



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FOURTH GENERAL ASSEMBLY

43RD LEGISLATIVE DAY

WEDNESDAY, MAY 18, 2005

1:39 O'CLOCK P.M.

SENATE
Daily Journal Index
43rd Legislative Day

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The Senate met pursuant to adjournment.
 Senator del Valle, Chicago, Illinois, presiding.
 Prayer by Pastor Ed Ingram, Western Oaks Baptist Church, Springfield, Illinois.
 Senator Crotty led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, May 17, 2005, was being read when on motion of Senator Hunter, further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

LEGISLATIVE MEASURES FILED

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

Floor Amendment No. 4 to House Bill 511
 Floor Amendment No. 3 to House Bill 2500

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

Floor Amendment No. 1 to Senate Bill 920
 Floor Amendment No. 2 to Senate Bill 1866

PRESENTATION OF RESOLUTIONS

Senator J. Sullivan offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 209

WHEREAS, Amtrak is a vital part of the Illinois economy and the Bush Administration's recent proposal to eliminate federal operating dollars for Amtrak is a threat to the State of Illinois; and

WHEREAS, The Administration's expectation that the State of Illinois can find additional dollars to replace disappearing federal dollars is short-sighted and unrealistic, as the burden on the State of Illinois would be severe and well beyond the means of State government to meet; and

WHEREAS, Every developed nation in the world invests in a national passenger rail system and the perpetual lack of funding from the United States Congress has left our passenger rail system far behind what our citizens deserve; and

WHEREAS, The purpose of a federal government is to fund and implement those interstate programs that state governments are not equipped to administer well, and interstate passenger rail is a proper program for the federal government to administer; and

WHEREAS, Amtrak is a major Illinois employer with more than 2000 employees earning in the aggregate more than \$83 million in FY 2004; and

WHEREAS, Over 2.3 million riders traveled through Chicago's Union Station on Amtrak in FY 2004, with more than 1.9 million riders from outside of Illinois arriving in Chicago; and

WHEREAS, These 1.9 million out-of-state Amtrak riders arriving into Union Station every year inject much-needed tourism dollars into our State's economy; and

WHEREAS, The opening of the Abraham Lincoln Presidential Library in April of 2005, four blocks from the Amtrak station, will be another prime opportunity to bring tourism dollars into Illinois; and

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WHEREAS, The total Illinois Amtrak ridership in FY 2004 was over 3,000,000, breaking all previous records and rising rapidly; and

WHEREAS, Amtrak currently serves Illinois with 50 daily trains, with daily long distance service from Chicago to Oakland, Denver, Salt Lake City, Cleveland, Pittsburgh, Washington D.C., Memphis, New Orleans, St. Paul, Seattle, Portland, Buffalo, Boston, Kansas City, Los Angeles, St. Louis, Dallas, San Antonio, Milwaukee, Philadelphia, and New York City; and

WHEREAS, Amtrak currently serves almost 30 communities in Illinois (Alton, Bloomington-Normal, Carbondale, Carlinville, Centralia, Champaign-Urbana, Chicago, Du Quoin, Dwight, Effingham, Galesburg, Gilman, Glenview, Homewood, Joliet, Kankakee, Kewanee, Lincoln, Macomb, Mattoon, Mendota, Naperville, Plano, Pontiac, Princeton, Quincy, Rantoul, Springfield, and Summit), all of which would be at major risk of losing passenger rail service should the President's proposal be implemented by the Congress; and

WHEREAS, The State of Illinois has provided financial support for a number of years to maintain Amtrak service to its citizens and has continued its strong support for in-state passenger rail service by budgeting \$12.4 million in the current State Fiscal Year 2005 to continue existing levels of service; and

WHEREAS, The State of Illinois currently receives far fewer spending dollars from the federal government than our taxpayers send to Washington, making Illinois a donor state; and

WHEREAS, Amtrak is one of the relatively few federal programs that disproportionately benefits Illinois, making Amtrak a great investment for the State of Illinois; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we call on the United States Congress to invest, not divest, in a national passenger rail system with Chicago's Union Station as a major hub; and be it further

RESOLVED, That we call on the Illinois congressional delegation to lead the effort in a bipartisan manner to protect Illinois' unequivocal interest in strong, fully-funded passenger rail service; and be it further

RESOLVED, That we call upon the Department of Transportation to report to the General Assembly by November 1, 2005, on the implications to State support for continued passenger rail service within Illinois should federal operating support for Amtrak ultimately be eliminated or significantly reduced in the federal budget; and be it further

RESOLVED, That copies of this preamble and resolution be sent to each member of the Illinois congressional delegation and to the Secretary of the Department of Transportation.

Senators Risinger - Shadid offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 210

WHEREAS, The National Campaign to Stop Red Light Running has assembled a team of leaders from the fields of law enforcement, transportation engineering, healthcare and emergency medicine, and traffic safety to tackle this crucial safety issue; and

WHEREAS, In 2002, as many as 207,000 crashes, 178,000, injuries, and 921 fatalities in the United States were attributed to red light running; and

WHEREAS, In many cities, the yellow light has come to symbolize "hurry up" instead of "slow down"; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE

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STATE OF ILLINOIS, that we urge the Illinois Department of Transportation and local communities to program their traffic signals at high-accident locations to add an additional 2 seconds of red light time before the signal changes to green, allowing intersections to clear before cross traffic commences; and be it further

RESOLVED, That copies of this resolution be delivered to the Secretary of the Illinois Department of Transportation, the Illinois Municipal League, and the Township Officials of Illinois.

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

SENATE JOINT RESOLUTION NO. 48

WHEREAS, During the 93rd General Assembly, the Illinois Commission on the 50th Anniversary of Brown v. Board of Education was established pursuant to Senate Joint Resolution 40 to identify resources and develop programs to foster in all the people of Illinois a sense of personal commitment to democracy; and

WHEREAS, Further work is needed on these initiatives; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Illinois Commission on the 50th Anniversary of Brown v. Board of Education, established pursuant to Senate Joint Resolution 40 of the 93rd General Assembly, is reauthorized; and be it further

RESOLVED, That the Illinois Commission on the 50th Anniversary of Brown v. Board of Education shall submit to the General Assembly and the Governor its report on or before December 30, 2005 instead of June 30, 2005, and that the Commission shall be dissolved after the filing of this report; and be it further

RESOLVED, That with this reporting extension, the Illinois Commission on the 50th Anniversary of Brown v. Board of Education shall continue to operate pursuant to its enabling resolution.

SENATE RESOLUTION 211

Offered by Senator Geo-Karis and all Senators:

Mourns the death of U.S. Army Staff Sergeant Donald B. Farmer of Zion.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

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. 100

A bill for AN ACT concerning criminal law.

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. 100

Passed the House, as amended, May 17, 2005.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 100

AMENDMENT NO. 1. Amend Senate Bill 100 on page 1, line 14, by changing "~~unless~~" to

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"unless"; and

on page 1, by replacing lines 15 and 16 with the following:

"the offender is a parent or guardian of a student attending the school and the parent or guardian is: (i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion and notifies the principal of the school of his or her presence at the school present in the building, on the grounds or in the conveyance or unless the"; and

on page 1, by inserting after line 30, the following:

"Nothing in this Section shall be construed to infringe upon the constitutional right of a child sex offender to be present in a school building that is used as a polling place for the purpose of voting."; and

on page 2, by replacing lines 5 and 6 with the following:

"offender is a parent or guardian of a student attending the school and the parent or guardian is: (i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion and notifies the principal of the school of his or her presence at the school present in the building or on the grounds or has permission to be present from".

Under the rules, the foregoing **Senate Bill No. 100**, 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. 159

A bill for AN ACT concerning business.

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. 159

Passed the House, as amended, May 17, 2005.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 159

AMENDMENT NO. 1. Amend Senate Bill 159 on page 2, line 33, after "Nurse Agency Licensing Act", by inserting "the Hospital Licensing Act"; and

on page 4, by replacing lines 20 through 28 with the following: "home services agencies"; and

on page 5, by replacing lines 4 through 11 with the following: "agencies"; and

on page 6, line 19, after "each", by inserting "single home health agency"; and

on page 6, by replacing lines 21 through 28 with the following:

"(d) The Department shall establish, by rule, a system whereby an entity that meets the requirements for licensure may obtain licensure singly or in any combination for the categories authorized under this Act. The Department shall develop and implement one application to be used even if a combination of licenses authorized under the Act is sought. Applicants for multiple licenses under this system shall pay the higher of the licensure fees applicable. Fees collected under this system shall be deposited into the Home Care Services Agency Licensure Fund."; and

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on page 9, by replacing lines 12 through 19 with the following:

"home health agency profession. Of these 5, one shall represent voluntary home health agencies, one shall represent for-profit home health agencies, one shall represent private not-for-profit home health agencies, one shall represent institution-based home health agencies, and one shall represent home health agencies operated by local health departments. Four of the appointed members shall represent the home services agency profession. Four of the appointed members shall".

Under the rules, the foregoing **Senate Bill No. 159**, 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. 223

A bill for AN ACT concerning education.

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. 223

Passed the House, as amended, May 17, 2005.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 223

AMENDMENT NO. 1. Amend Senate Bill 223 on page 2, line 8, by replacing "recognition" with "approval"; and

on page 2, line 9, by replacing "and" with "in order"; and

on page 2, line 32, by replacing "recognized" with "approved"; and

on page 2, line 32, by replacing "and" with "in order"; and

on page 3, by replacing lines 8 and 9 with the following:

"to identify gifted and talented children in each area in which a program for gifted and talented children is established, which may include without limitation scores on; and

on page 3, by replacing line 28 with the following:

"process within the school, school district, or cooperative of school districts operating a program for parents or"; and

on page 3, line 30, by replacing "local educational agency" with "school, school district, or cooperative of school districts"; and

on page 4, by replacing lines 4 through 7 with the following:

"will be grouped and instructed in order to maximize the educational benefits the children derive from participation in the program, including curriculum"; and

on page 4, line 17, after "guardian", by inserting ", including, but not limited to, a report card"; and

on page 4, line 18, by replacing "performance outcomes" with "growth in learning"; and

on page 4, line 21, by deleting "building-level"; and

on page 4, by replacing lines 25 through 27 with the following:

"assigned to teach gifted and talented children understand the characteristics and educational needs of children and are able to differentiate the curriculum and apply"; and

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on page 5, lines 3 and 4, by replacing "a recognition program" with "an approval process"; and

on page 5, by replacing lines 8 and 9 with the following:

"the annual growth in learning data submitted by a school, school district, or cooperative of school districts, (iv) identify potential funding sources"; and

on page 5, line 12, by replacing "local educational agencies" with "program supervisors and other school officials"; and

on page 5, by replacing lines 30 and 31 with the following:

"Superintendent of Education. Upon initial appointment, 4 members of the Advisory Council shall serve terms through January 1, 2007 and 3 members shall serve terms through January 1, 2009. Thereafter, members shall serve 4-year terms. Upon the expiration of the"; and

by replacing line 35 on page 5 and line 1 on page 6 with the following:

"selected by the State Superintendent of Education. Members"; and

on page 6, line 14, by replacing "Board" with "Superintendent"; and

on page 6, by replacing lines 24 and 25 with the following:

"the availability of categorical grant funding or other funding appropriated for such purposes, the".

Under the rules, the foregoing **Senate Bill No. 223**, 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. 58

A bill for AN ACT concerning education.

SENATE BILL NO. 63

A bill for AN ACT concerning public aid.

SENATE BILL NO. 74

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 88

A bill for AN ACT concerning education.

SENATE BILL NO. 123

A bill for AN ACT concerning government.

SENATE BILL NO. 162

A bill for AN ACT concerning schools.

SENATE BILL NO. 169

A bill for AN ACT concerning local government.

SENATE BILL NO. 171

A bill for AN ACT concerning the Township Code.

SENATE BILL NO. 190

A bill for AN ACT in relation to criminal law.

SENATE BILL NO. 211

A bill for AN ACT concerning education.

Passed the House, May 17, 2005.

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 bills of the following titles, to-wit:

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SENATE BILL NO. 1221
A bill for AN ACT concerning transportation.
SENATE BILL NO. 1235
A bill for AN ACT concerning transportation.
SENATE BILL NO. 1461
A bill for AN ACT concerning State government.
SENATE BILL NO. 1491
A bill for AN ACT concerning criminal law.
SENATE BILL NO. 1680
A bill for AN ACT concerning public aid.
SENATE BILL NO. 1723
A bill for AN ACT concerning finance.
SENATE BILL NO. 1734
A bill for AN ACT concerning education.
SENATE BILL NO. 1751
A bill for AN ACT concerning civil liabilities.
SENATE BILL NO. 1884
A bill for AN ACT concerning local government.
SENATE BILL NO. 1907
A bill for AN ACT concerning civil law.
Passed the House, May 18, 2005.

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 bills of the following titles, to-wit:

SENATE BILL NO. 1932
A bill for AN ACT concerning education.
SENATE BILL NO. 1967
A bill for AN ACT concerning aging.
SENATE BILL NO. 1986
A bill for AN ACT concerning public aid.
SENATE BILL NO. 2032
A bill for AN ACT concerning education.
SENATE BILL NO. 2043
A bill for AN ACT concerning State government.
SENATE BILL NO. 2066
A bill for AN ACT concerning employment.
Passed the House, May 18, 2005.

MARK MAHONEY, Clerk of the House

REPORTS FROM STANDING COMMITTEES

Senator Lightford, Chairperson of the Committee on Education, to which was referred **Senate Joint Resolution No. 45**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 45** was placed on the Secretary's Desk.

Senator Lightford, Chairperson of the Committee on Education, to which was referred the following Senate floor amendments, reported that the Committee recommends that they be adopted:

Senate Amendments numbered 2 and 3 to Senate Bill 1856
Senate Amendment No. 1 to House Bill 678
Senate Amendments numbered 2 and 3 to House Bill 3480

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Senate Amendment No. 1 to House Bill 3678
Senate Amendment No. 3 to House Bill 3680

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

Senator Garrett, Chairperson of the Committee on State Government, to which was referred **Senate Resolutions numbered 186, 188, 189 and 190**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Resolutions numbered 186, 188, 189 and 190** were placed on the Secretary's Desk.

