Professional Regulation.

"Physician" means a person licensed under the Medical Practice Act of 1987.

"Referral by written order" for purposes of this Act means a diagnosis, substantiated by signature of a physician or dentist, ~~identifying that a patient's condition and recommending treatment is such that it may be treated~~ by acupuncture as defined in this Act. The diagnosis shall remain in effect until changed by the physician or dentist who may, through express direction in the referral, shall maintain management of the patient.

"State" includes:

- (1) the states of the United States of America;
- (2) the District of Columbia; and
- (3) the Commonwealth of Puerto Rico.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/15)

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(Section scheduled to be repealed on January 1, 2008)

Sec. 15. Who may practice acupuncture. No person licensed under this Act may treat human ailments otherwise than by the practice of acupuncture as defined in this Act; ~~and no person licensed under this Act may practice acupuncture on another person without having on file a written referral order from a physician or dentist licensed in Illinois.~~ A physician or dentist licensed in Illinois may practice acupuncture. A physician or a dentist may refer by written order a patient to an acupuncturist for the practice of acupuncture as defined in this Act and may, through express direction in the referral, maintain management of the patient. Nothing in this Act shall be construed to require a referral of a patient to an acupuncturist for evaluation and treatment based on acupuncture principles and techniques as taught by schools accredited by the Accreditation Commission for Acupuncture and Oriental Medicine or a similar accrediting body approved by the Department. An acupuncturist shall refer to a licensed physician or dentist, any patient whose condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the acupuncturist.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/40)

(Section scheduled to be repealed on January 1, 2008)

Sec. 40. Application for licensure. Applications for original licensure as an acupuncturist shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable.

Until December 31, 2001, applicants shall submit with the application proof of passing the National Certification Commission for Acupuncture and Oriental Medicine ~~National Commission for the Certification of Acupuncturists~~ examination or a substantially equivalent examination approved by the Department or meeting any other qualifications established by the Department.

On and after January 1, 2002, the Department shall issue a license to an applicant who submits with the application proof of each of the following:

(1)(A) graduation from a school accredited by the Accreditation Commission for Acupuncture and Oriental Medicine ~~National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine~~ or a similar accrediting body

approved by the Department; or (B) completion of a comprehensive educational program approved by the Department; and

(2) passing the National Certification Commission for Acupuncture and Oriental Medicine ~~National Commission for the Certification of Acupuncturists'~~ examination or a substantially equivalent examination approved by the

Department.

An applicant has 3 years from the date of his or her application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97; 90-723, eff. 1-1-99.)

(225 ILCS 2/110)

(Section scheduled to be repealed on January 1, 2008)

Sec. 110. Grounds for disciplinary action.

(a) The Department may refuse to issue or to renew, place on probation, suspend, revoke or take other disciplinary action as deemed appropriate including the imposition of fines not to exceed \$5,000 for each violation, as the Department may deem proper, with regard to a license for any one or combination of the following causes:

(1) Violations of the Act or its rules.

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

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

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

(5) Failing to provide information within 60 days in response to a written request made by the Department which has been sent by certified or registered mail to the licensee's last known address.

(6) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to one set forth in this Section.

(7) Solicitation of professional services by means other than permitted under this Act.

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

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request of the patient.

(9) Gross negligence in the practice of acupuncture.

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

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

(12) A pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act.

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

(14) Wilfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(15) The use of any words, abbreviations, figures or letters (such as Acupuncturist, Licensed Acupuncturist, Certified Acupuncturist, C.A., Act., Lic. Act., or Lic. Ac.) with the intention of indicating practice as a licensed acupuncturist without a valid license as an acupuncturist issued under this Act.

(16) Using testimonials or claims of superior quality of care to entice the public or advertising fee comparisons of available services with those of other persons providing acupuncture services.

(17) Advertising of professional services that the offeror of the services is not licensed to render. Advertising of professional services that contains false, fraudulent, deceptive, or misleading material or guarantees of success, statements that play upon the vanity or fears of the public, or statements that promote or produce unfair competition.

(18) Having treated ailments of human beings other than by the practice of acupuncture as defined in this Act, or having treated ailments of human beings as a licensed acupuncturist pursuant to independent of a written referral by written order that provides for management of the patient by ~~from~~ a physician or dentist without having notified ~~, or having failed to notify~~ the physician or dentist who established the diagnosis that the patient is receiving acupuncture treatment pursuant to that diagnosis.

(19) Unethical, unauthorized, or unprofessional conduct as defined by rule.

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

(21) Violation of the Health Care Worker Self-Referral Act.

The entry of an order by a circuit court establishing that any person holding a license under this Act is subject to involuntary admission or judicial admission as provided for in the Mental Health and Developmental Disabilities Code operates as an automatic suspension of that license. That person may have his or her license restored only upon the determination by a circuit court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient and upon the Board's recommendation to the Department that the license be restored. Where the circumstances so indicate, the Board may recommend to the Department that it require an examination prior to restoring a suspended license.

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

In enforcing this Section, the Department or Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Department finds,

after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department or Board finds an individual unable to practice because of the reasons set forth in this Section, the Department or Board may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

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

Under the rules, the foregoing **Senate Bill No. 2254**, with House Amendment No. 1, was referred to the Secretary's Desk.

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. 2377

A bill for AN ACT concerning health care.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2377

Passed the House, as amended, May 17, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2377, on page 1, by replacing lines 16 and 17 with the following:

"collaborating physician to provide or accept referrals from licensed occupational therapists,"; and

on page 6, by deleting lines 5 through 34; and

by deleting pages 7 through 11; and

on page 12, by deleting lines 1 through 10; and

on page 18, by deleting lines 28 through 34; and

by deleting pages 19 through 22; and

on page 23, by deleting lines 1 through 12.

Under the rules, the foregoing **Senate Bill No. 2377**, with House Amendment No. 1, was referred to the Secretary's Desk.

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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. 2887

A bill for AN ACT concerning professional regulation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2887

Passed the House, as amended, May 17, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2887 by replacing everything after the enacting clause with the following:

"Section 5. The Real Estate License Act of 2000 is amended by changing Sections 1-10, 5-30, 5-50, 5-70, and 20-20 and by adding Section 15-75 as follows:

(225 ILCS 454/1-10)

(Section scheduled to be repealed on January 1, 2010)

Sec. 1-10. Definitions. In this Act, unless the context otherwise requires:

"Act" means the Real Estate License Act of 2000.

"Advisory Council" means the Real Estate Education Advisory Council created under Section 30-10 of this Act.

"Agency" means a relationship in which a real estate broker or licensee, whether directly or through an affiliated licensee, represents a consumer by the consumer's consent, whether express or implied, in a real property transaction.

"Applicant" means any person, as defined in this Section, who applies to OBRE for a valid license as a real estate broker, real estate salesperson, or leasing agent.

"Blind advertisement" means any real estate advertisement that does not include the sponsoring broker's business name and that is used by any licensee regarding the sale or lease of real estate, including his or her own, licensed activities, or the hiring of any licensee under this Act. The broker's business name in the case of a franchise shall include the franchise affiliation as well as the name of the individual firm.

"Board" means the Real Estate Administration and Disciplinary Board of OBRE.

