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NINETY-FOURTH GENERAL ASSEMBLY

108TH LEGISLATIVE DAY

THURSDAY, MAY 4, 2006

11:26 O'CLOCK A.M.

NO. 108

[May 4, 2006]

SENATE
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108th Legislative Day

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The Senate met pursuant to adjournment.
Senator James A. DeLeo, Chicago, Illinois, presiding.
Prayer by Pastor Ron Moorman, Luther Memorial Lutheran Church, Springfield, Illinois.
Senator Maloney led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, May 3, 2006, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Home Services Program FY 2005 Annual Joint Report, submitted by the Department of Human Services, Division of Rehabilitation Services.

2005 Annual Report, submitted by the Legislative Audit Commission.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 3 to House Bill 1918
Senate Floor Amendment No. 3 to House Bill 4442

PRESENTATION OF RESOLUTION

SENATE RESOLUTION 750

Offered by Senator Harmon and all Senators:
Mourns the death of Simone J. Mokrauer of Oak Park.

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 adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 105

WHEREAS, The Older Adult Services Act, which was passed by the General Assembly and approved by the Governor in 2004, provides a planning mechanism for the overhaul of the State's long term care system; and

WHEREAS, The establishment of a statewide enhanced comprehensive care coordination system is a critical first step in the overhaul of the long term services and care systems as recommended in the Older Adult Services Report submitted in January 2006; and

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WHEREAS, Older adults and their families need the ability to make informed choices about services to meet their needs in the areas of physical health, function, mental health, home environment, finance, and social and informal supports; and

WHEREAS, Key components are a standardized statewide comprehensive assessment, care coordination, client follow-up, flexible hours, and enhanced training; and

WHEREAS, Comprehensive assessment and ongoing care coordination assists older adults in identifying these holistic needs, provides them with information on and access to the services to meet those needs, and results in comprehensive care plans for their specific needs, thereby allowing older adults to remain as independent as possible for as long as possible; and

WHEREAS, The purpose of a comprehensive assessment is to gather a complete picture of the older adult's needs and strengths so that a care plan is developed that helps the older adult and his or her family to problem-solve, make informed choices, and remain as independent as possible; and

WHEREAS, The comprehensive assessment process will include a face to face interview in the client's home that identifies needs in new areas: physical health, mental health, environment, and social and informal supports, in addition to functional and financial information; and

WHEREAS, Once fully operational, the comprehensive care coordination system would be backed up by a full array of home and community based services; and

WHEREAS, The design of the enhanced care coordination system would build upon the strengths and experiences of the different case management structures currently operating in Illinois and promising practices identified in other states; and

WHEREAS, Unmet service needs would be collected to assist in the identification of priority service areas as defined in the Older Adult Services Act and the development of new services; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we do declare that it is in the best interest of the older adults of Illinois and their family caregivers that the existing case management system be transformed into an enhanced comprehensive care coordination system; and be it further

RESOLVED, That such an overhaul shall build on the strengths and experience of the current case management system, transforming the process from simply eligibility determination to one that is holistic, client-focused, and consumer-directed and that produces customized care plans; and be it further

RESOLVED, That a copy of this resolution be delivered to Governor Rod Blagojevich.

Adopted by the House, May 3, 2006.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 105 was referred to the Committee on Rules.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 127

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

WHEREAS, Tobias G. Barry grew up in Bureau County, and after graduation from St. Bede Academy in Peru, served in the Navy in the Pacific Theater from 1943 to 1946; he graduated from LaSalle-Peru-Ogelsby Junior College and received his Bachelor of Philosophy degree from Marquette University and his law degree from the University of Notre Dame Law School in 1952; and

WHEREAS, He was admitted to the Illinois Bar in 1952; he practiced law for more than 30 years; in 1960, he was elected to the Illinois House of Representatives, known as Tobias "Toby" Barry, where he served for 14 years; and

WHEREAS, As a legislator, after many years of effort through several administrations, Representative Barry, with the aid of Representative "Zeke" Giorgi, was instrumental in getting Illinois Interstate 39 built; and

WHEREAS, In December 1974, he resigned his position with the Illinois House of Representatives to assume the position of an Appellate Judge in the Third Judicial District, to which he was elected; in 1994, he retired from the bench and resumed private practice with the law firm of Aplington, Kaufman, McClintock, Steele, and Barry, Ltd., in LaSalle, Illinois; and