Senator Garrett, Chairperson of the Committee on State Government, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendments numbered 1 and 2 to House Bill 112
Senate Amendment No. 1 to House Bill 383
Senate Amendment No. 1 to House Bill 1457
Senate Amendments numbered 1 and 2 to House Bill 2596
Senate Amendment No. 1 to House Bill 3650
Senate Amendment No. 1 to Senate Joint Resolution 13
Senate Amendment No. 2 to Senate Resolution 147

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

Senator Munoz, Chairperson of the Committee on Transportation, to which was referred the following Senate floor amendments, reported that the Committee recommends that they be adopted:

Senate Amendment No. 1 to Senate Bill 1124
Senate Amendment No. 1 to Senate Bill 1125
Senate Amendment No. 6 to House Bill 21
Senate Amendment No. 2 to House Bill 1195
Senate Amendment No. 1 to House Bill 1316
Senate Amendment No. 1 to House Bill 1387
Senate Amendment No. 1 to House Bill 1565
Senate Amendment No. 1 to House Bill 2351
Senate Amendment No. 1 to House Bill 2444
Senate Amendment No. 1 to House Bill 2449

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

Senator Crotty, Chairperson of the Committee on Local Government, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to House Bill 27
Senate Amendment No. 1 to House Bill 114
Senate Amendment No. 3 to House Bill 212
Senate Amendments numbered 1 and 2 to House Bill 655
Senate Amendment No. 1 to House Bill 668
Senate Amendment No. 4 to House Bill 720
Senate Amendment No. 2 to House Bill 832
Senate Amendment No. 2 to House Bill 1679
Senate Amendment No. 2 to House Bill 2417
Senate Amendment No. 1 to House Bill 2500
Senate Amendment No. 1 to House Bill 2611
Senate Amendment No. 1 to House Bill 2613
Senate Amendment No. 1 to House Bill 3755

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

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendments numbered 1 and 2 to Senate Bill 588
Senate Amendment No. 1 to Senate Bill 1333
Senate Amendments numbered 2 and 4 to House Bill 325
Senate Amendment No. 1 to House Bill 457
Senate Amendment No. 1 to House Bill 487
Senate Amendment No. 3 to House Bill 870

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

Senator Harmon, Chairperson of the Committee on Revenue, to which was referred the following Senate floor amendments, reported that the Committee recommends that it be adopted:

Senate Amendments numbered 1 and 2 to House Bill 395

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Demuzio, Chairperson of the Committee on Licensed Activities, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 926
Senate Amendment No. 5 to House Bill 875

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

Senator Forby, Chairperson of the Committee on Labor to which was referred the following Senate floor amendment reported that the Committee recommends that it be adopted:

Senate Amendment No. 1 to House Bill 188

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Martinez, Chairperson of the Committee on Pensions & Investments, to which was referred the following Senate floor amendment, reported that the Committee recommends that it be adopted:

Senate Amendment No. 2 to House Bill 157

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 3478, sponsored by Senator Viverito, was taken up, read by title a first time and referred to the Committee on Rules.

REPORTS FROM STANDING COMMITTEES

Senator Clayborne, Chairperson of the Committee on Environment & Energy, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 1149
Senate Amendment No. 1 to House Bill 2853
Senate Amendment No. 1 to House Bill 3532

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

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Senator J. Sullivan, Chairperson of the Committee on Agriculture & Conservation, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 601
 Senate Amendment No. 3 to House Bill 669
 Senate Amendment No. 4 to House Bill 1074

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

Senator Ronen, Chairperson of the Committee on Health & Human Services, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 973
 Senate Amendment No. 1 to Senate Bill 998
 Senate Amendment No. 2 to House Bill 315
 Senate Amendment No. 3 to House Bill 398
 Senate Amendment No. 1 to House Bill 399
 Senate Amendment No. 2 to House Bill 480
 Senate Amendment No. 2 to House Bill 511
 Senate Amendment No. 1 to House Bill 523
 Senate Amendment No. 3 to House Bill 595
 Senate Amendment No. 2 to House Bill 612
 Senate Amendment No. 1 to House Bill 615
 Senate Amendment No. 1 to House Bill 760
 Senate Amendment No. 1 to House Bill 991
 Senate Amendment No. 1 to House Bill 1350
 Senate Amendment No. 1 to House Bill 1511
 Senate Amendment No. 2 to House Bill 2343
 Senate Amendment No. 1 to House Bill 2345
 Senate Amendment No. 1 to House Bill 2347
 Senate Amendment No. 1 to House Bill 2380
 Senate Amendment No. 1 to House Bill 2509
 Senate Amendment No. 4 to House Bill 2531
 Senate Amendments numbered 1 and 2 to House Bill 2578
 Senate Amendment No. 1 to House Bill 4014

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

JOINT ACTION MOTION FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 100

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:

Floor Amendment No. 4 to House Bill 27
 Floor Amendment No. 2 to House Bill 930
 Floor Amendment No. 1 to House Bill 3415
 Floor Amendment No. 1 to House Bill 3800

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Shadid, **House Bill No. 804**, 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	Meeks	Silverstein
Bomke	Haine	Pankau	Sullivan, D.
Brady	Halvorson	Peterson	Sullivan, J.
Burzynski	Harmon	Petka	Syverson
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Raoul	Viverito
Cronin	Jacobs	Righter	Watson
Crotty	Jones, J.	Risinger	Wilhelmi
Cullerton	Jones, W.	Ronen	Winkel
Dahl	Lauzen	Roskam	Wojcik
del Valle	Lightford	Rutherford	Mr. President
DeLeo	Link	Sandoval	
Demuzio	Luechtefeld	Schoenberg	
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.

On motion of Senator Haine, **House Bill No. 793**, 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	Meeks	Silverstein
Bomke	Haine	Pankau	Sullivan, D.
Brady	Halvorson	Peterson	Sullivan, J.
Burzynski	Harmon	Petka	Syverson
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Raoul	Viverito
Crotty	Jacobs	Righter	Watson
Cullerton	Jones, J.	Risinger	Wilhelmi
Dahl	Jones, W.	Ronen	Winkel
del Valle	Lauzen	Roskam	Wojcik
DeLeo	Lightford	Rutherford	Mr. President
Demuzio	Link	Sandoval	
Dillard	Luechtefeld	Schoenberg	
Forby	Maloney	Shadid	
Garrett	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 Righter, **House Bill No. 805**, 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	Forby	Maloney	Schoenberg
Bomke	Garrett	Martinez	Shadid
Brady	Geo-Karis	Meeks	Sieben
Burzynski	Haine	Pankau	Silverstein
Clayborne	Halvorson	Peterson	Sullivan, D.
Collins	Harmon	Petka	Sullivan, J.
Cronin	Hendon	Radogno	Syverson
Crotty	Hunter	Raoul	Trotter
Cullerton	Jacobs	Righter	Viverito
Dahl	Jones, J.	Risinger	Watson
del Valle	Jones, W.	Ronen	Wilhelmi
DeLeo	Lauzen	Roskam	Winkel
Demuzio	Link	Rutherford	Mr. President
Dillard	Luechtefeld	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.

On motion of Senator Garrett, **House Bill No. 808**, 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 57; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sieben
Bomke	Geo-Karis	Meeks	Silverstein
Brady	Haine	Pankau	Sullivan, D.
Burzynski	Halvorson	Peterson	Sullivan, J.
Clayborne	Harmon	Petka	Syverson
Collins	Hendon	Radogno	Trotter
Cronin	Hunter	Raoul	Viverito
Crotty	Jacobs	Righter	Watson
Cullerton	Jones, J.	Risinger	Wilhelmi
Dahl	Jones, W.	Ronen	Winkel
del Valle	Lauzen	Roskam	Wojcik
DeLeo	Lightford	Rutherford	Mr. President
Demuzio	Link	Sandoval	
Dillard	Luechtefeld	Schoenberg	

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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.

On motion of Senator Haine, **House Bill No. 815**, 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 57; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sieben
Bomke	Geo-Karis	Meeks	Silverstein
Brady	Haine	Pankau	Sullivan, D.
Burzynski	Halvorson	Peterson	Sullivan, J.
Clayborne	Harmon	Petka	Syverson
Collins	Hendon	Radogno	Trotter
Cronin	Hunter	Raoul	Viverito
Crotty	Jacobs	Righter	Watson
Cullerton	Jones, J.	Risinger	Wilhelmi
Dahl	Jones, W.	Ronen	Winkel
del Valle	Lauzen	Roskam	Wojcik
DeLeo	Lightford	Rutherford	Mr. President
Demuzio	Link	Sandoval	
Dillard	Luechtefeld	Schoenberg	
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.

On motion of Senator Haine, **House Bill No. 816**, 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	Garrett	Meeks	Silverstein
Bomke	Geo-Karis	Pankau	Sullivan, D.
Brady	Haine	Peterson	Sullivan, J.
Burzynski	Halvorson	Petka	Syverson
Clayborne	Harmon	Radogno	Trotter
Collins	Hendon	Raoul	Viverito
Cronin	Hunter	Righter	Watson
Crotty	Jacobs	Risinger	Wilhelmi
Cullerton	Jones, J.	Ronen	Winkel
Dahl	Jones, W.	Roskam	Wojcik
del Valle	Lauzen	Rutherford	Mr. President

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DeLeo	Lightford	Sandoval
Demuzio	Link	Schoenberg
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.

On motion of Senator Jacobs, **House Bill No. 829**, 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	Garrett	Meeks	Silverstein
Bomke	Geo-Karis	Pankau	Sullivan, D.
Brady	Haine	Peterson	Sullivan, J.
Burzynski	Halvorson	Petka	Syverson
Clayborne	Harmon	Radogno	Trotter
Collins	Hendon	Raoul	Viverito
Cronin	Hunter	Righter	Watson
Crotty	Jacobs	Risinger	Wilhelmi
Cullerton	Jones, J.	Ronen	Winkel
Dahl	Jones, W.	Roskam	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
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.

On motion of Senator Link, **House Bill No. 834**, 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	Forby	Maloney	Schoenberg
Bomke	Garrett	Martinez	Shadid
Brady	Geo-Karis	Meeks	Sieben
Burzynski	Haine	Pankau	Silverstein
Clayborne	Halvorson	Peterson	Sullivan, D.
Collins	Harmon	Petka	Sullivan, J.
Cronin	Hendon	Radogno	Syverson
Crotty	Hunter	Raoul	Trotter

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Cullerton	Jacobs	Righter	Viverito
Dahl	Jones, J.	Risinger	Wilhelmi
del Valle	Jones, W.	Ronen	Winkel
DeLeo	Lauzen	Roskam	Wojcik
Demuzio	Lightford	Rutherford	Mr. President
Dillard	Link	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.

On motion of Senator Cronin, **House Bill No. 866**, 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 57; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sieben
Bomke	Geo-Karis	Meeks	Silverstein
Brady	Haine	Pankau	Sullivan, D.
Burzynski	Halvorson	Peterson	Sullivan, J.
Clayborne	Harmon	Petka	Syverson
Collins	Hendon	Radogno	Trotter
Cronin	Hunter	Raoul	Viverito
Crotty	Jacobs	Righter	Watson
Cullerton	Jones, J.	Risinger	Wilhelmi
Dahl	Jones, W.	Ronen	Winkel
del Valle	Lauzen	Roskam	Wojcik
DeLeo	Lightford	Rutherford	Mr. President
Demuzio	Link	Sandoval	
Dillard	Luechtefeld	Schoenberg	
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 Silverstein, **House Bill No. 872**, 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	Garrett	Meeks	Silverstein
Bomke	Geo-Karis	Pankau	Sullivan, D.
Brady	Haine	Peterson	Sullivan, J.
Burzynski	Halvorson	Petka	Syverson

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Clayborne	Harmon	Radogno	Trotter
Collins	Hendon	Raoul	Viverito
Cronin	Hunter	Righter	Watson
Crotty	Jacobs	Risinger	Wilhelmi
Cullerton	Jones, J.	Ronen	Winkel
Dahl	Jones, W.	Roskam	Wojcik
del Valle	Lauzen	Rutherford	Mr. President
DeLeo	Link	Sandoval	
Demuzio	Luechtefeld	Schoenberg	
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.

On motion of Senator Harmon, **House Bill No. 873**, 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.

Pending roll call on motion of Senator Harmon, further consideration of **House Bill No. 873** was postponed.

HOUSE BILL RECALLED

On motion of Senator Haine, **House Bill No. 875** was recalled from the order of third reading to the order of second reading.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 5 TO HOUSE BILL 875

AMENDMENT NO. 5. Amend House Bill 875, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.16 and by adding Section 4.26 as follows:

(5 ILCS 80/4.16)

Sec. 4.16. Acts repealed January 1, 2006. The following Acts are repealed January 1, 2006:

The Respiratory Care Practice Act.

The Hearing Instrument Consumer Protection Act.

~~The Illinois Dental Practice Act.~~

The Professional Geologist Licensing Act.

The Illinois Athletic Trainers Practice Act.

The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985.

The Collection Agency Act.

The Illinois Roofing Industry Licensing Act.

The Illinois Physical Therapy Act.

(Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80, eff. 6-30-95; 89-116, eff. 7-7-95; 89-366, eff. 7-1-96; 89-387, eff. 8-20-95; 89-626, eff. 8-9-96.)

(5 ILCS 80/4.26 new)

Sec. 4.26. Act repealed on January 1, 2016. The following Act is repealed on January 1, 2016:

The Illinois Dental Practice Act.

Section 10. The Illinois Dental Practice Act is amended by changing Sections 4, 7, 9, 11, 16, 16.1, 19, 24, 25, and 50 and by adding Sections 25.1 and 54.2 as follows:

(225 ILCS 25/4) (from Ch. 111, par. 2304)

(Section scheduled to be repealed on January 1, 2006)

Sec. 4. Definitions. As used in this Act:

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

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- (b) "Director" means the Director of Professional Regulation.
- (c) "Board" means the Board of Dentistry established by Section 6 of this Act.
- (d) "Dentist" means a person who has received a general license pursuant to paragraph (a) of Section 11 of this Act and who may perform any intraoral and extraoral procedure required in the practice of dentistry and to whom is reserved the responsibilities specified in Section 17.
- (e) "Dental hygienist" means a person who holds a license under this Act to perform dental services as authorized by Section 18.
- (f) "Dental assistant" means an appropriately trained person who, under the supervision of a dentist, provides dental services as authorized by Section 17.
- (g) "Dental laboratory" means a person, firm or corporation which:
- (i) engages in making, providing, repairing or altering dental prosthetic appliances and other artificial materials and devices which are returned to a dentist for insertion into the human oral cavity or which come in contact with its adjacent structures and tissues; and
 - (ii) utilizes or employs a dental technician to provide such services; and
 - (iii) performs such functions only for a dentist or dentists.
- (h) "Supervision" means supervision of a dental hygienist or a dental assistant requiring that a dentist authorize the procedure, remain in the dental facility while the procedure is performed, and approve the work performed by the dental hygienist or dental assistant before dismissal of the patient, but does not mean that the dentist must be present at all times in the treatment room.
- (i) "General supervision" means supervision of a dental hygienist requiring that the patient be a patient of record, that the dentist examine the patient in accordance with Section 18 prior to treatment by the dental hygienist, and that the dentist authorize the procedures which are being carried out by a notation in the patient's record, but not requiring that a dentist be present when the authorized procedures are being performed. The issuance of a prescription to a dental laboratory by a dentist does not constitute general supervision.
- (j) "Public member" means a person who is not a health professional. For purposes of board membership, any person with a significant financial interest in a health service or profession is not a public member.
- (k) "Dentistry" means the healing art which is concerned with the examination, diagnosis, treatment planning and care of conditions within the human oral cavity and its adjacent tissues and structures, as further specified in Section 17.
- (l) "Branches of dentistry" means the various specialties of dentistry which, for purposes of this Act, shall be limited to the following: endodontics, oral and maxillofacial surgery, orthodontics and dentofacial orthopedics, pediatric dentistry, periodontics, prosthodontics, and oral and maxillofacial radiology.
- (m) "Specialist" means a dentist who has received a specialty license pursuant to Section 11(b).
- (n) "Dental technician" means a person who owns, operates or is employed by a dental laboratory and engages in making, providing, repairing or altering dental prosthetic appliances and other artificial materials and devices which are returned to a dentist for insertion into the human oral cavity or which come in contact with its adjacent structures and tissues.
- (o) "Impaired dentist" or "impaired dental hygienist" means a dentist or dental hygienist who is unable to practice with reasonable skill and safety because of a physical or mental disability as evidenced by a written determination or written consent based on clinical evidence, including deterioration through the aging process, loss of motor skills, abuse of drugs or alcohol, or a psychiatric disorder, of sufficient degree to diminish the person's ability to deliver competent patient care.
- (p) "Nurse" means a registered professional nurse, a certified registered nurse anesthetist licensed as an advanced practice nurse, or a licensed practical nurse licensed under the Nursing and Advanced Practice Nursing Act.
- (q) "Patient of record" means a patient for whom the patient's most recent dentist has obtained a relevant medical and dental history and on whom the dentist has performed an examination and evaluated the condition to be treated.
- (s) "Dental emergency responder" means a dentist or dental hygienist who is appropriately certified in emergency medical response, as defined by the Department of Public Health.