"Branch office" means a sponsoring broker's office other than the sponsoring broker's principal office.

"Broker" means an individual, partnership, limited liability company, corporation, or registered limited liability partnership other than a real estate salesperson or leasing agent who for another and for compensation, or with the intention or expectation of receiving compensation, either directly or indirectly:

- (1) Sells, exchanges, purchases, rents, or leases real estate.
- (2) Offers to sell, exchange, purchase, rent, or lease real estate.
- (3) Negotiates, offers, attempts, or agrees to negotiate the sale, exchange, purchase, rental, or leasing of real estate.
- (4) Lists, offers, attempts, or agrees to list real estate for sale, lease, or exchange.
- (5) Buys, sells, offers to buy or sell, or otherwise deals in options on real estate or improvements thereon.
- (6) Supervises the collection, offer, attempt, or agreement to collect rent for the use of real estate.
- (7) Advertises or represents himself or herself as being engaged in the business of buying, selling, exchanging, renting, or leasing real estate.
- (8) Assists or directs in procuring or referring of prospects, intended to result in the sale, exchange, lease, or rental of real estate.
- (9) Assists or directs in the negotiation of any transaction intended to result in the sale, exchange, lease, or rental of real estate.
- (10) Opens real estate to the public for marketing purposes.
- (11) Sells, leases, or offers for sale or lease real estate at auction.

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"Brokerage agreement" means a written or oral agreement between a sponsoring broker and a consumer for licensed activities to be provided to a consumer in return for compensation or the right to receive compensation from another. Brokerage agreements may constitute either a bilateral or a unilateral agreement between the broker and the broker's client depending upon the content of the brokerage agreement. All exclusive brokerage agreements shall be in writing.

"Client" means a person who is being represented by a licensee.

"Commissioner" means the Commissioner of Banks and Real Estate or a person authorized by the Commissioner, the Office of Banks and Real Estate Act, or this Act to act in the Commissioner's stead.

"Compensation" means the valuable consideration given by one person or entity to another person or entity in exchange for the performance of some activity or service. Compensation shall include the transfer of valuable consideration, including without limitation the following:

- (1) commissions;
- (2) referral fees;
- (3) bonuses;
- (4) prizes;
- (5) merchandise;
- (6) finder fees;
- (7) performance of services;
- (8) coupons or gift certificates;
- (9) discounts;
- (10) rebates;
- (11) a chance to win a raffle, drawing, lottery, or similar game of chance not prohibited by any other law or statute;
- (12) retainer fee; or
- (13) salary.

"Confidential information" means information obtained by a licensee from a client during the term of a brokerage agreement that (i) was made confidential by the written request or written instruction of the client, (ii) deals with the negotiating position of the client, or (iii) is information the disclosure of which could materially harm the negotiating position of the client, unless at any time:

- (1) the client permits the disclosure of information given by that client by word or conduct;
- (2) the disclosure is required by law; or
- (3) the information becomes public from a source other than the licensee.

"Confidential information" shall not be considered to include material information about the physical condition of the property.

"Consumer" means a person or entity seeking or receiving licensed activities.

"Continuing education school" means any person licensed by OBRE as a school for continuing education in accordance with Section 30-15 of this Act.

"Credit hour" means 50 minutes of classroom instruction in course work that meets the requirements set forth in rules adopted by OBRE.

"Customer" means a consumer who is not being represented by the licensee but for whom the licensee is performing ministerial acts.

"Designated agency" means a contractual relationship between a sponsoring broker and a client under Section 15-50 of this Act in which one or more licensees associated with or employed by the broker are designated as agent of the client.

"Designated agent" means a sponsored licensee named by a sponsoring broker as the legal agent of a client, as provided for in Section 15-50 of this Act.

"Director" means the Director of the Real Estate Division, OBRE.

"Dual agency" means an agency relationship in which a licensee is representing both buyer and seller or both landlord and tenant in the same transaction. When the agency relationship is a designated agency, the question of whether there is a dual agency shall be determined by the agency relationships of the designated agent of the parties and not of the sponsoring broker.

"Employee" or other derivative of the word "employee", when used to refer to, describe, or delineate the relationship between a real estate broker and a real estate salesperson, another real estate broker, or a leasing agent, shall be construed to include an independent contractor relationship, provided that a written agreement exists that clearly establishes and states the relationship. All responsibilities of a broker shall remain.

"Escrow moneys" means all moneys, promissory notes or any other type or manner of legal tender or financial consideration deposited with any person for the benefit of the parties to the transaction. A

transaction exists once an agreement has been reached and an accepted real estate contract signed or lease agreed to by the parties. Escrow moneys includes without limitation earnest moneys and security deposits, except those security deposits in which the person holding the security deposit is also the sole owner of the property being leased and for which the security deposit is being held.

"Exclusive brokerage agreement" means a written brokerage agreement that provides that the sponsoring broker has the sole right, through one or more sponsored licensees, to act as the exclusive designated agent or representative of the client and that meets the requirements of Section 15-75 of this Act.

"Inoperative" means a status of licensure where the licensee holds a current license under this Act, but the licensee is prohibited from engaging in licensed activities because the licensee is unlicensed or the license of the sponsoring broker with whom the licensee is associated or by whom he or she is employed is currently expired, revoked, suspended, or otherwise rendered invalid under this Act.

"Leasing Agent" means a person who is employed by a real estate broker to engage in licensed activities limited to leasing residential real estate who has obtained a license as provided for in Section 5-5 of this Act.

"License" means the document issued by OBRE certifying that the person named thereon has fulfilled all requirements prerequisite to licensure under this Act.

"Licensed activities" means those activities listed in the definition of "broker" under this Section.

"Licensee" means any person, as defined in this Section, who holds a valid unexpired license as a real estate broker, real estate salesperson, or leasing agent.

"Listing presentation" means a communication between a real estate broker or salesperson and a consumer in which the licensee is attempting to secure a brokerage agreement with the consumer to market the consumer's real estate for sale or lease.

"Managing broker" means a broker who has supervisory responsibilities for licensees in one or, in the case of a multi-office company, more than one office and who has been appointed as such by the sponsoring broker.

"Medium of advertising" means any method of communication intended to influence the general public to use or purchase a particular good or service or real estate.

"Ministerial acts" means those acts that a licensee may perform for a consumer that are informative or clerical in nature and do not rise to the level of active representation on behalf of a consumer. Examples of these acts include without limitation (i) responding to phone inquiries by consumers as to the availability and pricing of brokerage services, (ii) responding to phone inquiries from a consumer concerning the price or location of property, (iii) attending an open house and responding to questions about the property from a consumer, (iv) setting an appointment to view property, (v) responding to questions of consumers walking into a licensee's office concerning brokerage services offered or particular properties, (vi) accompanying an appraiser, inspector, contractor, or similar third party on a visit to a property, (vii) describing a property or the property's condition in response to a consumer's inquiry, (viii) completing business or factual information for a consumer on an offer or contract to purchase on behalf of a client, (ix) showing a client through a property being sold by an owner on his or her own behalf, or (x) referral to another broker or service provider.

"OBRE" means the Office of Banks and Real Estate.