WHEREAS, Justice Barry is the recipient of numerous honors and plaudits, including the Lifetime Service Award from the Illinois Judges Association; and

WHEREAS, In December 2002, Justice Barry was asked by the Supreme Court to return to the Third District Appellate Court bench to fill a vacancy where he continues to serve; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that Interstate 39 from LaSalle-Peru to the Zeke Giorgi Highway is hereby designated as the Tobias "Toby" Barry Highway; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice to the name; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Secretary of the U.S. Department of Transportation, to the Secretary of the Illinois Department of Transportation, and to Justice Tobias G. Barry.

Adopted by the House, May 3, 2006.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 127 was referred to the Committee on Rules.

EXCUSED FROM ATTENDANCE

On motion of Senator Burzynski, Senator Dillard was excused from attendance due to medical reasons.

MESSAGES FROM THE HOUSE

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

[May 4, 2006]

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. 613

A bill for AN ACT concerning local government.

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. 3 to SENATE BILL NO. 613

Passed the House, as amended, May 4, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 3 TO SENATE BILL 613

AMENDMENT NO. 3. Amend Senate Bill 613 by replacing everything after the enacting clause with the following:

"Section 3. The Director of Corrections, on behalf of the State of Illinois, is authorized, prior to a date 3 years after the effective date of this amendatory Act of the 94th General Assembly, to lease the real property, buildings, and other improvements comprising the Hopkins Park Correctional Center to the Village of Hopkins Park for a term of 99 years for the sum of \$1 per year, subject to the following conditions:

(1) The Village of Hopkins Park may use the leased property only for lawful purposes.

(2) The Village of Hopkins Park may sublease the property, without the consent of the State of Illinois, to any party only for lawful purposes.

(3) The Village of Hopkins Park must hold the State of Illinois harmless, for the duration of the lease, from any liability and any and all claims of any kind relating to the leased property.

(4) If any provision of this Section is violated by the Village of Hopkins Park or a sublessee, the leased property shall revert back to the State of Illinois without further action by the State of Illinois.

Section 5. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by adding Section 2705-565 as follows:

(20 ILCS 2705/2705-565 new)

Sec. 2705-565. North Chicago property: study; conveyance.

(a) The Department shall perform a study of property owned by the Department consisting of approximately 160 acres located in North Chicago, south of IL Route 137, between IL Route 43 and US Route 41. The study shall include, but not be limited to, a survey of the property for the purpose of delineating jurisdictional wetlands in accordance with the Interagency Wetland Policy Act of 1989 and identifying threatened and endangered species in accordance with the Illinois Endangered Species Protection Act, for the purpose of identifying property no longer needed for highway purposes.

(b) Upon completion of the study and for a period ending 3 years after the effective date of this amendatory Act of the 94th General Assembly, the City of North Chicago shall have an exclusive option to purchase for public purposes those portions of the property no longer needed for highway purposes for a consideration, which may be de minimus, negotiated by the parties. The Department of Transportation is authorized to convey the excess property to the City of North Chicago pursuant to this Section within 3 years after the effective date of this amendatory Act of the 94th General Assembly, but may not otherwise convey or transfer the property during that period.

(c) Any conveyance to the City of North Chicago under this Section shall provide (i) that title to the property reverts to the State of Illinois if the property ceases to be used for public purposes and (ii) the City of North Chicago may lease the property but may not convey its ownership of the property to any party, other than the State of Illinois.

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

Under the rules, the foregoing **Senate Bill No. 613**, with House Amendment No. 3, was referred to the Secretary's Desk.

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

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

SENATE BILL NO. 627

A bill for AN ACT concerning State government.

Together with the following amendments which are 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. 627

House Amendment No. 2 to SENATE BILL NO. 627

Passed the House, as amended, May 4, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 627

AMENDMENT NO. 1. Amend Senate Bill 627 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Veterans' Health Insurance Program Act.