(Source: P.A. 92-280, eff. 1-1-02; 92-651, eff. 7-11-02; 93-821, eff. 7-28-04.)

(225 ILCS 25/7) (from Ch. 111, par. 2307)

(Section scheduled to be repealed on January 1, 2006)

Sec. 7. Recommendations by Board of Dentistry. The Director shall consider the recommendations of the Board in establishing guidelines for professional conduct, for the conduct of formal disciplinary proceedings brought under this Act, and for establishing guidelines for qualifications of applicants.

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Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made therein. ~~Upon the vote of at least 7/10 of the members of the Board, the Department shall adopt the recommendations of the Board in any rulemaking under this Act.~~ The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the administration or enforcement of this Act. The action or report in writing of a majority of the Board shall be sufficient authority upon which the Director may act.

Whenever the Director is satisfied that substantial justice has not been done either in an examination or in the revocation, suspension or refusal to issue a license, the Director may order a reexamination or rehearing.

(Source: P.A. 84-1308.)

(225 ILCS 25/9) (from Ch. 111, par. 2309)

(Section scheduled to be repealed on January 1, 2006)

Sec. 9. Qualifications of Applicants for Dental Licenses. The Department shall require that each applicant for a license to practice dentistry shall:

(a) (Blank).

(b) Be at least 21 years of age and of good moral character.

(c) (1) Present satisfactory evidence of completion of dental education by graduation from a dental college or school in the United States or Canada approved by the Department. The Department shall not approve any dental college or school which does not require at least (A) 60 semester hours of collegiate credit or the equivalent in acceptable subjects from a college or university before admission, and (B) completion of at least 4 academic years of instruction or the equivalent in an approved dental college or school before graduation; or

(2) Present satisfactory evidence of completion of dental education by graduation from a dental college or school outside the United States or Canada and provide satisfactory evidence that:

(A) ~~(blank) the completion of a dental education outside the United States or Canada authorized the applicant to practice dentistry in the country in which he or she completed the dental education;~~

(B) the applicant has completed a minimum of 2 academic years of general dental

clinical training at a dental college or school in the United States or Canada approved by the Department, however, an accredited advanced dental education program approved by the Department of no less than 2 years may be substituted for the 2 academic years of general dental clinical training and except that an applicant who was enrolled for not less than one year in an approved clinical program prior to January 1, 1993 at an Illinois dental college or school shall be required to complete only that program; and

(C) the applicant has received certification from the dean of an approved dental college or school in the United States or Canada or the program director of an approved advanced dental education program stating that the applicant has achieved the same level of scientific knowledge and clinical competence as required of all graduates of the college, ~~or school~~, or advanced dental education program.

Nothing in this Act shall be construed to prevent either the Department or any dental college or school from establishing higher standards than specified in this Act.

(d) In determining professional capacity under this Section, any individual who has not been actively engaged in the practice of dentistry, has not been a dental student, or has not been engaged in a formal program of dental education during the 5 years immediately preceding the filing of an application may be required to complete such additional testing, training, or remedial education as the Board may deem necessary in order to establish the applicant's present capacity to practice dentistry with reasonable judgment, skill, and safety.

(e) Pass an examination authorized or given by the Department in the theory and practice of the science of dentistry; provided, that the Department (1) may recognize a certificate granted by the National Board of Dental Examiners in lieu of, or subject to, such examination as may be required and (2) may recognize successful completion of the ~~preclinical and clinical examination examinations~~ conducted by approved regional testing services in lieu of such examinations as may be required. For purposes of this Section, successful completion shall mean that the applicant has achieved a minimum passing score on the regional examinations as determined by each approved regional testing service.

(Source: P.A. 88-45; 88-635, eff. 1-1-95; 89-80, eff. 6-30-95; 89-116, eff. 7-7-95; 89-387, eff. 8-20-95; 89-626, eff. 8-9-96.)

(225 ILCS 25/11) (from Ch. 111, par. 2311)

(Section scheduled to be repealed on January 1, 2006)

Sec. 11. Types of Dental Licenses. The Department shall have the authority to issue the following types of licenses:

(a) General licenses. The Department shall issue a license authorizing practice as a dentist to any person who qualifies for a license under this Act.

(b) Specialty licenses. The Department shall issue a license authorizing practice as a specialist in any particular branch of dentistry to any dentist who has complied with the requirements established for that particular branch of dentistry at the time of making application. The Department shall establish additional requirements of any dentist who announces or holds himself or herself out to the public as a specialist or as being specially qualified in any particular branch of dentistry.

No dentist shall announce or hold himself or herself out to the public as a specialist or as being specially qualified in any particular branch of dentistry unless he or she is licensed to practice in that specialty of dentistry.

The fact that any dentist shall announce by card, letterhead or any other form of communication using terms as "Specialist," "Practice Limited To" or "Limited to Specialty of" with the name of the branch of dentistry practiced as a specialty, or shall use equivalent words or phrases to announce the same, shall be prima facie evidence that the dentist is holding himself or herself out to the public as a specialist.

(c) Temporary training licenses. Persons who wish to pursue specialty or other advanced clinical educational programs in an approved dental school or a hospital situated in this State, or persons who wish to pursue programs of specialty training in dental public health in public agencies in this State, may receive without examination, in the discretion of the Department, a temporary training license. In order to receive a temporary training license under this subsection, an applicant shall furnish satisfactory proof to the Department that:

(1) The applicant is at least 21 years of age and is of good moral character. In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as bar to licensure;

(2) The applicant has been accepted or appointed for specialty or residency training by an approved hospital situated in this State, by an approved dental school situated in this State, or by a public health agency in this State the training programs of which are recognized and approved by the Department. The applicant shall indicate the beginning and ending dates of the period for which he or she has been accepted or appointed;

(3) The applicant is a graduate of a dental school or college approved and in good standing in the judgment of the Department. The Department may consider diplomas or certifications of education, or both, accompanied by transcripts of course work and credits awarded to determine if an applicant has graduated from a dental school or college approved and in good standing. The Department may also consider diplomas or certifications of education, or both, accompanied by transcripts of course work and credits awarded in determining whether a dental school or college is approved and in good standing.

Temporary training licenses issued under this Section shall be valid only for the duration of the period of residency or specialty training and may be extended or renewed as prescribed by rule. The holder of a valid temporary training license shall be entitled thereby to perform acts as may be prescribed by and incidental to his or her program of residency or specialty training; but he or she shall not be entitled to engage in the practice of dentistry in this State.

A temporary training license may be revoked by the Department upon proof that the holder has engaged in the practice of dentistry in this State outside of his or her program of residency or specialty training, or if the holder shall fail to supply the Department, within 10 days of its request, with information as to his or her current status and activities in his or her specialty training program.

(d) Restricted faculty licenses. Persons who have received full-time appointments to teach dentistry at an approved dental school or hospital situated in this State may receive without examination, in the discretion of the Department, a restricted faculty license. In order to receive a restricted faculty license an applicant shall furnish satisfactory proof to the Department that:

(1) The applicant is at least 21 years of age, is of good moral character and is licensed to practice dentistry in another state or country; and

(2) The applicant has a full-time appointment to teach dentistry at an approved dental school or hospital situated in this State.

Restricted faculty licenses issued under this Section shall be valid for a period of 3 ~~2~~ years and may be extended or renewed. The holder of a valid restricted faculty license may perform acts as may be required by his or her teaching of dentistry. In addition, the holder of a restricted faculty license may practice general dentistry or in his or her area of specialty, but only in a clinic or office affiliated with the dental school. Any restricted faculty license issued to a faculty member under this Section shall terminate immediately and automatically, without any further action by the Department, if the holder ceases to be a faculty member at an approved dental school or hospital in this State.

The Department may revoke a restricted faculty license for a violation of this Act or its rules, or if the holder fails to supply the Department, within 10 days of its request, with information as to his current status and activities in his teaching program.

(e) Inactive status. Any person who holds one of the licenses under subsection (a) or (b) of Section 11 or under Section 12 of this Act may elect, upon payment of the required fee, to place his or her license on an inactive status and shall, subject to the rules of the Department, be excused from the payment of renewal fees until he or she notifies the Department in writing of his or her desire to resume active status.

Any licensee requesting restoration from inactive status shall be required to pay the current renewal fee and upon payment the Department shall be required to restore his or her license, as provided in Section 16 of this Act.

Any licensee whose license is in an inactive status shall not practice in the State of Illinois.

(f) Certificates of Identification. In addition to the licenses authorized by this Section, the Department shall deliver to each dentist a certificate of identification in a form specified by the Department.

(Source: P.A. 92-280, eff. 1-1-02.)

(225 ILCS 25/16) (from Ch. 111, par. 2316)

(Section scheduled to be repealed on January 1, 2006)

Sec. 16. Expiration, renewal and restoration of licenses. The expiration date and renewal ~~date period~~ for each license issued under this Act shall be set by rule. The renewal period for each license issued under this Act shall be 3 years. A dentist or dental hygienist may renew a license during the month preceding its expiration date by paying the required fee. A dental hygienist shall provide proof of current cardiopulmonary resuscitation certification at the time of renewal.

Any dentist or dental hygienist whose license has expired or whose license is on inactive status may have his license restored at any time within 5 years after the expiration thereof, upon payment of the required fee and a showing of proof of compliance with current continuing education requirements, as provided by rule.

Any person whose license has been expired for more than 5 years or who has had his license on inactive status for more than 5 years may have his license restored by making application to the Department and filing proof acceptable to the Department of taking continuing education and of his fitness to have the license restored, including sworn evidence certifying to active practice in another jurisdiction, and by paying the required restoration fee. A person practicing on an expired license is deemed to be practicing without a license. However, a holder of a license may renew the license within 90 days after its expiration by complying with the requirements for renewal and payment of an additional fee. A license renewal within 90 days after expiration shall be effective retroactively to the expiration date.

If a person whose license has expired or who has had his license on inactive status for more than 5 years has not maintained an active practice satisfactory to the department, the Department shall determine, by an evaluation process established by rule, his or her fitness to resume active status and may require the person to complete a period of evaluated clinical experience and may require successful completion of a practical examination.

However, any person whose license has expired while he has been engaged (1) in federal or state service active duty, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license restored without paying any lapsed renewal or restoration fee, if within 2 years after termination of such service, training or education other than by dishonorable discharge, he furnishes the Department with satisfactory proof that he has been so engaged and that his service, training or education has been so terminated.

(Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95.)

(225 ILCS 25/16.1) (from Ch. 111, par. 2316.1)

(Section scheduled to be repealed on January 1, 2006)

Sec. 16.1. Continuing education. The Department shall promulgate rules of continuing education for persons licensed under this Act. In establishing rules, the Department shall require a minimum of ~~48~~ ~~32~~ hours of study in approved courses for dentists during each ~~3-year~~ ~~2-year~~ licensing period and a minimum of ~~36~~ ~~24~~ hours of study in approved courses for dental hygienists during each ~~3-year~~ ~~2-year~~ licensing period. ~~These continuing education rules shall only apply to licenses renewed after November 1, 1992.~~

The Department shall approve only courses that are relevant to the treatment and care of patients, including, but not limited to, clinical courses in dentistry and dental hygiene and nonclinical courses such as patient management, legal and ethical responsibilities, and stress management. Courses shall not be approved in such subjects as estate and financial planning, investments, or personal health. Approved

courses may include, but shall not be limited to, courses that are offered or sponsored by approved colleges, universities, and hospitals and by recognized national, State, and local dental and dental hygiene organizations.

No license shall be renewed unless the renewal application is accompanied by an affidavit indicating that the applicant has completed the required minimum number of hours of continuing education in approved courses as required by this Section. The affidavit shall not require a listing of courses. The affidavit shall be a prima facie evidence that the applicant has obtained the minimum number of required continuing education hours in approved courses. The Department shall not be obligated to conduct random audits or otherwise independently verify that an applicant has met the continuing education requirement. The Department, however, may not conduct random audits of more than 10% of the licensed dentists and dental hygienists in any one licensing cycle to verify compliance with continuing education requirements. If the Department, however, receives a complaint that a licensee has not completed the required continuing education or if the Department is investigating another alleged violation of this Act by a licensee, the Department may demand and shall be entitled to receive evidence from any licensee of completion of required continuing education courses for the most recently completed ~~3-year~~ ~~2-year~~ licensing period. Evidence of continuing education may include, but is not limited to, canceled checks, official verification forms of attendance, and continuing education recording forms, that demonstrate a reasonable record of attendance. The Illinois State Board of Dentistry shall determine, in accordance with rules adopted by the Department, whether a licensee or applicant has met the continuing education requirements. Any dentist who holds more than one license under this Act shall be required to complete only the minimum number of hours of continuing education required for renewal of a single license. The Department may provide exemptions from continuing education requirements. The exemptions shall include, but shall not be limited to, dentists and dental hygienists who agree not to practice within the State during the licensing period because they are retired from practice.

(Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95; 90-544, eff. 1-1-98.)

(225 ILCS 25/19) (from Ch. 111, par. 2319)

(Section scheduled to be repealed on January 1, 2006)

Sec. 19. Licensing Applicants from other States. Any person who has been lawfully licensed to practice dentistry, including the practice of a licensed dental specialty, or dental hygiene in another state or territory which has and maintains a standard for the practice of dentistry, a dental specialty, or dental hygiene at least equal to that now maintained in this State, or if the requirements for licensure in such state or territory in which the applicant was licensed were, at the date of his licensure, substantially equivalent to the requirements then in force in this State, and who has been lawfully engaged in the practice of dentistry or dental hygiene for at least 3 of the 5 years immediately preceding the filing of his or her application to practice in this State and who shall deposit with the Department a duly attested certificate from the Board of the state or territory in which he or she is licensed, certifying to the fact of his or her licensing and of his or her being a person of good moral character may, upon payment of the required fee, be granted a license to practice dentistry, a dental specialty, or dental hygiene in this State, as the case may be.