"Office" means a real estate broker's place of business where the general public is invited to transact business and where records may be maintained and licenses displayed, whether or not it is the broker's principal place of business.

"Person" means and includes individuals, entities, corporations, limited liability companies, registered limited liability partnerships, and partnerships, foreign or domestic, except that when the context otherwise requires, the term may refer to a single individual or other described entity.

"Personal assistant" means a licensed or unlicensed person who has been hired for the purpose of aiding or assisting a sponsored licensee in the performance of the sponsored licensee's job.

"Pocket card" means the card issued by OBRE to signify that the person named on the card is currently licensed under this Act.

"Pre-license school" means a school licensed by OBRE offering courses in subjects related to real estate transactions, including the subjects upon which an applicant is examined in determining fitness to receive a license.

"Pre-renewal period" means the period between the date of issue of a currently valid license and the license's expiration date.

"Real estate" means and includes leaseholds as well as any other interest or estate in land, whether corporeal, incorporeal, freehold, or non-freehold, including timeshare interests, and whether the real estate is situated in this State or elsewhere.

"Real Estate Administration and Disciplinary Board" or "Board" means the Real Estate Administration and Disciplinary Board created by Section 25-10 of this Act.

"Salesperson" means any individual, other than a real estate broker or leasing agent, who is employed by a real estate broker or is associated by written agreement with a real estate broker as an independent contractor and participates in any activity described in the definition of "broker" under this Section.

"Sponsoring broker" means the broker who has issued a sponsor card to a licensed salesperson, another licensed broker, or a leasing agent.

"Sponsor card" means the temporary permit issued by the sponsoring real estate broker certifying that the real estate broker, real estate salesperson, or leasing agent named thereon is employed by or associated by written agreement with the sponsoring real estate broker, as provided for in Section 5-40 of this Act.

(Source: P.A. 91-245, eff. 12-31-99; 91-585, eff. 1-1-00; 91-603, eff. 1-1-00; 91-702, eff. 5-12-00; 92-217, eff. 8-2-01.)

(225 ILCS 454/5-30)

(Section scheduled to be repealed on January 1, 2010)

Sec. 5-30. Education requirements to obtain an original broker or salesperson license.

(a) All applicants for a broker's license, except applicants who meet the criteria set forth in subsection (c) of this Section shall (i) give satisfactory evidence of having completed at least 120 classroom hours, 45 of which shall be those hours required to obtain a salesperson's license plus 15 hours in brokerage administration courses, in real estate courses approved by the Advisory Council or (ii) for applicants who currently hold a valid real estate salesperson's license, give satisfactory evidence of having completed at least 75 hours in real estate courses, not including the courses that are required to obtain a salesperson's license, approved by the Advisory Council.

(b) All applicants for a salesperson's license, except applicants who meet the criteria set forth in subsection (c) of this Section shall give satisfactory evidence that they have completed at least 45 hours of instruction in real estate courses approved by the Advisory Council.

(c) The requirements specified in subsections (a) and (b) of this Section do not apply to applicants who ~~(1) are currently admitted to practice law by the Supreme Court of Illinois and are currently in active standing; or (2) show evidence of receiving a baccalaureate degree including courses involving real estate or related material from a college or university approved by the Advisory Council.~~

(d) A minimum of 15 of the required hours of pre-license education shall be in the areas of Article 15 of this Act, disclosure and environmental issues, or any other currently topical areas that are determined by the Advisory Council.

(Source: P.A. 91-245, eff. 12-31-99.)

(225 ILCS 454/5-50)

(Section scheduled to be repealed on January 1, 2010)

Sec. 5-50. Expiration date and renewal period of broker, salesperson, or leasing agent license; sponsoring broker; register of licensees; pocket card.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. Except as otherwise provided in Section 5-55 of this Act, the holder of a license may renew the license within 90 days preceding the expiration date thereof by paying the fees specified by rule. Upon written request from the sponsoring broker, OBRE shall prepare and mail to the sponsoring broker a listing of licensees under this Act who, according to the records of OBRE, are sponsored by that broker. Every licensee associated with or employed by a broker whose license is revoked, suspended, terminated, or expired shall be considered as inoperative until such time as the sponsoring broker's license is reinstated or renewed, or the licensee changes employment as set forth in subsection (c) of Section 5-40 of this Act.

(b) OBRE shall establish and maintain a register of all persons currently licensed by the State and shall issue and prescribe a form of pocket card. Upon payment by a licensee of the appropriate fee as prescribed by rule for engagement in the activity for which the licensee is qualified and holds a license for the current period, OBRE shall issue a pocket card to the licensee. The pocket card shall be verification that the required fee for the current period has been paid and shall indicate that the person named thereon is licensed for the current renewal period as a broker, salesperson, or leasing agent as the case may be. The pocket card shall further indicate that the person named thereon is authorized by OBRE to engage in the licensed activity appropriate for his or her status (broker, salesperson, or leasing agent). Each licensee shall carry on his or her person his or her pocket card or, if such pocket card has not yet been issued, a properly issued sponsor card when engaging in any licensed activity and shall display the same on demand.

(c) Any person licensed as a broker shall be entitled at any renewal date to change his or her license status from broker to salesperson.

(Source: P.A. 91-245, eff. 12-31-99.)

(225 ILCS 454/5-70)

(Section scheduled to be repealed on January 1, 2010)

Sec. 5-70. Continuing education requirement; broker or salesperson.

(a) The requirements of this Section apply to all licensees ~~who have had a license for less than 15 years as of January 1, 1992.~~

(b) Except as otherwise provided in this Section, each person who applies for renewal of his or her license as a real estate broker or real estate salesperson must successfully complete real estate continuing education courses approved by the Advisory Council at the rate of 6 hours per year or its equivalent. In addition, beginning with the pre-renewal period for broker licensees that begins after the effective date of this amendatory Act of the 93rd General Assembly, to renew a real estate broker's license, the licensee must successfully complete a 6-hour broker management continuing education course approved by OBRE. Successful completion of the course shall include achieving a passing score as provided by rule on a test developed and administered in accordance with rules adopted by the OBRE. Beginning on the first day of the pre-renewal period for broker licensees that begins after the effective date of this amendatory Act of the 93rd General Assembly, the 6-hour broker management continuing education course must be completed by all persons receiving their initial broker's license within 180 days after the date of initial licensure as a broker. No license may be renewed except upon the successful completion of the required courses or their equivalent or upon a waiver of those requirements for good cause shown as determined by the Commissioner with the recommendation of the Advisory Council. The requirements of this Article are applicable to all brokers and salespersons except those brokers and salespersons who, during the pre-renewal period:

- (1) serve in the armed services of the United States;
- (2) serve as an elected State or federal official;
- (3) serve as a full-time employee of OBRE; or
- (4) are admitted to practice law pursuant to Illinois Supreme Court rule.

(c) A person who is issued an initial license as a real estate salesperson less than one year prior to the expiration date of that license shall not be required to complete continuing education as a condition of license renewal. A person who is issued an initial license as a real estate broker less than one year prior to the expiration date of that license and who has not been licensed as a real estate salesperson during the pre-renewal period shall not be required to complete continuing education as a condition of license renewal. A person receiving an initial license as a real estate broker during the 90 days before the broker renewal date shall not be required to complete the broker management continuing education course provided for in subsection (b) of this Section as a condition of initial license renewal.