Section 3. Legislative intent. The General Assembly finds that those who have served their country honorably in military service and who are residing in this State deserve access to affordable, comprehensive health insurance. Many veterans are uninsured and unable to afford healthcare. This lack of healthcare, including preventative care, often exacerbates health conditions. The effects of lack of insurance negatively impact those residents of the State who are insured because the cost of paying for care to the uninsured is often shifted to those who have insurance in the form of higher health insurance premiums. It is, therefore, the intent of this legislation to provide access to affordable health insurance for veterans residing in Illinois who are unable to afford such coverage. However, the State has only a limited amount of resources, and the General Assembly therefore declares that while it intends to cover as many such veterans as possible, the State may not be able to cover every eligible person who qualifies for this Program as a matter of entitlement due to limited funding.

Section 5. Definitions. The following words have the following meanings:

"Department" means the Department of Healthcare and Family Services, or any successor agency.

"Director" means the Director of Healthcare and Family Services, or any successor agency.

"Medical assistance" means health care benefits provided under Article V of the Illinois Public Aid Code.

"Program" means the Veterans' Health Insurance Program.

"Resident" means an individual who has an Illinois residence, as provided in Section 5-3 of the Illinois Public Aid Code.

"Veteran" means any person who has served in a branch of the United States military for greater than 180 consecutive days after initial training.

"Veterans' Affairs" or "VA" means the United States Department of Veterans' Affairs.

Section 10. Operation of the Program.

(a) The Veterans' Health Insurance Program is created. This Program is not an entitlement. Enrollment is based on the availability of funds, and enrollment may be capped based on funds appropriated for the Program. As soon as practical after the effective date of this Act, coverage for this Program shall begin. The Program shall be administered by the Department of Healthcare and Family Services in collaboration with the Department of Veterans' Affairs. The Department shall have the same powers and authority to administer the Program as are provided to the Department in connection with the Department's administration of the Illinois Public Aid Code. The Department shall coordinate the Program with other health programs operated by the Department and other State and federal agencies.

(b) The Department shall operate the Program in a manner so that the estimated cost of the Program during the fiscal year will not exceed the total appropriation for the Program. The Department may take any appropriate action to limit spending or enrollment into the Program, including, but not limited to, ceasing to accept or process applications, reviewing eligibility more frequently than annually, adjusting cost-sharing, or reducing the income threshold for eligibility as necessary to control expenditures for the Program.

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Section 15. Eligibility.

(a) To be eligible for the Program, a person must:

- (1) be a veteran who is not on active duty and who has not been dishonorably discharged from service;
- (2) be a resident of the State of Illinois;
- (3) be at least 19 years of age and no older than 64 years of age;
- (4) be uninsured, as defined by the Department by rule, for a period of time established by the Department by rule, which shall be no less than 6 months;
- (5) not be eligible for medical assistance under the Illinois Public Aid Code;
- (6) not be eligible for medical benefits through the Veterans Health Administration; and
- (7) have a household income no greater than 225% of the federal poverty level at the initiation of the Program; depending on the availability of funds, this level may be increased to 250% of the federal poverty level after 6 months of operation. This income threshold is subject to alteration by the Department as set forth in subsection (b) of Section 10.

(b) A veteran who is determined eligible for the Program shall remain eligible for 12 months, provided the veteran remains a resident of the State and is not excluded under subsection (c) of this Section and provided the Department has not limited the enrollment period as set forth in subsection (b) of Section 10.

(c) A veteran is not eligible for coverage under the Program if:

(1) the premium required under Section 35 of this Act has not been timely paid; if the required premiums are not paid, the liability of the Program shall be limited to benefits incurred under the Program for the time period for which premiums have been paid and for grace periods as established under subsection (d); if the required monthly premium is not paid, the veteran is ineligible for re-enrollment for a minimum period of 3 months; or

(2) the veteran is a resident of a nursing facility or an inmate of a public institution, as defined by 42 CFR 435.1009.

(d) The Department shall adopt rules for the Program, including, but not limited to, rules relating to eligibility, re-enrollment, grace periods, notice requirements, hearing procedures, cost-sharing, covered services, and provider requirements.

Section 20. Notice of decisions to terminate eligibility. Whenever the Department decides to either deny or terminate eligibility under this Act, the veteran shall have a right to notice and a hearing, as provided by the Department by rule.

Section 25. Illinois Department of Veterans' Affairs. The Department shall coordinate with the Illinois Department of Veterans' Affairs and the Veterans Assistance Commissions to allow State Veterans' Affairs service officers and the Veterans Assistance Commissions to assist veterans to apply for the Program. All applicants must be reviewed for Veterans Health Administration eligibility or other existing health benefits prior to consideration for the Program.