For the purposes of this Section, in computing 3 of the immediately preceding 5 years of practice in another state or territory, any person who left the practice of dentistry to enter the military service and who practiced dentistry while in the military service may count as a part of such period the time spent by him in such service.

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

(Source: P.A. 89-80, eff. 6-30-95; 89-116, eff. 7-7-95.)

(225 ILCS 25/24) (from Ch. 111, par. 2324)

(Section scheduled to be repealed on January 1, 2006)

Sec. 24. Refusal, Suspension or Revocation of Dental Hygienist License. The Department may refuse to issue or renew or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem proper, including fines not to exceed \$2,500 per violation, with regard to any dental hygienist license for any one or any combination of the following causes:

1. Fraud in procuring license.
2. Performing any operation not authorized by this Act.
3. Practicing dental hygiene other than under the supervision of a licensed dentist as provided by this Act.
4. The wilful violation of, or the wilful procuring of, or knowingly assisting in the violation of, any

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Act which is now or which hereafter may be in force in this State relating to the use of habit-forming drugs.

5. The obtaining of, or an attempt to obtain a license, or practice in the profession, or money, or any other thing of value by fraudulent representation.

6. Gross negligence in performing the operative procedure of dental hygiene.

7. Active practice of dental hygiene while knowingly having any infectious, communicable, or contagious disease proscribed by rule or regulation of the Department.

8. Habitual intoxication or addiction to the use of habit-forming drugs.

9. Conviction in this or another state of any crime which is a felony under the laws of this State or conviction of a felony in a federal court, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.

10. Aiding or abetting the unlicensed practice of dentistry or dental hygiene.

11. Discipline by another U.S. jurisdiction or a foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

12. Violating the Health Care Worker Self-Referral Act.

13. Violating the prohibitions of Section 38.1 of this Act.

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

The provisions of this Act relating to proceedings for the suspension and revocation of a license to practice dentistry shall apply to proceedings for the suspension or revocation of a license as a dental hygienist.

(Source: P.A. 91-520, eff. 1-1-00.)

(225 ILCS 25/25) (from Ch. 111, par. 2325)

(Section scheduled to be repealed on January 1, 2006)

Sec. 25. Notice of hearing; investigations and informal conferences.

(a) Upon the motion of either the Department or the Board or upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation of license under this Act, the Board shall investigate the actions of any person, hereinafter called the respondent, who holds or represents that he holds a license. All such motions or complaints shall be brought to the Board.

(b) Prior to taking an in-person statement from a dentist or dental hygienist who is the subject of a complaint, the investigator shall inform the dentist or the dental hygienist in writing:

(1) that the dentist or dental hygienist is the subject of a complaint; ~~and~~

(2) that the dentist or dental hygienist need not immediately proceed with the interview and may seek appropriate consultation prior to consenting to the interview; ~~and~~ -

(3) that failure of the dentist or dental hygienist to proceed with the interview shall not prohibit the Department from conducting a visual inspection of the facility.

A Department investigator's failure to comply with this subsection may not be the sole ground for dismissal of any order of the Department filed upon a finding of a violation or for dismissal of a pending investigation.

(c) If the Department concludes on the basis of a complaint or its initial investigation that there is a possible violation of the Act, the Department may:

(1) schedule a hearing pursuant to this Act; or

(2) request in writing that the dentist or dental hygienist being investigated attend an informal conference with representatives of the Department.

The request for an informal conference shall contain the nature of the alleged actions or inactions that constitute the possible violations.

A dentist or dental hygienist shall be allowed to have legal counsel at the informal conference. If the informal conference results in a consent order between the accused dentist or dental hygienist and the Department, the consent order must be approved by ~~the Board and~~ the Director. However, if the consent order would result in a fine exceeding \$5,000 or the suspension or revocation of the dentist or dental hygienist license, the consent order must be approved by the Board and the Director. Participation in the informal conference by a dentist, a dental hygienist, or the Department and any admissions or stipulations made by a dentist, a dental hygienist, or the Department at the informal conference, including any agreements in a consent order that is subsequently disapproved by either the Board or the Director, shall not be used against the dentist, dental hygienist, or Department at any subsequent hearing and shall not become a part of the record of the hearing.

(d) The Director shall, before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Director may deem proper with regard to any license, at least 30 days

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prior to the date set for the hearing, notify the respondent in writing of any charges made and the time and place for a hearing of the charges before the Board, direct him or her to file his or her written answer thereto to the Board under oath within 20 days after the service on him or her of such notice and inform him or her that if he or she fails to file such answer default will be taken against him or her and his or her license may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken with regard thereto, including limiting the scope, nature or extent of his or her practice, as the Director may deem proper.

(e) Such written notice and any notice in such proceedings thereafter may be served by delivery personally to the respondent, or by registered or certified mail to the address last theretofore specified by the respondent in his or her last notification to the Director.

(Source: P.A. 91-689, eff. 1-1-01.)

(225 ILCS 25/25.1 new)

Sec. 25.1. Subpoena powers.

(a) The Department, upon a determination by the chairperson of the Board that reasonable cause exists that a violation of one or more of the grounds for discipline set forth in Section 23 or Section 24 of this Act has occurred or is occurring, may subpoena the dental records of individual patients of dentists and dental hygienists licensed under this Act.

(b) Notwithstanding subsection (a) of this Section, the Board and the Department may subpoena copies of hospital, medical, or dental records in mandatory report cases alleging death or permanent bodily injury when consent to obtain the records has not been provided by a patient or a patient's legal representative. All records and other information received pursuant to a subpoena shall be confidential and shall be afforded the same status as information concerning medical studies under Part 21 of Article VIII of the Code of Civil Procedure. The use of these records shall be restricted to members of the Board, the dental coordinator, and appropriate Department staff designated by the Secretary for the purpose of determining the existence of one or more grounds for discipline of the dentist or dental hygienist as provided for in Section 23 or Section 24 of this Act.

(c) Any review of an individual patient's records shall be conducted by the Department in strict confidentiality, provided that the patient records shall be admissible in a disciplinary hearing before the Secretary, the Board, or a hearing officer designated by the Department when necessary to substantiate the grounds for discipline alleged against the dentist or dental hygienist licensed under this Act.

(d) The Department may provide reimbursement for fees and mileage associated with its subpoena power in the same manner prescribed by law for judicial procedure in a civil case.

(e) Nothing in this Section shall be deemed to supersede the provisions of Part 21 of Article VIII of the Code of Civil Procedure, now or hereafter amended, to the extent applicable.

(225 ILCS 25/50) (from Ch. 111, par. 2350)

(Section scheduled to be repealed on January 1, 2006)

Sec. 50. Patient Records. Every dentist shall make a record of all dental work performed for each patient. The record shall be made in a manner and in sufficient detail that it may be used for identification purposes.

Dental records required by this Section shall be maintained for 10 years. Dental records required to be maintained under this Section, or copies of those dental records, shall be made available upon request to the patient or the patient's guardian. A dentist shall be entitled to reasonable reimbursement for the cost of reproducing these records, which shall not exceed the cost allowed under Section 8-2003 of the Code of Civil Procedure, provided that the reasonable cost of reproducing the records has been paid by the patient or the patient's guardian.

(Source: P.A. 87-576.)

(225 ILCS 25/54.2 new)

Sec. 54.2. Dental emergency responders. A dentist or dental hygienist who is a dental emergency responder is deemed to be acting within the bounds of his or her license when providing care during a declared local, State, or national emergency.

Section 99. Effective date. This Act takes effect December 31, 2005."

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Harmon, **House Bill No. 884**, 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 57; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sieben
Bomke	Geo-Karis	Meeks	Silverstein
Brady	Haine	Pankau	Sullivan, D.
Burzynski	Halvorson	Peterson	Sullivan, J.
Clayborne	Harmon	Petka	Syverson
Collins	Hendon	Radogno	Trotter
Cronin	Hunter	Raoul	Viverito
Crotty	Jacobs	Righter	Watson
Cullerton	Jones, J.	Risinger	Wilhelmi
Dahl	Jones, W.	Ronen	Winkel
del Valle	Lauzen	Roskam	Wojcik
DeLeo	Lightford	Rutherford	Mr. President
Demuzio	Link	Sandoval	
Dillard	Luechtefeld	Schoenberg	
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.

On motion of Senator Roskam, **House Bill No. 892**, 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 57; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sieben
Bomke	Geo-Karis	Meeks	Silverstein
Brady	Haine	Pankau	Sullivan, D.
Burzynski	Halvorson	Peterson	Sullivan, J.
Clayborne	Harmon	Petka	Syverson
Collins	Hendon	Radogno	Trotter
Cronin	Hunter	Raoul	Viverito
Crotty	Jacobs	Righter	Watson
Cullerton	Jones, J.	Risinger	Wilhelmi
Dahl	Jones, W.	Ronen	Winkel
del Valle	Lauzen	Roskam	Wojcik
DeLeo	Lightford	Rutherford	Mr. President
Demuzio	Link	Sandoval	
Dillard	Luechtefeld	Schoenberg	
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.

On motion of Senator Dillard, **House Bill No. 893**, 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 57; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sieben
Bomke	Geo-Karis	Meeks	Silverstein
Brady	Haine	Pankau	Sullivan, D.
Burzynski	Halvorson	Peterson	Sullivan, J.
Clayborne	Harmon	Petka	Syverson
Collins	Hendon	Radogno	Trotter
Cronin	Hunter	Raoul	Viverito
Crotty	Jacobs	Righter	Watson
Cullerton	Jones, J.	Risinger	Wilhelmi
Dahl	Jones, W.	Ronen	Winkel
del Valle	Lauzen	Roskam	Wojcik
DeLeo	Lightford	Rutherford	Mr. President
Demuzio	Link	Sandoval	
Dillard	Luechtefeld	Schoenberg	
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 DeLeo, **House Bill No. 900**, 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 57; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sieben
Bomke	Geo-Karis	Meeks	Silverstein
Brady	Haine	Pankau	Sullivan, D.
Burzynski	Halvorson	Peterson	Sullivan, J.
Clayborne	Harmon	Petka	Syverson
Collins	Hendon	Radogno	Trotter
Cronin	Hunter	Raoul	Viverito
Crotty	Jacobs	Righter	Watson
Cullerton	Jones, J.	Risinger	Wilhelmi
Dahl	Jones, W.	Ronen	Winkel
del Valle	Lauzen	Roskam	Wojcik
DeLeo	Lightford	Rutherford	Mr. President

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Demuzio	Link	Sandoval
Dillard	Luechtefeld	Schoenberg
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.

On motion of Senator Clayborne, **House Bill No. 918**, 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	Garrett	Martinez	Sieben
Bomke	Geo-Karis	Meeks	Silverstein
Brady	Haine	Pankau	Sullivan, D.
Burzynski	Halvorson	Peterson	Sullivan, J.
Clayborne	Harmon	Petka	Syverson
Collins	Hendon	Radogno	Trotter
Cronin	Hunter	Raoul	Viverito
Crotty	Jacobs	Righter	Watson
Cullerton	Jones, J.	Risinger	Wilhelmi
Dahl	Jones, W.	Ronen	Winkel
del Valle	Lauzen	Roskam	Wojcik
DeLeo	Lightford	Rutherford	
Demuzio	Link	Sandoval	
Dillard	Luechtefeld	Schoenberg	
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.

On motion of Senator Harmon, **House Bill No. 920**, 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 57; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sieben
Bomke	Geo-Karis	Meeks	Silverstein
Brady	Haine	Pankau	Sullivan, D.
Burzynski	Halvorson	Peterson	Sullivan, J.
Clayborne	Harmon	Petka	Syverson
Collins	Hendon	Radogno	Trotter
Cronin	Hunter	Raoul	Viverito
Crotty	Jacobs	Righter	Watson
Cullerton	Jones, J.	Risinger	Wilhelmi

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Dahl	Jones, W.	Ronen	Winkel
del Valle	Lauzen	Roskam	Wojcik
DeLeo	Lightford	Rutherford	Mr. President
Demuzio	Link	Sandoval	
Dillard	Luechtefeld	Schoenberg	
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.

On motion of Senator Demuzio, **House Bill No. 931**, 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 57; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sieben
Bomke	Geo-Karis	Meeks	Silverstein
Brady	Haine	Pankau	Sullivan, D.
Burzynski	Halvorson	Peterson	Sullivan, J.
Clayborne	Harmon	Petka	Syverson
Collins	Hendon	Radogno	Trotter
Cronin	Hunter	Raoul	Viverito
Crotty	Jacobs	Righter	Watson
Cullerton	Jones, J.	Risinger	Wilhelmi
Dahl	Jones, W.	Ronen	Winkel
del Valle	Lauzen	Roskam	Wojcik
DeLeo	Lightford	Rutherford	Mr. President
Demuzio	Link	Sandoval	
Dillard	Luechtefeld	Schoenberg	
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.

On motion of Senator Haine, **House Bill No. 947**, 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	Maloney	Schoenberg
Bomke	Geo-Karis	Martinez	Sieben
Brady	Haine	Meeks	Silverstein
Burzynski	Halvorson	Pankau	Sullivan, D.
Clayborne	Harmon	Peterson	Sullivan, J.
Collins	Hendon	Petka	Syverson

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Crotty	Hunter	Radogno	Trotter
Cullerton	Jacobs	Raoul	Viverito
Dahl	Jones, J.	Righter	Watson
del Valle	Jones, W.	Risinger	Wilhelmi
DeLeo	Lauzen	Ronen	Winkel
Demuzio	Lightford	Roskam	Wojcik
Dillard	Link	Rutherford	Mr. President
Forby	Luechtefeld	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.

On motion of Senator Haine, **House Bill No. 984**, 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 None; Present 4.

The following voted in the affirmative:

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

The following voted present:

Martinez	Ronen
Raoul	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.

On motion of Senator Sandoval, **House Bill No. 1039**, 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	Garrett	Martinez	Sieben
Bomke	Geo-Karis	Meeks	Sullivan, D.
Brady	Haine	Pankau	Sullivan, J.
Burzynski	Halvorson	Peterson	Syverson
Clayborne	Harmon	Petka	Trotter
Collins	Hendon	Radogno	Viverito
Cronin	Hunter	Raoul	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Lauzen	Roskam	Mr. President
DeLeo	Lightford	Rutherford	
Demuzio	Link	Sandoval	
Dillard	Luechtefeld	Schoenberg	
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.

On motion of Senator Cullerton, **House Bill No. 1079**, 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 31; Nays 23.