(d) The continuing education requirement for salespersons and brokers shall consist of a core curriculum and an elective curriculum, to be established by the Advisory Council. In meeting the continuing education requirements of this Act, at least 3 hours per year or their equivalent shall be required to be completed in the core curriculum. In establishing the core curriculum, the Advisory Council shall consider subjects that will educate licensees on recent changes in applicable laws and new laws and refresh the licensee on areas of the license law and OBRE policy that the Advisory Council deems appropriate, and any other areas that the Advisory Council deems timely and applicable in order to prevent violations of this Act and to protect the public. In establishing the elective curriculum, the Advisory Council shall consider subjects that cover the various aspects of the practice of real estate that are covered under the scope of this Act. However, the elective curriculum shall not include any offerings referred to in Section 5-85 of this Act.

(e) The subject areas of continuing education courses approved by the Advisory Council may include without limitation the following:

- (1) license law and escrow;
- (2) antitrust;
- (3) fair housing;
- (4) agency;
- (5) appraisal;
- (6) property management;
- (7) residential brokerage;
- (8) farm property management;
- (9) rights and duties of sellers, buyers, and brokers;
- (10) commercial brokerage and leasing; and
- (11) real estate financing.

(f) In lieu of credit for those courses listed in subsection (e) of this Section, credit may be earned for

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serving as a licensed instructor in an approved course of continuing education. The amount of credit earned for teaching a course shall be the amount of continuing education credit for which the course is approved for licensees taking the course.

(g) Credit hours may be earned for self-study programs approved by the Advisory Council.

(h) A broker or salesperson may earn credit for a specific continuing education course only once during the prerenewal period.

(i) No more than 6 hours of continuing education credit may be earned in one calendar day.

(j) To promote the offering of a uniform and consistent course content, the OBRE may provide for the development of a single broker management course to be offered by all continuing education providers who choose to offer the broker management continuing education course. The OBRE may contract for the development of the 6-hour broker management continuing education course with an outside vendor and, if the course is developed in this manner, the OBRE shall license the use of that course to all approved continuing education providers who wish to provide the course.

(Source: P.A. 91-245, eff. 12-31-99.)

(225 ILCS 454/15-75 new)

(Section scheduled to be repealed on January 1, 2010)

Sec. 15-75. Exclusive brokerage agreements. All exclusive brokerage agreements must specify that the sponsoring broker, through one or more sponsored licensees, must provide, at a minimum, the following services:

(1) accept delivery of and present to the client offers and counteroffers to buy, sell, or lease the client's property or the property the client seeks to purchase or lease;

(2) assist the client in developing, communicating, negotiating, and presenting offers, counteroffers, and notices that relate to the offers and counteroffers until a lease or purchase agreement is signed and all contingencies are satisfied or waived; and

(3) answer the client's questions relating to the offers, counteroffers, notices, and contingencies.

(225 ILCS 454/20-20)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-20. Disciplinary actions; causes. OBRE may refuse to issue or renew a license, may place on probation, suspend, or revoke any license, or may censure, reprimand, or otherwise discipline or impose a civil fine not to exceed \$25,000 upon any licensee hereunder for any one or any combination of the following causes:

(a) When the applicant or licensee has, by false or fraudulent representation, obtained or sought to obtain a license.

(b) When the applicant or licensee has been convicted of any crime, an essential element of which is dishonesty or fraud or larceny, embezzlement, or obtaining money, property, or credit by false pretenses or by means of a confidence game, has been convicted in this or another state of a crime that is a felony under the laws of this State, or has been convicted of a felony in a federal court.

(c) When the applicant or licensee has been adjudged to be a person under legal disability or subject to involuntary admission or to meet the standard for judicial admission as provided in the Mental Health and Developmental Disabilities Code.

(d) When the licensee performs or attempts to perform any act as a broker or salesperson in a retail sales establishment from an office, desk, or space that is not separated from the main retail business by a separate and distinct area within the establishment.

(e) Discipline of a licensee by another state, the District of Columbia, a territory, a foreign nation, a governmental agency, or any other entity authorized to impose discipline if at least one of the grounds for that discipline is the same as or the equivalent of one of the grounds for discipline set forth in this Act, in which case the only issue will be whether one of the grounds for that discipline is the same or equivalent to one of the grounds for discipline under this Act.

(f) When the applicant or licensee has engaged in real estate activity without a license or after the licensee's license was expired or while the license was inoperative.

(g) When the applicant or licensee attempts to subvert or cheat on the Real Estate License Exam or continuing education exam or aids and abets an applicant to subvert or cheat on the Real Estate License Exam or continuing education exam administered pursuant to this Act.

(h) When the licensee in performing, attempting to perform, or pretending to perform any act as a broker, salesperson, or leasing agent or when the licensee in handling his or her own property, whether held by deed, option, or otherwise, is found guilty of:

(1) Making any substantial misrepresentation or untruthful advertising.

(2) Making any false promises of a character likely to influence, persuade, or induce.

(3) Pursuing a continued and flagrant course of misrepresentation or the making of

false promises through licensees, employees, agents, advertising, or otherwise.

(4) Any misleading or untruthful advertising, or using any trade name or insignia of membership in any real estate organization of which the licensee is not a member.

(5) Acting for more than one party in a transaction without providing written notice to all parties for whom the licensee acts.

(6) Representing or attempting to represent a broker other than the sponsoring broker.

(7) Failure to account for or to remit any moneys or documents coming into his or her possession that belong to others.

(8) Failure to maintain and deposit in a special account, separate and apart from personal and other business accounts, all escrow moneys belonging to others entrusted to a licensee while acting as a real estate broker, escrow agent, or temporary custodian of the funds of others or failure to maintain all escrow moneys on deposit in the account until the transactions are consummated or terminated, except to the extent that the moneys, or any part thereof, shall be disbursed prior to the consummation or termination in accordance with (i) the written direction of the principals to the transaction or their duly authorized agents, (ii) directions providing for the release, payment, or distribution of escrow moneys contained in any written contract signed by the principals to the transaction or their duly authorized agents, or (iii) pursuant to an order of a court of competent jurisdiction. The account shall be noninterest bearing, unless the character of the deposit is such that payment of interest thereon is otherwise required by law or unless the principals to the transaction specifically require, in writing, that the deposit be placed in an interest bearing account.

(9) Failure to make available to the real estate enforcement personnel of OBRE during normal business hours all escrow records and related documents maintained in connection with the practice of real estate within 24 hours of a request for those documents by OBRE personnel.

(10) Failing to furnish copies upon request of all documents relating to a real estate transaction to all parties executing them.

(11) Failure of a sponsoring broker to timely provide information, sponsor cards, or termination of licenses to OBRE.

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

(13) Commingling the money or property of others with his or her own.

(14) Employing any person on a purely temporary or single deal basis as a means of evading the law regarding payment of commission to nonlicensees on some contemplated transactions.

(15) Permitting the use of his or her license as a broker to enable a salesperson or unlicensed person to operate a real estate business without actual participation therein and control thereof by the broker.