Section 30. Health care benefits.

(a) For veterans eligible and enrolled, the Department shall purchase or provide health care benefits for eligible veterans that are identical to the benefits provided to adults under the State's approved plan under Title XIX of the Social Security Act, except for nursing facility services and non-emergency transportation.

(b) Providers shall be subject to approval by the Department to provide health care under the Illinois Public Aid Code and shall be reimbursed at the same rates as providers reimbursed under the State's approved plan under Title XIX of the Social Security Act.

(c) As an alternative to the benefits set forth in subsection (a) of this Section, and when cost-effective, the Department may offer veterans subsidies toward the cost of privately sponsored health insurance, including employer-sponsored health insurance.

Section 35. Cost-sharing. The Department, by rule, shall set forth requirements concerning co-payments and monthly premiums for health care services. This cost-sharing shall be based on household income, as defined by the Department by rule, and is subject to alteration by the Department as set forth in subsection (b) of Section 10.

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Section 40. Charge upon claims and causes of action; right of subrogation; recoveries. Sections 11-22, 11-22a, 11-22b, and 11-22c of the Illinois Public Aid Code apply to health benefits provided to veterans under this Act, as provided in those Sections.

Section 45. Reporting. The Department shall prepare a report for submission to the General Assembly on the first 6 months of operation of the Program. The report shall be due to the General Assembly by April 30, 2007. This report shall include information regarding implementation of the Program, including the number of veterans enrolled and any available information regarding other benefits derived from the Program, including screening for and acquisition of other veterans' benefits through the Veterans' Service Officers and the Veterans' Assistance Commissions. This report may also include recommendations regarding improvements that may be made to the Program and regarding the extension of the repeal date set forth in Section 85 of this Act.

Section 50. Emergency rulemaking. The Department may adopt rules necessary to establish and implement this Act through the use of emergency rulemaking in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For the purposes of that Act, the General Assembly finds that the adoption of rules to implement this Act is deemed an emergency and necessary for the public interest, safety, and welfare.

Section 85. Repeal. This Act is repealed on January 1, 2008.

Section 90. The State Finance Act is amended by changing Section 8g as follows:
(30 ILCS 105/8g)

Sec. 8g. Fund transfers.

(a) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$10,000,000 from the General Revenue Fund to the Motor Vehicle License Plate Fund created by Senate Bill 1028 of the 91st General Assembly.

(b) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$25,000,000 from the General Revenue Fund to the Fund for Illinois' Future created by Senate Bill 1066 of the 91st General Assembly.

(c) In addition to any other transfers that may be provided for by law, on August 30 of each fiscal year's license period, the Illinois Liquor Control Commission shall direct and the State Comptroller and State Treasurer shall transfer from the General Revenue Fund to the Youth Alcoholism and Substance Abuse Prevention Fund an amount equal to the number of retail liquor licenses issued for that fiscal year multiplied by \$50.

(d) The payments to programs required under subsection (d) of Section 28.1 of the Horse Racing Act of 1975 shall be made, pursuant to appropriation, from the special funds referred to in the statutes cited in that subsection, rather than directly from the General Revenue Fund.

Beginning January 1, 2000, on the first day of each month, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer from the General Revenue Fund to each of the special funds from which payments are to be made under Section 28.1(d) of the Horse Racing Act of 1975 an amount equal to 1/12 of the annual amount required for those payments from that special fund, which annual amount shall not exceed the annual amount for those payments from that special fund for the calendar year 1998. The special funds to which transfers shall be made under this subsection (d) include, but are not necessarily limited to, the Agricultural Premium Fund; the Metropolitan Exposition Auditorium and Office Building Fund; the Fair and Exposition Fund; the Standardbred Breeders Fund; the Thoroughbred Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

(e) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$15,000,000 from the General Revenue Fund to the Fund for Illinois' Future.

(f) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 91st General Assembly, but in no event later than June 30, 2000, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$70,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(f-1) In fiscal year 2002, in addition to any other transfers that may be provided for by law, at the

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direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$160,000,000 from the General Revenue Fund to the Long-Term Care Provider Fund.

(g) In addition to any other transfers that may be provided for by law, on July 1, 2001, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(h) In each of fiscal years 2002 through 2004, but not thereafter, in addition to any other transfers that may be provided for by law, the State Comptroller shall direct and the State Treasurer shall transfer \$5,000,000 from the General Revenue Fund to the Tourism Promotion Fund.