The following voted in the affirmative:

Clayborne	Garrett	Link	Shadid
Collins	Haine	Maloney	Silverstein
Crotty	Halvorson	Martinez	Sullivan, J.
Cullerton	Harmon	Meeks	Trotter
del Valle	Hendon	Raoul	Viverito
DeLeo	Hunter	Ronen	Wilhelmi
Demuzio	Jacobs	Sandoval	Mr. President
Forby	Jones, J.	Schoenberg	

The following voted in the negative:

Althoff	Dillard	Peterson	Rutherford
Bomke	Geo-Karis	Petka	Sieben
Brady	Jones, W.	Radogno	Syverson
Burzynski	Lauzen	Righter	Watson
Cronin	Luechtefeld	Risinger	Wojcik
Dahl	Pankau	Roskam	

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 Watson, **House Bill No. 1095**, 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:

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Yeas 55; Nays None.

The following voted in the affirmative:

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

HOUSE BILL RECALLED

On motion of Senator Lightford, **House Bill No. 1100** was recalled from the order of third reading to the order of second reading.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO HOUSE BILL 1100

AMENDMENT NO. 3. Amend House Bill 1100, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 31, below line 25, by inserting the following:

"Section 90-12. The Interest Act is amended by changing Section 4 as follows:

(815 ILCS 205/4) (from Ch. 17, par. 6404)

Sec. 4. General interest rate.

(1) In all written contracts it shall be lawful for the parties to stipulate or agree that 9% per annum, or any less sum of interest, shall be taken and paid upon every \$100 of money loaned or in any manner due and owing from any person to any other person or corporation in this state, and after that rate for a greater or less sum, or for a longer or shorter time, except as herein provided.

The maximum rate of interest that may lawfully be contracted for is determined by the law applicable thereto at the time the contract is made. Any provision in any contract, whether made before or after July 1, 1969, which provides for or purports to authorize, contingent upon a change in the Illinois law after the contract is made, any rate of interest greater than the maximum lawful rate at the time the contract is made, is void.

It is lawful for a state bank or a branch of an out-of-state bank, as those terms are defined in Section 2 of the Illinois Banking Act, to receive or to contract to receive and collect interest and charges at any rate or rates agreed upon by the bank or branch and the borrower. It is lawful for a savings bank chartered under the Savings Bank Act or a savings association chartered under the Illinois Savings and Loan Act of 1985 to receive or contract to receive and collect interest and charges at any rate agreed upon by the savings bank or savings association and the borrower.

It is lawful to receive or to contract to receive and collect interest and charges as authorized by this Act and as authorized by the Consumer Installment Loan Act and by the "Consumer Finance Act", approved July 10, 1935, as now or hereafter amended, or by the Payday Loan Reform Act. It is lawful to charge, contract for, and receive any rate or amount of interest or compensation with respect to the following transactions:

(a) Any loan made to a corporation;

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(b) Advances of money, repayable on demand, to an amount not less than \$5,000, which are made upon warehouse receipts, bills of lading, certificates of stock, certificates of deposit, bills of exchange, bonds or other negotiable instruments pledged as collateral security for such repayment, if evidenced by a writing;

(c) Any credit transaction between a merchandise wholesaler and retailer; any business loan to a business association or copartnership or to a person owning and operating a business as sole proprietor or to any persons owning and operating a business as joint venturers, joint tenants or tenants in common, or to any limited partnership, or to any trustee owning and operating a business or whose beneficiaries own and operate a business, except that any loan which is secured (1) by an assignment of an individual obligor's salary, wages, commissions or other compensation for services, or (2) by his household furniture or other goods used for his personal, family or household purposes shall be deemed not to be a loan within the meaning of this subsection; and provided further that a loan which otherwise qualifies as a business loan within the meaning of this subsection shall not be deemed as not so qualifying because of the inclusion, with other security consisting of business assets of any such obligor, of real estate occupied by an individual obligor solely as his residence. The term "business" shall be deemed to mean a commercial, agricultural or industrial enterprise which is carried on for the purpose of investment or profit, but shall not be deemed to mean the ownership or maintenance of real estate occupied by an individual obligor solely as his residence;

(d) Any loan made in accordance with the provisions of Subchapter I of Chapter 13 of Title 12 of the United States Code, which is designated as "Housing Renovation and Modernization";

(e) Any mortgage loan insured or upon which a commitment to insure has been issued under the provisions of the National Housing Act, Chapter 13 of Title 12 of the United States Code;

(f) Any mortgage loan guaranteed or upon which a commitment to guaranty has been issued under the provisions of the Veterans' Benefits Act, Subchapter II of Chapter 37 of Title 38 of the United States Code;

(g) Interest charged by a broker or dealer registered under the Securities Exchange Act of 1934, as amended, or registered under the Illinois Securities Law of 1953, approved July 13, 1953, as now or hereafter amended, on a debit balance in an account for a customer if such debit balance is payable at will without penalty and is secured by securities as defined in Uniform Commercial Code-Investment Securities;

(h) Any loan made by a participating bank as part of any loan guarantee program which provides for loans and for the refinancing of such loans to medical students, interns and residents and which are guaranteed by the American Medical Association Education and Research Foundation;

(i) Any loan made, guaranteed, or insured in accordance with the provisions of the Housing Act of 1949, Subchapter III of Chapter 8A of Title 42 of the United States Code and the Consolidated Farm and Rural Development Act, Subchapters I, II, and III of Chapter 50 of Title 7 of the United States Code;

(j) Any loan by an employee pension benefit plan, as defined in Section 3 (2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C.A. Sec. 1002), to an individual participating in such plan, provided that such loan satisfies the prohibited transaction exemption requirements of Section 408 (b) (1) (29 U.S.C.A. Sec. 1108 (b) (1)) or Section 2003 (a) (26 U.S.C.A. Sec. 4975 (d) (1)) of the Employee Retirement Income Security Act of 1974;

(k) Written contracts, agreements or bonds for deed providing for installment purchase of real estate;

(l) Loans secured by a mortgage on real estate;

(m) Loans made by a sole proprietorship, partnership, or corporation to an employee or to a person who has been offered employment by such sole proprietorship, partnership, or corporation made for the sole purpose of transferring an employee or person who has been offered employment to another office maintained and operated by the same sole proprietorship, partnership, or corporation;

(n) Loans to or for the benefit of students made by an institution of higher education.

(2) Except for loans described in subparagraph (a), (c), (d), (e), (f) or (i) of subsection (1) of this Section, and except to the extent permitted by the applicable statute for loans made pursuant to Section 4a or pursuant to the Consumer Installment Loan Act:

(a) Whenever the rate of interest exceeds 8% per annum on any written contract, agreement or bond for deed providing for the installment purchase of residential real estate, or on any loan secured by a mortgage on residential real estate, it shall be unlawful to provide for a prepayment penalty or other charge for prepayment.

(b) No agreement, note or other instrument evidencing a loan secured by a mortgage on residential real estate, or written contract, agreement or bond for deed providing for the installment

purchase of residential real estate, may provide for any change in the contract rate of interest during the term thereof. However, if the Congress of the United States or any federal agency authorizes any class of lender to enter, within limitations, into mortgage contracts or written contracts, agreements or bonds for deed in which the rate of interest may be changed during the term of the contract, any person, firm, corporation or other entity not otherwise prohibited from entering into mortgage contracts or written contracts, agreements or bonds for deed in Illinois may enter into mortgage contracts or written contracts, agreements or bonds for deed in which the rate of interest may be changed during the term of the contract, within the same limitations.

(3) In any contract or loan which is secured by a mortgage, deed of trust, or conveyance in the nature of a mortgage, on residential real estate, the interest which is computed, calculated, charged, or collected pursuant to such contract or loan, or pursuant to any regulation or rule promulgated pursuant to this Act, may not be computed, calculated, charged or collected for any period of time occurring after the date on which the total indebtedness, with the exception of late payment penalties, is paid in full.

For purposes of this Section, a prepayment shall mean the payment of the total indebtedness, with the exception of late payment penalties if incurred or charged, on any date before the date specified in the contract or loan agreement on which the total indebtedness shall be paid in full, or before the date on which all payments, if timely made, shall have been made. In the event of a prepayment of the indebtedness which is made on a date after the date on which interest on the indebtedness was last computed, calculated, charged, or collected but before the next date on which interest on the indebtedness was to be calculated, computed, charged, or collected, the lender may calculate, charge and collect interest on the indebtedness for the period which elapsed between the date on which the prepayment is made and the date on which interest on the indebtedness was last computed, calculated, charged or collected at a rate equal to 1/360 of the annual rate for each day which so elapsed, which rate shall be applied to the indebtedness outstanding as of the date of prepayment. The lender shall refund to the borrower any interest charged or collected which exceeds that which the lender may charge or collect pursuant to the preceding sentence. The provisions of this amendatory Act of 1985 shall apply only to contracts or loans entered into on or after the effective date of this amendatory Act, but shall not apply to contracts or loans entered into on or after that date that are subject to Section 4a of this Act, the Consumer Installment Loan Act, the Payday Loan Reform Act, or the Retail Installment Sales Act, or that provide for the refund of precomputed interest on prepayment in the manner provided by such Act. (Source: P.A. 92-483, eff. 8-23-01)."

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Sandoval, **House Bill No. 1106**, 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	Forby	Maloney	Schoenberg
Bomke	Garrett	Martinez	Shadid
Brady	Geo-Karis	Meeks	Silverstein
Burzynski	Haine	Pankau	Sullivan, D.
Clayborne	Halvorson	Peterson	Sullivan, J.
Collins	Harmon	Petka	Syverson
Cronin	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Viverito
Cullerton	Jacobs	Righter	Watson
Dahl	Jones, J.	Risinger	Wilhelmi

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del Valle	Jones, W.	Ronen	Winkel
DeLeo	Lauzen	Roskam	Wojcik
Demuzio	Lightford	Rutherford	Mr. President
Dillard	Luechtefeld	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.

On motion of Senator Sandoval, **House Bill No. 1109**, 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 57; Nays None.

The following voted in the affirmative:

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

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 Halvorson, **House Bill No. 1125**, 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 57; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sieben
Bomke	Geo-Karis	Meeks	Silverstein
Brady	Haine	Pankau	Sullivan, D.
Burzynski	Halvorson	Peterson	Sullivan, J.
Clayborne	Harmon	Petka	Syverson
Collins	Hendon	Radogno	Trotter
Cronin	Hunter	Raoul	Viverito
Crotty	Jacobs	Righter	Watson

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Cullerton	Jones, J.	Risinger	Wilhelmi
Dahl	Jones, W.	Ronen	Winkel
del Valle	Lauzen	Roskam	Wojcik
DeLeo	Lightford	Rutherford	Mr. President
Demuzio	Link	Sandoval	
Dillard	Luechtefeld	Schoenberg	
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.

HOUSE BILL RECALLED

On motion of Senator Garrett, **House Bill No. 1149** was recalled from the order of third reading to the order of second reading.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 1149

AMENDMENT NO. 1. Amend House Bill 1149 on page 2, by replacing line 13 with the following:

"Agency on or before May 31, 2006. In preparing its report, the Commission shall seek input from and consult with business organizations, trade organizations, trade associations, solid waste agencies, and environmental organizations with expertise in computer equipment disposal and recycling."

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Halvorson, **House Bill No. 1173**, 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 57; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sieben
Bomke	Geo-Karis	Meeks	Silverstein
Brady	Haine	Pankau	Sullivan, D.
Burzynski	Halvorson	Peterson	Sullivan, J.
Clayborne	Harmon	Petka	Syverson
Collins	Hendon	Radogno	Trotter
Cronin	Hunter	Raoul	Viverito
Crotty	Jacobs	Righter	Watson
Cullerton	Jones, J.	Risinger	Wilhelmi
Dahl	Jones, W.	Ronen	Winkel
del Valle	Lauzen	Roskam	Wojcik
DeLeo	Lightford	Rutherford	Mr. President
Demuzio	Link	Sandoval	
Dillard	Luechtefeld	Schoenberg	
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.

Senator Burzynski asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

Senator Link announced there would be a Democrat caucus immediately upon recess.

At the hour of 3:04 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 4:00 o'clock p.m., the Senate resumed consideration of business.
Senator Halvorson, presiding.

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:

Floor Amendment No. 2 to House Bill 369
Floor Amendment No. 1 to House Bill 380

The following Floor amendment to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Floor Amendment No. 1 to Senate Bill 1822

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator del Valle, **House Bill No. 960**, 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	Haine	Pankau	Silverstein
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Syverson
Collins	Hunter	Raoul	Trotter
Cronin	Jacobs	Rauschenberger	Viverito
Crotty	Jones, J.	Righter	Watson
Cullerton	Jones, W.	Risinger	Wilhelmi
Dahl	Lauzen	Ronen	Winkel
del Valle	Lightford	Roskam	Wojcik

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DeLeo	Link	Rutherford	Mr. President
Demuzio	Luechtefeld	Sandoval	
Forby	Maloney	Schoenberg	
Garrett	Martinez	Shadid	
Geo-Karis	Meeks	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.

HOUSE BILL RECALLED

On motion of Senator Link, **House Bill No. 1195** was recalled from the order of third reading to the order of second reading.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 1195

AMENDMENT NO. 2. Amend House Bill 1195 on page 6, line 10, by inserting after the period the following:

"This paragraph 7 does not apply to rebuilders as defined in Section 1-168.05."; and

on page 6, by inserting immediately below line 27 the following:

"Section 10. The Automotive Collision Repair Act is amended by adding Section 76 as follows:
(815 ILCS 308/76 new)

Sec. 76. Compliance with Act. If a person is engaged in activities associated with automotive collision repair as covered in this Act, that person shall comply with the provisions of this Act."

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Link, **House Bill No. 1285**, 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 49; Nays 4; Present 1.

The following voted in the affirmative:

Althoff	Harmon	Pankau	Sieben
Bomke	Hendon	Peterson	Silverstein
Burzynski	Hunter	Radogno	Sullivan, J.
Clayborne	Jacobs	Raoul	Syverson
Cronin	Jones, J.	Rauschenberger	Trotter
Crotty	Jones, W.	Righter	Viverito
Cullerton	Laufen	Risinger	Watson
Dahl	Lightford	Ronen	Winkel
del Valle	Link	Roskam	Wojcik
DeLeo	Luechtefeld	Rutherford	Mr. President
Forby	Maloney	Sandoval	
Garrett	Martinez	Schoenberg	
Geo-Karis	Meeks	Shadid	

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The following voted in the negative:

Demuzio	Sullivan, D.
Petka	Wilhelmi

The following voted present:

Collins

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 Link, **House Bill No. 1313**, 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 39; Nays 15.

The following voted in the affirmative:

Bomke	Garrett	Lightford	Sieben
Clayborne	Geo-Karis	Link	Silverstein
Collins	Haine	Maloney	Sullivan, D.
Cronin	Halvorson	Martinez	Sullivan, J.
Crotty	Harmon	Meeks	Trotter
Cullerton	Hendon	Raoul	Viverito
del Valle	Hunter	Ronen	Wilhelmi
DeLeo	Jacobs	Sandoval	Winkel
Demuzio	Jones, J.	Schoenberg	Mr. President
Forby	Jones, W.	Shadid	

The following voted in the negative:

Althoff	Lauzen	Radogno	Rutherford
Brady	Pankau	Rauschenberger	Syverson
Burzynski	Peterson	Righter	Watson
Dahl	Petka	Roskam	

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 Forby, **House Bill No. 1314**, 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; Present 1.