(16) Any other conduct, whether of the same or a different character from that specified in this Section, that constitutes dishonest dealing.

(17) Displaying a "for rent" or "for sale" sign on any property without the written consent of an owner or his or her duly authorized agent or advertising by any means that any property is for sale or for rent without the written consent of the owner or his or her authorized agent.

(18) Failing to provide information requested by OBRE, within 30 days of the request, either as the result of a formal or informal complaint to OBRE or as a result of a random audit conducted by OBRE, which would indicate a violation of this Act.

(19) Advertising by means of a blind advertisement, except as otherwise permitted in Section 10-30 of this Act.

(20) Offering guaranteed sales plans, as defined in clause (A) of this subdivision

(20), except to the extent hereinafter set forth:

(A) A "guaranteed sales plan" is any real estate purchase or sales plan whereby a licensee enters into a conditional or unconditional written contract with a seller by the terms of which a licensee agrees to purchase a property of the seller within a specified period of time at a specific price in the event the property is not sold in accordance with the terms of a listing contract between the sponsoring broker and the seller or on other terms acceptable to the seller.

(B) A licensee offering a guaranteed sales plan shall provide the details and conditions of the plan in writing to the party to whom the plan is offered.

(C) A licensee offering a guaranteed sales plan shall provide to the party to whom the plan is offered evidence of sufficient financial resources to satisfy the commitment to purchase undertaken by the broker in the plan.

(D) Any licensee offering a guaranteed sales plan shall undertake to market the

property of the seller subject to the plan in the same manner in which the broker would market any other property, unless the agreement with the seller provides otherwise.

(E) Any licensee who fails to perform on a guaranteed sales plan in strict accordance with its terms shall be subject to all the penalties provided in this Act for violations thereof and, in addition, shall be subject to a civil fine payable to the party injured by the default in an amount of up to \$25,000.

(21) Influencing or attempting to influence, by any words or acts, a prospective seller, purchaser, occupant, landlord, or tenant of real estate, in connection with viewing, buying, or leasing real estate, so as to promote or tend to promote the continuance or maintenance of racially and religiously segregated housing or so as to retard, obstruct, or discourage racially integrated housing on or in any street, block, neighborhood, or community.

(22) Engaging in any act that constitutes a violation of any provision of Article 3 of the Illinois Human Rights Act, whether or not a complaint has been filed with or adjudicated by the Human Rights Commission.

(23) Inducing any party to a contract of sale or lease or brokerage agreement to break the contract of sale or lease or brokerage agreement for the purpose of substituting, in lieu thereof, a new contract for sale or lease or brokerage agreement with a third party.

(24) Negotiating a sale, exchange, or lease of real estate directly with any person if the licensee knows that the person has a written exclusive brokerage agreement with another broker, unless specifically authorized by that broker.

(25) When a licensee is also an attorney, acting as the attorney for either the buyer or the seller in the same transaction in which the licensee is acting or has acted as a broker or salesperson.

(26) Advertising or offering merchandise or services as free if any conditions or obligations necessary for receiving the merchandise or services are not disclosed in the same advertisement or offer. These conditions or obligations include without limitation the requirement that the recipient attend a promotional activity or visit a real estate site. As used in this subdivision (26), "free" includes terms such as "award", "prize", "no charge", "free of charge", "without charge", and similar words or phrases that reasonably lead a person to believe that he or she may receive or has been selected to receive something of value, without any conditions or obligations on the part of the recipient.

(27) Disregarding or violating any provision of the Land Sales Registration Act of 1989, the Illinois Real Estate Time-Share Act, or the published rules promulgated by OBRE to enforce those Acts.

(28) Violating the terms of a disciplinary order issued by OBRE.

(29) Paying compensation in violation of Article 10 of this Act.

(30) Requiring a party to a transaction who is not a client of the licensee to allow the licensee to retain a portion of the escrow moneys for payment of the licensee's commission or expenses as a condition for release of the escrow moneys to that party.

(31) Disregarding or violating any provision of this Act or the published rules promulgated by OBRE to enforce this Act or aiding or abetting any individual, partnership, registered limited liability partnership, limited liability company, or corporation in disregarding any provision of this Act or the published rules promulgated by OBRE to enforce this Act.

(32) Failing to provide the minimum services required by Section 15-75 of this Act when acting under an exclusive brokerage agreement.

(Source: P.A. 91-245, eff. 12-31-99.)

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

Under the rules, the foregoing **Senate Bill No. 2887**, with House Amendment No. 1, was referred to the Secretary's Desk.

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. 2901

A bill for AN ACT concerning business transactions.

[May 17, 2004]

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2901
Passed the House, as amended, May 17, 2004.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 2901 by replacing everything after the enacting clause with the following:

"Section 5. The Uniform Disposition of Unclaimed Property Act is amended by changing Section 10.6 as follows:

(765 ILCS 1025/10.6)

Sec. 10.6. Gift certificates and gift cards.

(a) This Act applies to a gift certificate or gift card only if:

(i) the gift certificate or gift card contains or has language indicating there is an expiration date, or expiration period or language indicating that there is any type of post-sale charge or fee including but not limited to service charges, dormancy fees, account maintenance fees, cash-out fees, replacement card fees, and activation or reactivation charges

; and

(ii) none of the exceptions in this Section apply.

(b) This Act does not apply to a gift certificate or gift card that contains or has language indicating that there is an expiration date or expiration period, or any type of post-sale charge or fee including but not limited to service charges, dormancy fees, account maintenance fees, cash-out fees, replacement card fees, and activation or reactivation charges if:

(i) the gift certificate or gift card was issued before the effective date of this amendatory Act of the ~~93rd~~ ~~92nd~~ General Assembly; and

(ii) it is the policy and practice of the issuer of the gift certificate or gift card to honor the gift certificate or gift card after its expiration date or the end of its expiration period and it is the policy and practice of the issuer of the gift certificate or gift card to eliminate all post-sale charges and fees, and the issuer posts written notice of the policy and practice at locations at which the issuer sells gift certificates or gift cards. The written notice shall be an original or a copy of a notice that the State Treasurer shall produce and provide to issuers free of charge.

(c) Nothing in this Section applies to a gift certificate or gift card if the value of the gift certificate or gift card was reported and remitted under this Act before the effective date of this amendatory Act of the ~~93rd~~ ~~92nd~~ General Assembly.

(Source: P.A. 92-487, eff. 8-23-01.)

Section 10. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2QQ as follows:

(815 ILCS 505/2QQ new)

Sec. 2QQ. Gift certificates.

(a) "Gift certificate" means a record evidencing a promise, made for consideration, by the seller or issuer of the record that goods or services will be provided to the holder of the record for the value shown in the record and includes, but is not limited to, a record that contains a microprocessor chip, magnetic stripe or other means for the storage of information that is prefunded and for which the value is decremented upon each use, a gift card, an electronic gift card, stored-value card or certificate, a store card or a similar record or card. For purposes of this Act, the term, "gift certificate" does not include any of the following:

(i) prepaid telecommunications and technology cards including, but not limited to, prepaid telephone calling cards, prepaid technical support cards, and prepaid Internet disks that are distributed to or purchased by a consumer;

(ii) prepaid telecommunications and technology cards including, but not limited to, prepaid telephone calling cards, prepaid technical support cards, and prepaid Internet disks that are provided to a consumer pursuant to any award, loyalty, or promotion program without any money or other thing of value being given in exchange for the card; or

(iii) any gift certificate usable with multiple sellers of goods or services.