(i) On or after July 1, 2001 and until May 1, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2002.

(i-1) On or after July 1, 2002 and until May 1, 2003, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2003.

(j) On or after July 1, 2001 and no later than June 30, 2002, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

From the General Revenue Fund.....	\$8,450,000
From the Public Utility Fund.....	1,700,000
From the Transportation Regulatory Fund.....	2,650,000
From the Title III Social Security and Employment Fund.....	3,700,000
From the Professions Indirect Cost Fund.....	4,050,000
From the Underground Storage Tank Fund.....	550,000
From the Agricultural Premium Fund.....	750,000
From the State Pensions Fund.....	200,000
From the Road Fund.....	2,000,000
From the Health Facilities Planning Fund.....	1,000,000
From the Savings and Residential Finance Regulatory Fund.....	130,800
From the Appraisal Administration Fund.....	28,600
From the Pawnbroker Regulation Fund.....	3,600
From the Auction Regulation Administration Fund.....	35,800
From the Bank and Trust Company Fund.....	634,800
From the Real Estate License Administration Fund.....	313,600

(k) In addition to any other transfers that may be provided for by law, as soon as may be practical after the effective date of this amendatory Act of the 92nd General Assembly, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-1) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-2) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$2,000,000 from the General Revenue Fund to the Teachers Health Insurance Security Fund.

(k-3) On or after July 1, 2002 and no later than June 30, 2003, in addition to any other transfers that

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may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Statistical Services Revolving Fund:

Appraisal Administration Fund.....	\$150,000
General Revenue Fund.....	10,440,000
Savings and Residential Finance	
Regulatory Fund.....	200,000
State Pensions Fund.....	100,000
Bank and Trust Company Fund.....	100,000
Professions Indirect Cost Fund.....	3,400,000
Public Utility Fund.....	2,081,200
Real Estate License Administration Fund.....	150,000
Title III Social Security and	
Employment Fund.....	1,000,000
Transportation Regulatory Fund.....	3,052,100
Underground Storage Tank Fund.....	50,000

(l) In addition to any other transfers that may be provided for by law, on July 1, 2002, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$3,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(m) In addition to any other transfers that may be provided for by law, on July 1, 2002 and on the effective date of this amendatory Act of the 93rd General Assembly, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(n) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$6,800,000 from the General Revenue Fund to the DHS Recoveries Trust Fund.

(o) On or after July 1, 2003, and no later than June 30, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not to exceed the following sums into the Vehicle Inspection Fund:

From the Underground Storage Tank Fund	\$35,000,000.
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(p) On or after July 1, 2003 and until May 1, 2004, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2004.

(q) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$5,000,000 from the General Revenue Fund to the Illinois Military Family Relief Fund.

(r) In addition to any other transfers that may be provided for by law, on July 1, 2003, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,922,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(s) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$4,800,000 from the Statewide Economic Development Fund to the General Revenue Fund.

(t) In addition to any other transfers that may be provided for by law, on or after July 1, 2003, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$50,000,000 from the General Revenue Fund to the Budget Stabilization Fund.

(u) On or after July 1, 2004 and until May 1, 2005, in addition to any other transfers that may be provided for by law, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2005.

(v) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon

thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(w) In addition to any other transfers that may be provided for by law, on July 1, 2004, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$6,445,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(x) In addition to any other transfers that may be provided for by law, on January 15, 2005, or as soon thereafter as may be practical, the State Comptroller shall direct and the State Treasurer shall transfer to the General Revenue Fund the following sums:

- From the State Crime Laboratory Fund, \$200,000;
- From the State Police Wireless Service Emergency Fund, \$200,000;
- From the State Offender DNA Identification System Fund, \$800,000; and
- From the State Police Whistleblower Reward and Protection Fund, \$500,000.