The following voted in the affirmative:

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

The following voted present:

Collins

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 Clayborne, **House Bill No. 1321**, 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	Meeks	Sieben
Bomke	Haine	Pankau	Silverstein
Brady	Halvorson	Peterson	Sullivan, D.
Burzynski	Harmon	Petka	Sullivan, J.
Clayborne	Hendon	Radogno	Syverson
Collins	Hunter	Raoul	Trotter
Cronin	Jacobs	Rauschenberger	Viverito
Crotty	Jones, J.	Righter	Wilhelmi
Cullerton	Jones, W.	Risinger	Winkel
Dahl	Laufen	Ronen	Wojcik
del Valle	Lightford	Roskam	Mr. President
DeLeo	Link	Rutherford	
Demuzio	Luechtefeld	Sandoval	
Forby	Maloney	Schoenberg	
Garrett	Martinez	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.

On motion of Senator Winkel, **House Bill No. 1323**, 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.

[May 18, 2005]

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	Haine	Pankau	Sieben
Bomke	Halvorson	Peterson	Silverstein
Brady	Harmon	Petka	Sullivan, D.
Burzynski	Hendon	Radogno	Sullivan, J.
Clayborne	Hunter	Raoul	Syverson
Collins	Jones, J.	Rauschenberger	Trotter
Cronin	Jones, W.	Righter	Viverito
Crotty	Lauzen	Risinger	Watson
Cullerton	Lightford	Ronen	Winkel
Dahl	Link	Roskam	Wojcik
DeLeo	Luechtefeld	Rutherford	Mr. President
Forby	Maloney	Sandoval	
Garrett	Martinez	Schoenberg	
Geo-Karis	Meeks	Shadid	

The following voted in the negative:

Demuzio
Wilhelmi

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 Link, **House Bill No. 1334**, 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	Peterson	Silverstein
Brady	Halvorson	Petka	Sullivan, D.
Burzynski	Harmon	Radogno	Sullivan, J.
Clayborne	Hendon	Raoul	Syverson
Collins	Hunter	Rauschenberger	Trotter
Cronin	Jones, J.	Righter	Viverito
Crotty	Jones, W.	Risinger	Watson
Cullerton	Lightford	Ronen	Wilhelmi
Dahl	Link	Roskam	Winkel
del Valle	Luechtefeld	Rutherford	Wojcik
DeLeo	Maloney	Sandoval	Mr. President
Demuzio	Martinez	Schoenberg	
Forby	Meeks	Shadid	
Garrett	Pankau	Sieben	

The following voted in the negative:

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Bomke
Jacobs

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 Schoenberg, **House Bill No. 1336**, 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	Pankau	Silverstein
Bomke	Haine	Peterson	Sullivan, D.
Brady	Halvorson	Petka	Sullivan, J.
Burzynski	Harmon	Radogno	Syverson
Clayborne	Hendon	Raoul	Trotter
Collins	Hunter	Rauschenberger	Viverito
Cronin	Jacobs	Righter	Watson
Crotty	Jones, J.	Risinger	Wilhelmi
Cullerton	Jones, W.	Ronen	Winkel
Dahl	Lightford	Roskam	Wojcik
del Valle	Link	Rutherford	Mr. President
DeLeo	Luechtefeld	Sandoval	
Demuzio	Maloney	Schoenberg	
Forby	Martinez	Shadid	
Garrett	Meeks	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.

HOUSE BILL RECALLED

On motion of Senator Harmon, **House Bill No. 1350** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 1350

AMENDMENT NO. 1. Amend House Bill 1350 on page 1, line 9, by replacing "hospital" with "trauma center"; and

on page 1, line 10, after "vehicle", by inserting "backing over a child"; and

on page 2, by replacing lines 21 through 33 with the following:
"performed an autopsy upon the decedent."

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Clayborne, **House Bill No. 1384**, 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 57; Nays None.

The following voted in the affirmative:

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

HOUSE BILL RECALLED

On motion of Senator Schoenberg, **House Bill No. 1457** was recalled from the order of third reading to the order of second reading.

Senator Schoenberg offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 1457

AMENDMENT NO. 1. Amend House Bill 1457 on page 1, by replacing lines 4 and 5 with the following:

"Section 5. The Illinois Governmental Ethics Act is amended by changing Section 4A-105 as follows: (5 ILCS 420/4A-105) (from Ch. 127, par. 604A-105)

Sec. 4A-105. Time for filing. Except as provided in Section 4A-106.1, by May 1 of each year a statement must be filed by each person whose position at that time subjects him to the filing requirements of Section 4A-101 unless he has already filed a statement in relation to the same unit of government in that calendar year.

Statements must also be filed as follows:

(a) A candidate for elective office shall file his statement not later than the end of the period during which he can take the action necessary under the laws of this State to attempt to qualify for nomination, election, or retention to such office if he has not filed a statement in relation to the same unit of government within a year preceding such action.

(b) A person whose appointment to office is subject to confirmation by the Senate shall file his statement at the time his name is submitted to the Senate for confirmation.

(b-5) A special government agent, as defined in item (1) of Section 4A-101 of this Act, shall file a statement within 60 days after assuming responsibilities as a special government agent ~~30 days after making the first ex parte communication~~ and each May 1 thereafter if he or she has made an

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ex parte communication within the previous 12 months.

(c) Any other person required by this Article to file the statement shall file a statement at the time of his or her initial appointment or employment in relation to that unit of government if appointed or employed by May 1.

If any person who is required to file a statement of economic interests fails to file such statement by May 1 of any year, the officer with whom such statement is to be filed under Section 4A-106 of this Act shall, within 7 days after May 1, notify such person by certified mail of his or her failure to file by the specified date. Except as may be prescribed by rule of the Secretary of State, such person shall file his or her statement of economic interests on or before May 15 with the appropriate officer, together with a \$15 late filing fee. Any such person who fails to file by May 15 shall be subject to a penalty of \$100 for each day from May 16 to the date of filing, which shall be in addition to the \$15 late filing fee specified above. Failure to file by May 31 shall result in a forfeiture in accordance with Section 4A-107 of this Act.

Any person who takes office or otherwise becomes required to file a statement of economic interests within 30 days prior to May 1 of any year may file his or her statement at any time on or before May 31 without penalty. If such person fails to file such statement by May 31, the officer with whom such statement is to be filed under Section 4A-106 of this Act shall, within 7 days after May 31, notify such person by certified mail of his or her failure to file by the specified date. Such person shall file his or her statement of economic interests on or before June 15 with the appropriate officer, together with a \$15 late filing fee. Any such person who fails to file by June 15 shall be subject to a penalty of \$100 per day for each day from June 16 to the date of filing, which shall be in addition to the \$15 late filing fee specified above. Failure to file by June 30 shall result in a forfeiture in accordance with Section 4A-107 of this Act.

All late filing fees and penalties collected pursuant to this Section shall be paid into the General Revenue Fund in the State treasury, if the Secretary of State receives such statement for filing, or into the general fund in the county treasury, if the county clerk receives such statement for filing. The Attorney General, with respect to the State, and the several State's Attorneys, with respect to counties, shall take appropriate action to collect the prescribed penalties.

Failure to file a statement of economic interests within the time prescribed shall not result in a fine or ineligibility for, or forfeiture of, office or position of employment, as the case may be; provided that the failure to file results from not being included for notification by the appropriate agency, clerk, secretary, officer or unit of government, as the case may be, and that a statement is filed within 30 days of actual notice of the failure to file.

(Source: P.A. 93-617, eff. 12-9-03.)

Section 10. The Illinois Procurement Code is amended by changing Sections 20-10, 50-13, and 50-20 as follows:"; and

on page 3, by inserting after line 9 the following:

"(30 ILCS 500/50-13)

Sec. 50-13. Conflicts of interest.

(a) Prohibition. It is unlawful for any person holding an elective office in this State, holding a seat in the General Assembly, or appointed to or employed in any of the offices or agencies of State government ~~and who receives compensation for such employment in excess of 60% of the salary of the Governor of the State of Illinois~~, or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or who is the spouse or minor child of any such person to have or acquire any contract, or any direct pecuniary interest in any contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois or in any contract of the Capital Development Board or the Illinois Toll Highway Authority.

(b) Interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) is entitled to receive (i) more than 7 1/2% of the total distributable income or (ii) an amount in excess of the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.

(c) Combined interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) together with his or her spouse or minor children is entitled to receive (i) more than 15%, in the aggregate, of the total distributable income or (ii) an amount in excess of 2 times the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.

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(c-5) Appointees and firms. In addition to any provisions of this Code, the interests of certain appointees and their firms are subject to Section 3A-35 of the Illinois Governmental Ethics Act.

(d) Securities. Nothing in this Section invalidates the provisions of any bond or other security previously offered or to be offered for sale or sold by or for the State of Illinois.

(e) Prior interests. This Section does not affect the validity of any contract made between the State and an officer or employee of the State or member of the General Assembly, his or her spouse, minor child, or other immediate family member living in his or her residence or any combination of those persons if that contract was in existence before his or her election or employment as an officer, member, or employee. The contract is voidable, however, if it cannot be completed within 365 days after the officer, member, or employee takes office or is employed.

(f) Exceptions.

(1) Public aid payments. This Section does not apply to payments made for a public aid recipient.

(2) Teaching. This Section does not apply to a contract for personal services as a teacher or school administrator between a member of the General Assembly or his or her spouse, or a State officer or employee or his or her spouse, and any school district, public community college district, the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governor State University, or Northeastern Illinois University.

(3) Ministerial duties. This Section does not apply to a contract for personal services of a wholly ministerial character, including but not limited to services as a laborer, clerk, typist, stenographer, page, bookkeeper, receptionist, or telephone switchboard operator, made by a spouse or minor child of an elective or appointive State officer or employee or of a member of the General Assembly.

(4) Child and family services. This Section does not apply to payments made to a member of the General Assembly, a State officer or employee, his or her spouse or minor child acting as a foster parent, homemaker, advocate, or volunteer for or in behalf of a child or family served by the Department of Children and Family Services.

(5) Licensed professionals. Contracts with licensed professionals, provided they are competitively bid or part of a reimbursement program for specific, customary goods and services through the Department of Children and Family Services, the Department of Human Services, the Department of Public Aid, the Department of Public Health, or the Department on Aging.

(g) Penalty. A person convicted of a violation of this Section is guilty of a business offense and shall be fined not less than \$1,000 nor more than \$5,000.

(Source: P.A. 93-615, eff. 11-19-03.)

(30 ILCS 500/50-20)

Sec. 50-20. Exemptions. With the approval of the appropriate chief procurement officer involved, the Governor, or an executive ethics board or commission he or she designates, may exempt named individuals from the prohibitions of Section 50-13 when, in his, her, or its judgment, the public interest in having the individual in the service of the State outweighs the public policy evidenced in that Section. An exemption is effective only when it is filed with the Secretary of State and the Comptroller within 60 days after its issuance or when performance of the contract begins, whichever is earlier, and includes a statement setting forth the name of the individual and all the pertinent facts that would make that Section applicable, setting forth the reason for the exemption, and declaring the individual exempted from that Section. Notice of each exemption shall be published in the Illinois Procurement Bulletin.

A contract for which a waiver has been issued but has not been filed in accordance with this Section is voidable.

(Source: P.A. 90-572, eff. 2-6-98.)

Section 15. The State Facilities Closure Act is amended by changing Section 5-5 as follows:

(30 ILCS 608/5-5)

Sec. 5-5. Definitions. In this Act:

"Commission" means the Commission on Government Forecasting and Accountability.

"State facility" means any facility ~~(i)~~ that is owned and operated by the State or leased and operated by the State ~~and (ii) that is the primary stationary work location for 25 or more State employees~~. "State facility" does not include any facility under the jurisdiction of the legislative branch, including the Auditor General, or the judicial branch.

(Source: P.A. 93-839, eff. 7-30-04; 93-1067, eff. 1-15-05.)

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Cronin, **House Bill No. 1471**, 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	Geo-Karis	Martinez	Schoenberg
Bomke	Haine	Meeks	Shadid
Brady	Halvorson	Pankau	Sieben
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Cronin	Hunter	Radogno	Syverson
Crotty	Jacobs	Raoul	Trotter
Cullerton	Jones, J.	Rauschenberger	Viverito
Dahl	Jones, W.	Righter	Watson
del Valle	Lauzen	Risinger	Wilhelmi
DeLeo	Lightford	Ronen	Winkel
Demuzio	Link	Roskam	Wojcik
Forby	Luechtefeld	Rutherford	Mr. President
Garrett	Maloney	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.

Senator Collins asked and obtained unanimous consent for the Journal to reflect her affirmative vote on **House Bill No. 1471**.

HOUSE BILL RECALLED

On motion of Senator Sullivan, **House Bill No. 1511** was recalled from the order of third reading to the order of second reading.

Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 1511

AMENDMENT NO. 1. Amend House Bill 1511 on page 2, line 2, by replacing "may shall" with "shall , when there is an immediate and urgent necessity.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Garrett, **House Bill No. 1541**, 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	Haine	Pankau	Sieben
Brady	Halvorson	Peterson	Silverstein
Clayborne	Harmon	Petka	Sullivan, D.
Collins	Hendon	Radogno	Sullivan, J.
Cronin	Hunter	Raoul	Syverson
Crotty	Jacobs	Rauschenberger	Trotter
Cullerton	Jones, W.	Righter	Viverito
Dahl	Lauzen	Risinger	Watson
del Valle	Lightford	Ronen	Wilhelmi
DeLeo	Link	Roskam	Winkel
Demuzio	Luechtefeld	Rutherford	Wojcik
Forby	Maloney	Sandoval	Mr. President
Garrett	Martinez	Schoenberg	
Geo-Karis	Meeks	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.

On motion of Senator Cullerton, **House Bill No. 1548**, 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 57; Nays None.

The following voted in the affirmative:

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

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HOUSE BILL RECALLED

On motion of Senator Link, **House Bill No. 1562** was recalled from the order of third reading to the order of second reading.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 1562

AMENDMENT NO. 1. Amend House Bill 1562 on page 2, line 6, by replacing "thereof, in violation of" with "thereof and convicted of violating".

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Harmon, **House Bill No. 1570**, 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	Haine	Pankau	Silverstein
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Syverson
Clayborne	Hunter	Raoul	Trotter
Collins	Jacobs	Rauschenberger	Viverito
Cronin	Jones, J.	Righter	Watson
Cullerton	Jones, W.	Risinger	Wilhelmi
Dahl	Lauzen	Ronen	Winkel
del Valle	Lightford	Roskam	Wojcik
DeLeo	Link	Rutherford	Mr. President
Demuzio	Luechtefeld	Sandoval	
Forby	Maloney	Schoenberg	
Garrett	Martinez	Shadid	
Geo-Karis	Meeks	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 DeLeo, **House Bill No. 1581**, 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 58; Nays None.