(b) Any gift certificate subject to a fee must contain a statement clearly and conspicuously printed on

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the gift certificate stating whether there is a fee, the amount of the fee, how often the fee will occur, that the fee is triggered by inactivity of the gift certificate, and at what point the fee will be charged. The statement may appear on the front or back of the gift certificate in a location where it is visible to any purchaser prior to the purchase.

(c) Any gift certificate subject to an expiration date must contain a statement clearly and conspicuously printed on the gift certificate stating the expiration date. The statement may appear on the front or back of the gift certificate in a location where it is visible to any purchaser prior to the purchase.

(d) Subsection (c) does not apply to any gift certificate that contain a toll free phone number and a statement clearly and conspicuously printed on the gift certificate stating that holders can call the toll free number to find out the balance on the gift certificate, if applicable, and the expiration date. The toll free number and statement may appear on the front or back of the gift certificate in a location where it is visible to any purchaser prior to the purchase.

(e) This Section does not apply to any of the following gift certificates:

(i) Gift certificates that are distributed by the issuer to a consumer pursuant to an awards, loyalty, or promotional program without any money or thing of value being given in exchange for the gift certificate by the consumer.

(ii) Gift certificates that are sold below face value at a volume discount to employers or to nonprofit and charitable organizations for fundraising purposes if the expiration date on those gift certificates is not more than 30 days after the date of sale.

(iii) Gift certificates that are issued for a food product."

Under the rules, the foregoing **Senate Bill No. 2901**, with House Amendment No. 1, was referred to the Secretary's Desk.

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 bills of the following titles, to-wit:

SENATE BILL NO. 2517

A bill for AN ACT concerning accessible electronic information.

SENATE BILL NO. 2559

A bill for AN ACT concerning business transactions.

SENATE BILL NO. 3021

A bill for AN ACT concerning financial regulation.

SENATE BILL NO. 3189

A bill for AN ACT concerning license plates.

Passed the House, May 17, 2004.

MARK MAHONEY, Clerk of 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. 3207

A bill for AN ACT concerning the Attorney General.

Passed the House, May 17, 2004.

MARK MAHONEY, Clerk of the House

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 538

Offered by Senator Clayborne and all Senators:

Mourns the death of Myrtle Bernadine Gilliam Officer of East St. Louis.

SENATE RESOLUTION 539

Offered by Senator Clayborne and all Senators:

Mourns the death of Robert Charles Boken, M.D.

[May 17, 2004]

SENATE RESOLUTION 540

Offered by Senator Risinger and all Senators:
Mourns the death of John Calvin "JC" Knapp of Knoxville.

SENATE RESOLUTION 541

Offered by Senator Risinger and all Senators:
Mourns the death of Joseph M. Patterson of Galesburg.

SENATE RESOLUTION 542

Offered by Senator Risinger and all Senators:
Mourns the death of Ivan Walter Schroeder of Galesburg.

SENATE RESOLUTION 543

Offered by Senators E. Jones - Link and all Senators:
Mourns the death of Howard L. Sims of Pana.

SENATE RESOLUTION 544

Offered by Senator Hunter and all Senators:
Mourns the death of Patricia A. Doering of Norwood Park.

SENATE RESOLUTION 545

Offered by Senator Lightford and all Senators:
Mourns the death of Cylerstine Lucas.

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

MESSAGE FROM THE ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

May 13, 2004

Honorable Members
Illinois State Senate
93rd General Assembly
Springfield, IL 62706

Dear Members:

I am nominating Shawn W. Denney for appointment to the Executive Ethics Commission on behalf of the Office of the Illinois Attorney General.

I respectfully ask concurrence in and confirmation of this appointment by your Honorable Body:

EXECUTIVE ETHICS COMMISSION MEMBER

To be a member of the Executive Ethics Commission for a term ending June 30, 2008.

Shawn W. Denney
(Salaried)

If you have any questions please contact me at (217) 782-9000 or (312) 814-3000 or Ann Williams, Legislative Director at (217) 782-2340.

Very truly yours,
s/Lisa Madigan
Attorney General

[May 17, 2004]

Under the rules, the foregoing message was referred to the Committee on Executive Appointments.

EXCUSED FROM ATTENDANCE

On motion of Senator Burzynski, Senators Lauzen and Righter were excused from attendance due to personal business and commitments.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator DeLeo, **House Bill No. 4960**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Cullerton, **House Bill No. 4962**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 53; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Meeks	Soden
Bomke	Geo-Karis	Peterson	Sullivan, D.
Brady	Haine	Petka	Sullivan, J.
Burzynski	Halvorson	Radogno	Trotter
Clayborne	Harmon	Rauschenberger	Viverito
Collins	Hendon	Risinger	Walsh
Cronin	Hunter	Ronen	Watson
Crotty	Jacobs	Roskam	Welch

[May 17, 2004]

Cullerton	Jones, J.	Rutherford	Winkel
del Valle	Jones, W.	Sandoval	Wojcik
DeLeo	Link	Schoenberg	Mr. President
Demuzio	Luechtefeld	Shadid	
Dillard	Maloney	Sieben	
Forby	Martinez	Silverstein	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, to which was referred **House Bills Numbered 616, 759, 834, 843, 848, 849, 851, 853, 854, 855, 856, 857, 862, 864, 866, 867, 868, 913 and 944** on July 1, 2003, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **House Bills Numbered 616, 759, 834, 843, 848, 849, 851, 853, 854, 855, 856, 857, 862, 864, 866, 867, 868, 913 and 944** were returned to the order of third reading.

Senator Viverito, Chairperson of the Committee on Rules, to which was referred **House Bill No. 863** on December 22, 2003, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **House Bill No. 863** was returned to the order of third reading.

Senator Viverito, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

Senate Joint Resolution 75

The foregoing resolution was placed on the Secretary's Desk.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Clayborne, **House Bill No. 4989**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 52; Nays 1.

The following voted in the affirmative:

Althoff	Garrett	Meeks	Soden
Bomke	Geo-Karis	Munoz	Sullivan, D.
Brady	Haine	Peterson	Sullivan, J.
Burzynski	Halvorson	Petka	Trotter
Clayborne	Harmon	Radogno	Viverito
Collins	Hendon	Risinger	Walsh
Cronin	Hunter	Ronen	Watson
Crotty	Jacobs	Roskam	Welch
Cullerton	Jones, J.	Rutherford	Wojcik
del Valle	Jones, W.	Sandoval	Mr. President
DeLeo	Link	Schoenberg	
Demuzio	Luechtefeld	Shadid	
Dillard	Maloney	Sieben	

[May 17, 2004]

Forby

Martinez

Silverstein

The following voted in the negative:

Rauschenberger

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Munoz, **House Bill No. 5011**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 54; Nays 1.