The following voted in the affirmative:

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

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 Cullerton, **House Bill No. 1587**, 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 57; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sieben
Bomke	Geo-Karis	Meeks	Silverstein
Brady	Haine	Pankau	Sullivan, D.
Burzynski	Halvorson	Peterson	Sullivan, J.
Clayborne	Harmon	Petka	Syverson
Collins	Hendon	Radogno	Trotter
Cronin	Hunter	Raoul	Viverito
Crotty	Jacobs	Rauschenberger	Watson
Cullerton	Jones, J.	Righter	Wilhelmi
Dahl	Jones, W.	Risinger	Winkel
del Valle	Lauzen	Ronen	Wojcik
DeLeo	Lightford	Roskam	Mr. President
Demuzio	Link	Rutherford	
Dillard	Luechtefeld	Sandoval	
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.

On motion of Senator Wilhelmi, **House Bill No. 1589**, 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 57; Nays None.

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The following voted in the affirmative:

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

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 Haine, **House Bill No. 1656**, 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	Pankau	Silverstein
Bomke	Haine	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Syverson
Clayborne	Hunter	Raoul	Trotter
Cronin	Jacobs	Rauschenberger	Viverito
Crotty	Jones, J.	Righter	Watson
Cullerton	Jones, W.	Risinger	Wilhelmi
Dahl	Lauzen	Ronen	Winkel
del Valle	Lightford	Roskam	Wojcik
DeLeo	Link	Rutherford	Mr. President
Demuzio	Luechtefeld	Sandoval	
Dillard	Maloney	Schoenberg	
Forby	Martinez	Shadid	
Garrett	Meeks	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.

HOUSE BILLS RECALLED

On motion of Senator Haine, **House Bill No. 1679** was recalled from the order of third reading to the order of second reading.

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Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 1679

AMENDMENT NO. 2. Amend House Bill 1679 by replacing everything after the enacting clause with the following:

"Section 5. The Public Funds Investment Act is amended by changing Section 2 as follows:
(30 ILCS 235/2) (from Ch. 85, par. 902)

Sec. 2. Authorized investments.

(a) Any public agency may invest any public funds as follows:

(1) in bonds, notes, certificates of indebtedness, treasury bills or other securities now or hereafter issued, which are guaranteed by the full faith and credit of the United States of America as to principal and interest;

(2) in bonds, notes, debentures, or other similar obligations of the United States of America or its agencies;

(3) in interest-bearing savings accounts, interest-bearing certificates of deposit or interest-bearing time deposits or any other investments constituting direct obligations of any bank as defined by the Illinois Banking Act;

(4) in short term obligations of corporations organized in the United States with assets exceeding \$500,000,000 if (i) such obligations are rated at the time of purchase at one of the 3 highest classifications established by at least 2 standard rating services and which mature not later than 180 days from the date of purchase, (ii) such purchases do not exceed 10% of the corporation's outstanding obligations at the time of the purchase of the obligations and (iii) no more than one-third of the public agency's funds may be invested in short term obligations of corporations; or

(5) in money market mutual funds registered under the Investment Company Act of 1940, provided that the portfolio of any such money market mutual fund is limited to obligations described in paragraph (1) or (2) of this subsection or in obligations described in subsection (a-1) and to agreements to repurchase such obligations.

(a-1) In addition to any other investments authorized under this Act, a municipality may invest its public funds in interest bearing bonds of any county, township, city, village, incorporated town, municipal corporation, or school district, of the State of Illinois, of any other state, or of any political subdivision or agency of the State of Illinois or of any other state, whether the interest earned thereon is taxable or tax-exempt under federal law. The bonds shall be registered in the name of the municipality or held under a custodial agreement at a bank. The bonds shall be rated at the time of purchase within the 4 highest general classifications established by a rating service of nationally recognized expertise in rating bonds of states and their political subdivisions.

(b) Investments may be made only in banks which are insured by the Federal Deposit Insurance Corporation. Any public agency may invest any public funds in ~~short term discount~~ obligations of the Federal National Mortgage Association or in shares or other forms of securities legally issuable by savings banks or savings and loan associations incorporated under the laws of this State or any other state or under the laws of the United States. Investments may be made only in those savings banks or savings and loan associations the shares, or investment certificates of which are insured by the Federal Deposit Insurance Corporation. Any such securities may be purchased at the offering or market price thereof at the time of such purchase. All such securities so purchased shall mature or be redeemable on a date or dates prior to the time when, in the judgment of such governing authority, the public funds so invested will be required for expenditure by such public agency or its governing authority. The expressed judgment of any such governing authority as to the time when any public funds will be required for expenditure or be redeemable is final and conclusive. Any public agency may invest any public funds in dividend-bearing share accounts, share certificate accounts or class of share accounts of a credit union chartered under the laws of this State or the laws of the United States; provided, however, the principal office of any such credit union must be located within the State of Illinois. Investments may be made only in those credit unions the accounts of which are insured by applicable law.

(c) For purposes of this Section, the term "agencies of the United States of America" includes: (i) the federal land banks, federal intermediate credit banks, banks for cooperative, federal farm credit banks, or any other entity authorized to issue debt obligations under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) and Acts amendatory thereto; (ii) the federal home loan banks and the federal home loan mortgage corporation; and (iii) any other agency created by Act of Congress.

(d) Except for pecuniary interests permitted under subsection (f) of Section 3-14-4 of the Illinois Municipal Code or under Section 3.2 of the Public Officer Prohibited Practices Act, no person acting as

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treasurer or financial officer or who is employed in any similar capacity by or for a public agency may do any of the following:

- (1) have any interest, directly or indirectly, in any investments in which the agency is authorized to invest.
- (2) have any interest, directly or indirectly, in the sellers, sponsors, or managers of those investments.
- (3) receive, in any manner, compensation of any kind from any investments in which the agency is authorized to invest.

(e) Any public agency may also invest any public funds in a Public Treasurers' Investment Pool created under Section 17 of the State Treasurer Act. Any public agency may also invest any public funds in a fund managed, operated, and administered by a bank, subsidiary of a bank, or subsidiary of a bank holding company or use the services of such an entity to hold and invest or advise regarding the investment of any public funds.

(f) To the extent a public agency has custody of funds not owned by it or another public agency and does not otherwise have authority to invest such funds, the public agency may invest such funds as if they were its own. Such funds must be released to the appropriate person at the earliest reasonable time, but in no case exceeding 31 days, after the private person becomes entitled to the receipt of them. All earnings accruing on any investments or deposits made pursuant to the provisions of this Act shall be credited to the public agency by or for which such investments or deposits were made, except as provided otherwise in Section 4.1 of the State Finance Act or the Local Governmental Tax Collection Act, and except where by specific statutory provisions such earnings are directed to be credited to and paid to a particular fund.

(g) A public agency may purchase or invest in repurchase agreements of government securities having the meaning set out in the Government Securities Act of 1986 subject to the provisions of said Act and the regulations issued thereunder. The government securities, unless registered or inscribed in the name of the public agency, shall be purchased through banks or trust companies authorized to do business in the State of Illinois.

(h) Except for repurchase agreements of government securities which are subject to the Government Securities Act of 1986, no public agency may purchase or invest in instruments which constitute repurchase agreements, and no financial institution may enter into such an agreement with or on behalf of any public agency unless the instrument and the transaction meet the following requirements:

(1) The securities, unless registered or inscribed in the name of the public agency, are purchased through banks or trust companies authorized to do business in the State of Illinois.

(2) An authorized public officer after ascertaining which firm will give the most favorable rate of interest, directs the custodial bank to "purchase" specified securities from a designated institution. The "custodial bank" is the bank or trust company, or agency of government, which acts for the public agency in connection with repurchase agreements involving the investment of funds by the public agency. The State Treasurer may act as custodial bank for public agencies executing repurchase agreements. To the extent the Treasurer acts in this capacity, he is hereby authorized to pass through to such public agencies any charges assessed by the Federal Reserve Bank.

(3) A custodial bank must be a member bank of the Federal Reserve System or maintain accounts with member banks. All transfers of book-entry securities must be accomplished on a Reserve Bank's computer records through a member bank of the Federal Reserve System. These securities must be credited to the public agency on the records of the custodial bank and the transaction must be confirmed in writing to the public agency by the custodial bank.

(4) Trading partners shall be limited to banks or trust companies authorized to do business in the State of Illinois or to registered primary reporting dealers.

(5) The security interest must be perfected.

(6) The public agency enters into a written master repurchase agreement which outlines the basic responsibilities and liabilities of both buyer and seller.

(7) Agreements shall be for periods of 330 days or less.

(8) The authorized public officer of the public agency informs the custodial bank in writing of the maturity details of the repurchase agreement.

(9) The custodial bank must take delivery of and maintain the securities in its custody for the account of the public agency and confirm the transaction in writing to the public agency. The Custodial Undertaking shall provide that the custodian takes possession of the securities exclusively for the public agency; that the securities are free of any claims against the trading partner; and any claims by the custodian are subordinate to the public agency's claims to rights to those securities.

(10) The obligations purchased by a public agency may only be sold or presented for

redemption or payment by the fiscal agent bank or trust company holding the obligations upon the written instruction of the public agency or officer authorized to make such investments.

(11) The custodial bank shall be liable to the public agency for any monetary loss suffered by the public agency due to the failure of the custodial bank to take and maintain possession of such securities.

(i) Notwithstanding the foregoing restrictions on investment in instruments constituting repurchase agreements the Illinois Housing Development Authority may invest in, and any financial institution with capital of at least \$250,000,000 may act as custodian for, instruments that constitute repurchase agreements, provided that the Illinois Housing Development Authority, in making each such investment, complies with the safety and soundness guidelines for engaging in repurchase transactions applicable to federally insured banks, savings banks, savings and loan associations or other depository institutions as set forth in the Federal Financial Institutions Examination Council Policy Statement Regarding Repurchase Agreements and any regulations issued, or which may be issued by the supervisory federal authority pertaining thereto and any amendments thereto; provided further that the securities shall be either (i) direct general obligations of, or obligations the payment of the principal of and/or interest on which are unconditionally guaranteed by, the United States of America or (ii) any obligations of any agency, corporation or subsidiary thereof controlled or supervised by and acting as an instrumentality of the United States Government pursuant to authority granted by the Congress of the United States and provided further that the security interest must be perfected by either the Illinois Housing Development Authority, its custodian or its agent receiving possession of the securities either physically or transferred through a nationally recognized book entry system.

(j) In addition to all other investments authorized under this Section, a community college district may invest public funds in any mutual funds that invest primarily in corporate investment grade or global government short term bonds. Purchases of mutual funds that invest primarily in global government short term bonds shall be limited to funds with assets of at least \$100 million and that are rated at the time of purchase as one of the 10 highest classifications established by a recognized rating service. The investments shall be subject to approval by the local community college board of trustees. Each community college board of trustees shall develop a policy regarding the percentage of the college's investment portfolio that can be invested in such funds.

Nothing in this Section shall be construed to authorize an intergovernmental risk management entity to accept the deposit of public funds except for risk management purposes.

(Source: P.A. 93-360, eff. 7-24-03.)

Section 10. The Local Government Debt Reform Act is amended by changing Sections 3, 9, 11, 16.5, 17, and 17.5 as follows:

(30 ILCS 350/3) (from Ch. 17, par. 6903)

Sec. 3. Definitions. In this Act words or terms shall have the following meanings unless the context or usage clearly indicates that another meaning is intended.

(a) "Alternate bonds" means bonds issued in lieu of revenue bonds or payable from a revenue source as provided in Section 15.

(b) "Applicable law" means any provision of law, including this Act, authorizing governmental units to issue bonds or relating to any procedure, including any notice, hearing, meeting, referendum, or backdoor referendum, to be taken in the course of actions to issue bonds.

(c) "Backdoor referendum" means the submission of a public question to the voters of a governmental unit, initiated by a petition of voters, residents or property owners of such governmental unit, to determine whether an action by the governing body of such governmental unit shall be effective, adopted or rejected.

(d) "Bond" means any instrument evidencing the obligation to pay money authorized or issued by or on behalf of a governmental unit under applicable law, including without limitation, bonds, notes, installment or financing contracts, leases, certificates, tax anticipation warrants or notes, vouchers, and any other evidences of indebtedness.

(e) "Debt service" on bonds means the amount of principal, interest and premium, if any, when due either at stated maturity or upon mandatory redemption.

(f) "Enterprise revenues" means the revenues of a utility or revenue producing enterprise from which revenue bonds may be payable.

(g) "General obligation bonds" means bonds of a governmental unit for the payment of which the governmental unit is empowered to levy ad valorem property taxes upon all taxable property in a governmental unit without limitation as to rate or amount.

(h) "Governing body" means the legislative body, council, board, commission, trustees, or any other

body, by whatever name it is known, having charge of the corporate affairs of a governmental unit.

(h-5) "Governmental revenue source" means a revenue source that is either (1) federal or State funds that the governmental unit has received in some amount during each of the 3 fiscal years preceding the issuance of alternate bonds or (2) revenues to be received from another governmental unit under an intergovernmental cooperation agreement.

(i) "Governmental unit" means a county, township, municipality, municipal corporation, unit of local government, school district, special district, public corporation, body corporate and politic, forest preserve district, fire protection district, conservation district, park district, sanitary district, public corporations, as defined in the Bond Authorization Act, and all other local governmental agencies, including any entity created by intergovernmental agreement among any of the foregoing governmental units, but does not include any office, officer, department or , division, ~~bureau, board, commission, university, or similar agency~~ of the State.

(j) "Ordinance" means an ordinance duly adopted by a governing body or, if appropriate under applicable law, a resolution so adopted.

(k) "Revenue bonds" means any bonds of a governmental unit other than general obligation bonds, but "revenue bonds" does include any debt authorized under Section 11-29.3-1 of the Illinois Municipal Code.

(l) "Revenue source" means a source of funds, other than enterprise revenues, received or available to be received by a governmental unit and available for any one or more of its corporate purposes.

(m) "Limited bonds" means bonds, excluding leases, notes, installment or financing contracts, certificates, tax anticipation warrants or notes, vouchers, and any other evidences of indebtedness, issued under Section 15.01 of this Act.

(Source: P.A. 92-879, eff. 1-13-03.)

(30 ILCS 350/9) (from Ch. 17, par. 6909)

Sec. 9. Provisions for interest.

(a) The proceeds of bonds may be used to provide for the payment of interest upon such bonds for a period not to exceed the greater of 3 ~~2~~ years or a period ending 6 months after the estimated date of completion of the acquisition and construction of the project or accomplishment of the purpose for which such bonds are issued.

(b) In addition it shall be lawful for the governing body of any governmental unit issuing bonds to appropriate money for the purpose of paying interest on such bonds during the period stated in subsection (a) of this Section. Such appropriation may be made in the ordinance authorizing such bonds and shall be fully effective upon the effective date of such ordinance without any further notice, publication or approval whatsoever.