The following voted in the affirmative:

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

The following voted in the negative:

Rauschenberger

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sieben, **House Bill No. 5023**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Meeks	Silverstein
Bomke	Geo-Karis	Munoz	Soden
Brady	Haine	Peterson	Sullivan, D.
Burzynski	Halvorson	Petka	Sullivan, J.
Clayborne	Harmon	Radogno	Syverson
Collins	Hendon	Rauschenberger	Trotter

[May 17, 2004]

Cronin	Hunter	Risinger	Viverito
Crotty	Jacobs	Ronen	Walsh
Cullerton	Jones, J.	Roskam	Watson
del Valle	Jones, W.	Rutherford	Welch
DeLeo	Link	Sandoval	Winkel
Demuzio	Luechtefeld	Schoenberg	Wojcik
Dillard	Maloney	Shadid	Mr. President
Forby	Martinez	Sieben	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Harmon, **House Bill No. 5057**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Munoz, **House Bill No. 5070**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Meeks	Silverstein
Bomke	Geo-Karis	Munoz	Soden
Brady	Haine	Peterson	Sullivan, D.
Burzynski	Halvorson	Petka	Sullivan, J.
Clayborne	Harmon	Radogno	Syverson

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Collins	Hendon	Rauschenberger	Trotter
Cronin	Hunter	Risinger	Viverito
Crotty	Jacobs	Ronen	Walsh
Cullerton	Jones, J.	Roskam	Watson
del Valle	Jones, W.	Rutherford	Welch
DeLeo	Link	Sandoval	Winkel
Demuzio	Luechtefeld	Schoenberg	Wojcik
Dillard	Maloney	Shadid	Mr. President
Forby	Martinez	Sieben	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a). Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Haine, **House Bill No. 5094**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 53; Nays 1.

The following voted in the affirmative:

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

The following voted in the negative:

Sandoval

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Sieben, **House Bill No. 5129**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Meeks	Silverstein
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[May 17, 2004]

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a). Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Ronen, **House Bill No. 5131**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a). Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Welch, **House Bill No. 5157**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Munoz	Soden
Bomke	Haine	Peterson	Sullivan, D.

[May 17, 2004]

Brady	Halvorson	Petka	Sullivan, J.
Burzynski	Harmon	Radogno	Syverson
Clayborne	Hendon	Rauschenberger	Trotter
Collins	Hunter	Risinger	Viverito
Cronin	Jacobs	Ronen	Walsh
Crotty	Jones, J.	Roskam	Watson
del Valle	Jones, W.	Rutherford	Welch
DeLeo	Link	Sandoval	Winkel
Demuzio	Luechtefeld	Schoenberg	Wojcik
Dillard	Maloney	Shadid	Mr. President
Forby	Martinez	Sieben	
Garrett	Meeks	Silverstein	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Radogno, **House Bill No. 5215**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Halvorson, **House Bill No. 5340**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Winkel, **House Bill No. 5734**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 52; Nays 2.

The following voted in the affirmative:

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

The following voted in the negative:

Burzynski
Rauschenberger

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator DeLeo, **House Bill No. 5891**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

[May 17, 2004]

Yeas 54; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Peterson, **House Bill No. 5928**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Winkel, **House Bill No. 6574**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

[May 17, 2004]

Yeas 55; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Cullerton, **House Bill No. 6567**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 37; Nays 17.

The following voted in the affirmative:

Clayborne	Geo-Karis	Meeks	Sullivan, D.
Collins	Haine	Munoz	Sullivan, J.
Crotty	Halvorson	Risinger	Trotter
Cullerton	Harmon	Ronen	Viverito
del Valle	Hendon	Rutherford	Walsh
DeLeo	Hunter	Sandoval	Welch
Demuzio	Jacobs	Schoenberg	Mr. President
Dillard	Link	Shadid	
Forby	Maloney	Sieben	
Garrett	Martinez	Silverstein	

The following voted in the negative:

Althoff	Jones, J.	Radogno	Winkel
Bomke	Jones, W.	Rauschenberger	Wojcik
Brady	Luechtefeld	Roskam	
Burzynski	Peterson	Soden	
Cronin	Petka	Watson	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

[May 17, 2004]

On motion of Senator Sieben, **House Bill No. 6583**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 48; Nays 5.

The following voted in the affirmative:

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

The following voted in the negative:

Burzynski	Petka	Rauschenberger
Cronin	Radogno	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

Senator Forby asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **House Bill No. 6583**.

On motion of Senator Forby, **House Bill No. 6616**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).
Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Winkel, **House Bill No. 6683**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 37; Nays 16.

The following voted in the affirmative:

Althoff	Hendon	Peterson	Trotter
Clayborne	Hunter	Petka	Viverito
Crotty	Jacobs	Ronen	Walsh
Cullerton	Jones, W.	Roskam	Watson
del Valle	Link	Rutherford	Winkel
DeLeo	Luechtefeld	Schoenberg	Wojcik
Dillard	Maloney	Shadid	Mr. President
Geo-Karis	Martinez	Silverstein	
Haine	Meeks	Soden	
Harmon	Munoz	Sullivan, D.	

The following voted in the negative:

Bomke	Forby	Risinger	Welch
Brady	Garrett	Sandoval	
Burzynski	Jones, J.	Sieben	
Collins	Radogno	Sullivan, J.	
Demuzio	Rauschenberger	Syverson	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Roskam, **House Bill No. 6760**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 54; Nays 1.

The following voted in the affirmative:

Althoff	Garrett	Meeks	Soden
Bomke	Geo-Karis	Munoz	Sullivan, D.
Brady	Haine	Peterson	Sullivan, J.
Burzynski	Halvorson	Petka	Syverson
Clayborne	Harmon	Radogno	Trotter
Collins	Hendon	Rauschenberger	Viverito
Cronin	Hunter	Risinger	Walsh
Crotty	Jacobs	Roskam	Watson
Cullerton	Jones, J.	Rutherford	Welch
del Valle	Jones, W.	Sandoval	Winkel

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DeLeo	Link	Schoenberg	Wojcik
Demuzio	Luechtefeld	Shadid	Mr. President
Dillard	Maloney	Sieben	
Forby	Martinez	Silverstein	

The following voted in the negative:

Ronen

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Clayborne, **House Bill No. 6811**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Link, **House Bill No. 6983**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 38; Nays 12; Present 3.

The following voted in the affirmative:

Althoff	Dillard	Lightford	Shadid
Bomke	Forby	Link	Silverstein
Burzynski	Garrett	Maloney	Sullivan, J.
Clayborne	Geo-Karis	Martinez	Trotter

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Collins	Haine	Meeks	Viverito
Crotty	Halvorson	Munoz	Walsh
Cullerton	Harmon	Ronen	Welch
del Valle	Hendon	Rutherford	Mr. President
DeLeo	Hunter	Sandoval	
Demuzio	Jacobs	Schoenberg	

The following voted in the negative:

Brady	Peterson	Roskam
Cronin	Petka	Sieben
Jones, J.	Rauschenberger	Soden
Jones, W.	Risinger	Watson

The following voted present:

Luechtefeld
Radogno
Syverson

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Jacobs, **House Bill No. 7015**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 53; Nays 2.