(c) The governing body of any governmental unit may authorize the transfer of interest earned on any of the moneys of the governmental unit, including moneys set aside to pay debt service, into the fund of the governmental unit that is most in need of the interest. This subsection does not apply to any interest earned that has been earmarked or restricted by the governing body for a designated purpose. This subsection does not apply to any interest earned on any funds for the purpose of municipal retirement under the Illinois Pension Code and tort immunity under the Local Governmental and Governmental Employees Tort Immunity Act. Interest earned on those funds may be used only for the purposes authorized for the respective funds from which the interest earnings were derived.

(Source: P.A. 92-879, eff. 1-13-03.)

(30 ILCS 350/11) (from Ch. 17, par. 6911)

Sec. 11. Refundings and redemption premiums. Bonds may be refunded or advance refunded upon such terms as the governing body may set in accordance with this Act, for such term of years, not in excess of the maximum term of years permitted by applicable law for the bonds to be refunded, and in such principal amount, all as may be deemed necessary by the governing body. A refunding bond issue may authorize the use of proceeds of such issue to pay interest on the refunding bond issue during the period of time from delivery of such issue to the redemption date of the bonds being refunded. Revenue bonds may be issued to refund general obligation bonds or alternate bonds issued under this Act. General obligation bonds shall not be issued to refund revenue bonds or alternate bonds except as expressly permitted by applicable law. Any redemption premium payable upon the redemption of bonds may be payable from the proceeds of refunding bonds which may be issued for the purpose of refunding such bonds, from any other lawfully available source or from both proceeds and such other sources. Bonds that have been wholly refunded or provided for with qualifying securities shall not be included as debt for the purposes of any calculation or limitation under applicable law. "Qualifying securities" means securities or investments that are lawful for a governmental unit under State law and that have, at the time of purchase, a rating in the highest general classification established by a rating service of

nationally recognized expertise in rating securities. "Wholly refunded" or "provided for" means that the interest on and principal of the qualifying securities, when due, which are set aside to pay debt service on the bonds, shall be sufficiently timely to pay the debt service on such bonds.

(Source: P.A. 90-306, eff. 8-1-97.)

(30 ILCS 350/16.5)

Sec. 16.5. Proposition for bonds. For all elections held after July 1, 2000, the form of a proposition to authorize the issuance of bonds pursuant to either a referendum or backdoor referendum may be as set forth in this Section as an alternative to the form of proposition as otherwise set forth by applicable law. The proposition authorized by this Section shall be in substantially the following form:

Shall (name of governmental unit) (state purpose for the bond issue) and issue its bonds to the amount of \$ (state amount) for the purpose of paying the costs thereof?

If a school district expects to receive a school construction grant from the State of Illinois pursuant to the School Construction Law for a school construction project to be financed in part with proceeds of a bond authorized by referendum, then the form of proposition may at the option of the school district additionally contain substantially the following language:

(Name of school district) expects to receive a school construction grant from the State of Illinois in the amount of \$ (state amount) pursuant to the School Construction Law for the school construction project to be financed in part with proceeds of the bonds, based on (i) a grant entitlement from the State Board of Education and (ii) current recognized project costs determined by the Capital Development Board.

No action may be brought by any person in any Court or other tribunal seeking in any way to challenge or contest the validity of an election outcome based upon the wording set forth in any election notice or the ballot after a period of 30 days after the canvass of such election.

(Source: P.A. 91-868, eff. 6-22-00; 92-879, eff. 1-13-03.)

(30 ILCS 350/17) (from Ch. 17, par. 6917)

Sec. 17. Leases and installment contracts.

(a) Interest not debt; debt on leases and installment contracts. Interest on bonds shall not be included in any computation of indebtedness of a governmental unit for the purpose of any statutory provision or limitation. For bonds consisting of leases and installment or financing contracts, (1) that portion of payments made by a governmental unit under the terms of a bond designated as interest in the bond or the ordinance authorizing such bond shall be treated as interest for purposes of this Section (2) where portions of payments due under the terms of a bond have not been designated as interest in the bond or the ordinance authorizing such bond, and all or a portion of such payments is to be used for the payment of principal of and interest on other bonds of the governmental unit or bonds issued by another unit of local government, such as a public building commission, the payments equal to interest due on such corresponding bonds shall be treated as interest for purposes of this Section and (3) where portions of payments due under the terms of a bond have not been designated as interest in the bond or ordinance authorizing such bond and no portion of any such payment is to be used for the payment of principal of and interest on other bonds of the governmental unit or another unit of local government, a portion of each payment due under the terms of such bond shall be treated as interest for purposes of this Section; such portion shall be equal in amount to the interest that would have been paid on a notional obligation of the governmental unit (bearing interest at the highest rate permitted by law for bonds of the governmental unit at the time the bond was issued or, if no such limit existed, 12%) on which the payments of principal and interest were due at the same times and in the same amounts as payments are due under the terms of the bonds. The rule set forth in this Section shall be applicable to all interest no matter when earned or accrued or at what interval paid, and whether or not a bond bears interest which compounds at certain intervals. For purposes of this Section sold at amounts less than 95% of their stated value at maturity, interest for purposes of this Section includes the difference between the amount set forth on the face of the bond as the original principal amount and the bond's stated value at maturity.

This subsection may be made applicable to bonds issued prior to the effective date of this Act by passage of an ordinance to such effect by the governing body of a governmental unit.

(b) Purchase or lease of property. The governing body of each governmental unit may purchase or lease either real or personal property, including investments, investment agreements, or investment services, through agreements that provide that the consideration for the purchase or lease may be paid through installments made at stated intervals for a period of no more than 20 years or another period of time authorized by law, whichever is greater; provided, however, that investments, investment agreements, or investment services purchased in connection with a bond issue may be paid through installments made at stated intervals for a period of time not in excess of the maximum term of such bond issue. Each governmental unit may issue certificates evidencing the indebtedness incurred under

the lease or agreement. The governing body may provide for the treasurer, comptroller, finance officer, or other officer of the governing body charged with financial administration to act as counter-party to any such lease or agreement, as nominee lessor or seller. When the lease or agreement is executed by the officer of the governmental unit authorized by the governing body to bind the governmental unit thereon by the execution thereof and is filed with and executed by the nominee lessor or seller, the lease or agreement shall be sufficiently executed so as to permit the governmental unit to issue certificates evidencing the indebtedness incurred under the lease or agreement. The certificates shall be valid whether or not an appropriation with respect thereto is included in any annual or supplemental budget adopted by the governmental unit. From time to time, as the governing body executes contracts for the purpose of acquiring and constructing the services or real or personal property that is a part of the subject of the lease or agreement, including financial, legal, architectural, and engineering services related to the lease or agreement, the governing body shall order the contracts filed with its nominee officer, and that officer shall identify the contracts to the lease or agreement; that identification shall permit the payment of the contract from the proceeds of the certificates; and the nominee officer shall duly apply or cause to be applied proceeds of the certificates to the payment of the contracts. Certificates evidencing the indebtedness incurred under any such lease or agreement may be refunded under Section 11 of this Act, which certificates may be designated "refunding debt certificates" and need not evidence participation in the original lease or agreement, may be issued on any terms set forth in Section 10 of this Act, and shall be payable from the same sources of funds as the certificates refunded. The governing body of each governmental unit may sell, lease, convey, and reacquire either real or personal property, or any interest in real or personal property, upon any terms and conditions and in any manner, as the governing body shall determine, if the governmental unit will lease, acquire by purchase agreement, or otherwise reacquire the property, as authorized by this subsection or any other applicable law.

All indebtedness incurred under this subsection, when aggregated with the existing indebtedness of the governmental unit, may not exceed the debt limits provided by applicable law.

(Source: P.A. 91-493, eff. 8-13-99; 91-868, eff. 6-22-00; 92-879, eff. 1-13-03.)

(30 ILCS 350/17.5)

Sec. 17.5. Bond authorization by referendum. Whenever applicable law provides that the authorization of or the issuance of bonds is subject to either a referendum or backdoor referendum, the approval, once obtained, remains ~~(i)~~ for 5 years after the date of the referendum or ~~(ii) for 3 years~~ after the end of the petition period for a backdoor referendum. This Section applies only to a referendum or a backdoor referendum held after August 13, 1999 ~~the effective date of this amendatory Act of the 91st General Assembly.~~

(Source: P.A. 91-493, eff. 8-13-99.)

Section 15. The Kaskaskia Regional Port District Act is amended by changing Section 20.2 as follows:

(70 ILCS 1830/20.2)

Sec. 20.2. Authorization to borrow moneys. The District's Board may borrow money from any bank or other financial institution, and may provide appropriate security for that borrowing, if the money is repaid within 3 years ~~one year~~ after the money is borrowed. "Financial institution" means any bank subject to the Illinois Banking Act, any savings and loan association subject to the Illinois Savings and Loan Act of 1985, any savings bank subject to the Savings Bank Act, and any federally chartered commercial bank or savings and loan association organized and operated in this State pursuant to the laws of the United States.

(Source: P.A. 92-389, eff. 1-1-02.)

Section 20. The Tri-City Regional Port District Act is amended by adding Section 7.5 as follows:

(70 ILCS 1860/7.5 new)

Sec. 7.5. Authorization to borrow moneys. The District's Board may borrow money from any bank or other financial institution and may provide appropriate security for that borrowing, if the money is repaid within 3 years after the money is borrowed. "Financial institution" means any bank subject to the Illinois Banking Act, any savings and loan association subject to the Illinois Savings and Loan Act of 1985, any savings bank subject to the Savings Bank Act, and any federally chartered commercial bank or savings and loan association organized and operated in this State pursuant to the laws of the United States.

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

The motion prevailed.

[May 18, 2005]

And the amendment was adopted, and ordered printed.

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

On motion of Senator Raoul, **House Bill No. 1870** was recalled from the order of third reading to the order of second reading.

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

Senator Raoul offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 1870

AMENDMENT NO. 2. Amend House Bill 1870 on page 5, by replacing lines 13 through 16 with the following:

"Notwithstanding any other provision, when a petition or motion seeks to terminate parental rights on the basis of item (iii) of this subsection (m), the petitioner shall file with the court and serve on the parties a pleading that specifies the 9-month period or periods relied on. The pleading shall be filed and served on the parties no later than 3 weeks before the date set by the court for closure of discovery, and the allegations in the pleading shall be treated as incorporated into the petition or motion. Failure of a respondent to file a written denial of the allegations in the pleading shall not be treated as an admission that the allegations are true."

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Haine, **House Bill No. 2242**, 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 57; Nays None.

The following voted in the affirmative:

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

[May 18, 2005]

On motion of Senator Garrett, **House Bill No. 2344**, 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 58; Nays None.

The following voted in the affirmative:

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

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.

HOUSE BILLS RECALLED

On motion of Senator Haine, **House Bill No. 2345** was recalled from the order of third reading to the order of second reading.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 2345

AMENDMENT NO. 1. Amend House Bill 2345 on page 1, line 11, after "Aid", by inserting "and the Department of Human Services"; and

on page 1, immediately below line 24, by inserting the following:

"(c) The Taskforce shall prepare and submit a report on the EHR plan to the General Assembly by December 31, 2006."

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

On motion of Senator Risinger, **House Bill No. 2351** was recalled from the order of third reading to the order of second reading.

Senator Risinger offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 2351

AMENDMENT NO. 1. Amend House Bill 2351 on page 1, line 4, after "changing", by inserting "the heading of Article VI of Chapter 3 and"; and

on page 3, lines 24 and 25, by replacing "shall issue distinctive license plates" with "shall issue

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distinctive license plates or distinctive license plate stickers"; and

on page 3, by replacing lines 29 through 35 with the following:

"(625 ILCS 5/Ch. 3 Art. VI heading)

ARTICLE VI. SPECIAL PLATES

AND SPECIAL LICENSE PLATE STICKERS

(625 ILCS 5/3-663 new)

Sec. 3-663. Medically Required Tinted Window plates or plate stickers. The Secretary, upon receipt of an application made in the form prescribed by the Secretary, shall issue special registration plates or plate stickers designated as Medically Required Tinted Window license plates or plate stickers. The special plates or plate stickers issued under this Section shall be affixed only to passenger vehicles of the first division or their license plates and to motor vehicles of the second division weighing not more than 8,000 pounds or their license plates. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code. Plate stickers issued under this Section shall expire in accordance with rules adopted by the Secretary. The design and color of the plates or plate stickers shall be wholly within the discretion of the Secretary of State."; and

on page 4, by deleting lines 1 through 5; and

on page 6, lines 28, 32, and 36, after "erythematosus" each time it appears, by inserting "or albinism".

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

On motion of Senator Schoenberg, **House Bill No. 2380** was recalled from the order of third reading to the order of second reading.

Senator Schoenberg offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 2380

AMENDMENT NO. 1. Amend House Bill 2380 on page 6, after line 12, by inserting the following:

"Section 25. Implementation subject to appropriation. Implementation of this Act is subject to appropriation.".

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Harmon, **House Bill No. 2386**, 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 58; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Shadid
Bomke	Geo-Karis	Meeks	Sieben
Brady	Haine	Pankau	Silverstein
Burzynski	Halvorson	Peterson	Sullivan, D.
Clayborne	Harmon	Petka	Sullivan, J.

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Collins	Hendon	Radogno	Syverson
Cronin	Hunter	Raoul	Trotter
Crotty	Jacobs	Rauschenberger	Viverito
Cullerton	Jones, J.	Righter	Watson
Dahl	Jones, W.	Risinger	Wilhelmi
del Valle	Lauzen	Ronen	Winkel
DeLeo	Lightford	Roskam	Wojcik
Demuzio	Link	Rutherford	Mr. President
Dillard	Luechtefeld	Sandoval	
Forby	Maloney	Schoenberg	

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.

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 bills of the following titles, to-wit:

SENATE BILL NO. 52

A bill for AN ACT concerning government.

SENATE BILL NO. 445

A bill for AN ACT concerning social security numbers.

SENATE BILL NO. 471

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 516

A bill for AN ACT concerning civil law.

SENATE BILL NO. 529

A bill for AN ACT concerning civil law.

SENATE BILL NO. 554

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 559

A bill for AN ACT concerning health.

SENATE BILL NO. 767

A bill for AN ACT concerning education.

SENATE BILL NO. 834

A bill for AN ACT concerning local government.

SENATE BILL NO. 849

A bill for AN ACT concerning health facilities.

SENATE BILL NO. 1752

A bill for AN ACT concerning civil liabilities.

Passed the House, May 18, 2005.

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 bills of the following titles, to-wit:

SENATE BILL NO. 1443

A bill for AN ACT concerning courts.

SENATE BILL NO. 1444

A bill for AN ACT concerning courts.

Passed the House, May 18, 2005.

MARK MAHONEY, Clerk of the House

[May 18, 2005]

JOINT ACTION MOTION FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 223

At the hour of 4:48 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, May 19, 2005, at 10:00 o'clock a.m.