The following voted in the affirmative:

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

The following voted in the negative:

Petka
Rauschenberger

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

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On motion of Senator Trotter, **House Bill No. 7029**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Harmon, **House Bill No. 7057**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

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PRESENTATION OF RESOLUTIONS

Senator Crotty offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 546

WHEREAS, Tinley Park Mental Health Center is an essential element in the network of mental health care providers serving Chicago's south side, south suburban Cook, and Will, Grundy, and Kankakee counties; and

WHEREAS, Community-based agencies in this region provide outpatient therapy, housing assistance, and case management for many thousands of individuals with mental illness; and

WHEREAS, Tinley Park MHC effectively functions as a safety net for community-based agencies that can refer mentally ill individuals to Tinley Park MHC when they are in crisis and represent a danger to themselves or others or are in need of more intensive psychiatric services; and

WHEREAS, Tinley Park MHC provides a safe and secure inpatient treatment setting for those individuals with severe mental illness who are in crisis and require more intensive services than can be provided in an outpatient setting; and

WHEREAS, Tinley Park MHC is a nationally-accredited, highly regarded treatment center which offers an exceptional and comprehensive range of medical, social, and psychiatric supports to clients in acute phases of their illness; and

WHEREAS, Tinley Park MHC also functions as an essential alternative to incarceration for individuals with mental illness who engage in anti-social behavior that brings them into contact with law enforcement officials; and

WHEREAS, The communities served by Tinley Park MHC already suffer from a shortage of affordable, accessible mental health services; and

WHEREAS, With over 140 beds, Tinley Park MHC is the largest inpatient psychiatric treatment center in the region, with more than 2,000 admissions annually; and

WHEREAS, Tinley Park MHC has excelled at stabilizing individuals in crisis and aiding them to return to independent lives in their communities, with an average length of inpatient treatment of just ten days; and

WHEREAS, Those private hospitals in the region that do have inpatient psychiatric units frequently refer their poorest and most difficult patients to Tinley Park MHC and few have the comprehensive level of services that Tinley Park MHC offers; and

WHEREAS, As a State-operated facility, Tinley Park MHC treats patients who have no insurance or who have exhausted their mental health coverage and is the only mental health resource in the region that reliably provides inpatient treatment to those who cannot pay; and

WHEREAS, Tinley Park MHC maintains close working relationships with community-based mental health agencies and services, jointly developing discharge plans, linking patients with community resources, and providing transition services; and

WHEREAS, Community-based agencies can expand the scope of their services in this region and should have more resources to do so, without such additional resources being taken away from Tinley Park MHC; and

WHEREAS, The costs at Tinley Park MHC are more than 50% below those of comparable private hospitals in the area; and

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WHEREAS, Although the Department of Human Services' proposed FY05 budget includes full year funding for Tinley Park MHC, the budget narrative states that the budget is premised on the "closure and sale of the Tinley Park mental health facility" during this budget year; and

WHEREAS, The Department of Human Services has acknowledged that the decision to close Tinley Park MHC was made even though there are no known alternatives that can provide the same comprehensive level of services to the same population within the same cost range; and

WHEREAS, The Department testified before a special House Appropriations Committee hearing that it definitely plans to close Tinley Park MHC and that the "planning process" initiated by the Department is intended only to consider what kind of alternative services can be developed; and

WHEREAS, No justification has been presented for closing Tinley Park MHC and doing so would deprive its service area of vital services; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we oppose the proposed closure of the Tinley Park Mental Health Center; and be it further

RESOLVED, That we call on the Department of Human Services to immediately terminate its "planning process" and all other activities related to the closure of Tinley Park Mental Health Center; and be it further

RESOLVED, That the Department of Human Services should seek to foster a comprehensive, well-coordinated system of care that strengthens community-based services that can work in conjunction with Tinley Park MHC in the affected region; and be it further

RESOLVED, That a copy of this resolution be presented to the Secretary of Human Services.

SENATE RESOLUTION 547

Offered by Senator D. Sullivan and all Senators:

Mourns the death of Mary E. "Betty" Brosius of Arlington Heights.

SENATE RESOLUTION 548

Offered by Senator D. Sullivan and all Senators:

Mourns the death of Lance Cpl. Phillip E. Frank of Elk Grove.

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

Senator Watson offered the following Senate Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE RESOLUTION NO. 549

WHEREAS, The members of the Illinois Senate were deeply saddened to learn of the death of former State Senator Aldo A. DeAngelis on February 13, 2004; and

WHEREAS, Aldo A. DeAngelis was born March 25, 1931, in Ford Heights, and was raised in Chicago Heights by his Italian immigrant parents, making Senator DeAngelis a first generation American; and

WHEREAS, He graduated from Bloom Township High School in Chicago Heights and from Knox College in Galesburg and continued his studies at Governors State University and the University of Chicago; and

WHEREAS, He began serving the people as a soldier in the United States Army stationed in Germany; and

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WHEREAS, Senator DeAngelis worked in the Chicago steel mills and worked his way up to President of the Vulcan Tube and Metals company in Chicago Heights; and

WHEREAS, in 1978 Senator DeAngelis ran for the State Senate to help ease economic burdens placed on small business owners, especially soaring workers' compensation insurance rates; and

WHEREAS, Senator DeAngelis served in the Illinois Senate from 1979 to 1997 and was the first Republican freshman to be appointed to the position of Assistant Senate Minority Leader, and was recognized as Best Freshman Senator in the 81st General Assembly; and

WHEREAS, Senator DeAngelis later rose to the position of Assistant Senate Majority Leader; and

WHEREAS, He was a staunch advocate for his south suburban district which continued long after leaving the Senate. He always put the interests of his constituents before those of his own and Senator DeAngelis was renowned for his ability to bring State funds to his district, including crucial funding for Governors State University's Center for Performing Arts, and was appointed by President Ronald Reagan to the Columbus Quincentenary Committee; and

WHEREAS, Senator DeAngelis was an outstanding debater in the Senate and he was respected by staff and legislators alike for his honesty, humor, wit and kindness; and

WHEREAS, He was the father of the Third Airport in Peotone as well as a strong advocate for changing the way Illinois funds its public schools; and

WHEREAS, Senator DeAngelis was a lifelong resident of the south suburbs who never lost touch with his roots; he was proud of his Italian heritage and was a leader in the Italian-American community; and

WHEREAS, He lived life to the fullest and his door was always open to members, staff and friends to enjoy a home-cooked Italian meal in Springfield; and

WHEREAS, The passing of Aldo A. DeAngelis will be deeply felt by many especially his wife Meredith his sons Anthony, Christopher, and Douglas, his daughter Lisa, and his grandchildren; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the loss of Senator Aldo DeAngelis and his service to the State of Illinois, while at the same time celebrating his legacy of warm and enthusiastic service to our State; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the wife, children and grandchildren of our friend, Aldo A. DeAngelis, with our sincere sympathies and our abiding respect, admiration, and love for their husband, father, and grandfather.

The Motion prevailed.

And the resolution was adopted.

At the hour of 6:14 o'clock p.m., the Chair announced that the Senate stand adjourned until Tuesday, May 18, 2004, at 9:00 o'clock a.m.

[May 17, 2004]