(y) Notwithstanding any other provision of law to the contrary, in addition to any other transfers that may be provided for by law on June 30, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the designated funds into the General Revenue Fund and any future deposits that would otherwise be made into these funds must instead be made into the General Revenue Fund:

- (1) the Keep Illinois Beautiful Fund;
- (2) the Metropolitan Fair and Exposition Authority Reconstruction Fund;
- (3) the New Technology Recovery Fund;
- (4) the Illinois Rural Bond Bank Trust Fund;
- (5) the ISBE School Bus Driver Permit Fund;
- (6) the Solid Waste Management Revolving Loan Fund;
- (7) the State Postsecondary Review Program Fund;
- (8) the Tourism Attraction Development Matching Grant Fund;
- (9) the Patent and Copyright Fund;
- (10) the Credit Enhancement Development Fund;
- (11) the Community Mental Health and Developmental Disabilities Services Provider Participation Fee Trust Fund;
- (12) the Nursing Home Grant Assistance Fund;
- (13) the By-product Material Safety Fund;
- (14) the Illinois Student Assistance Commission Higher EdNet Fund;
- (15) the DORS State Project Fund;
- (16) the School Technology Revolving Fund;
- (17) the Energy Assistance Contribution Fund;
- (18) the Illinois Building Commission Revolving Fund;
- (19) the Illinois Aquaculture Development Fund;
- (20) the Homelessness Prevention Fund;
- (21) the DCFS Refugee Assistance Fund;
- (22) the Illinois Century Network Special Purposes Fund; and
- (23) the Build Illinois Purposes Fund.

(z) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$1,200,000 from the General Revenue Fund to the Violence Prevention Fund.

(aa) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$9,000,000 from the General Revenue Fund to the Presidential Library and Museum Operating Fund.

(bb) In addition to any other transfers that may be provided for by law, on July 1, 2005, or as soon as may be practical thereafter, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$6,803,600 from the General Revenue Fund to the Securities Audit and Enforcement Fund.

(cc) In addition to any other transfers that may be provided for by law, on or after July 1, 2005 and until May 1, 2006, at the direction of and upon notification from the Governor, the State Comptroller shall direct and the State Treasurer shall transfer amounts not exceeding a total of \$80,000,000 from the General Revenue Fund to the Tobacco Settlement Recovery Fund. Any amounts so transferred shall be re-transferred by the State Comptroller and the State Treasurer from the Tobacco Settlement Recovery Fund to the General Revenue Fund at the direction of and upon notification from the Governor, but in any event on or before June 30, 2006.

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(dd) (⇔) In addition to any other transfers that may be provided for by law, on April 1, 2005, or as soon thereafter as may be practical, at the direction of the Director of Public Aid (now Director of Healthcare and Family Services), the State Comptroller shall direct and the State Treasurer shall transfer from the Public Aid Recoveries Trust Fund amounts not to exceed \$14,000,000 to the Community Mental Health Medicaid Trust Fund.

(ee) In addition to any other transfers that may be provided for by law, on July 1, 2006, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the sum of \$2,000,000 from the General Revenue Fund to the Illinois Veterans Assistance Fund.
(Source: P.A. 93-32, eff. 6-20-03; 93-648, eff. 1-8-04; 93-839, eff. 7-30-04; 93-1067, eff. 1-15-05; 94-58, eff. 6-17-05; 94-91, eff. 7-1-05; revised 12-15-05.)

Section 95. The Illinois Public Aid Code is amended by changing Sections 11-22, 11-22a, 11-22b, and 11-22c as follows:

(305 ILCS 5/11-22) (from Ch. 23, par. 11-22)

(Text of Section after amendment by P.A. 94-693)

Sec. 11-22. Charge upon claims and causes of action for injuries. The Illinois Department shall have a charge upon all claims, demands and causes of action for injuries to an applicant for or recipient of (i) financial aid under Articles III, IV, and V, ~~or~~ (ii) health care benefits provided under the Covering ALL KIDS Health Insurance Act, or (iii) health care benefits provided under the Veterans' Health Insurance Program Act for the total amount of medical assistance provided the recipient from the time of injury to the date of recovery upon such claim, demand or cause of action. In addition, if the applicant or recipient was employable, as defined by the Department, at the time of the injury, the Department shall also have a charge upon any such claims, demands and causes of action for the total amount of aid provided to the recipient and his dependents, including all cash assistance and medical assistance only to the extent includable in the claimant's action, from the time of injury to the date of recovery upon such claim, demand or cause of action. Any definition of "employable" adopted by the Department shall apply only to persons above the age of compulsory school attendance.

If the injured person was employable at the time of the injury and is provided aid under Articles III, IV, or V and any dependent or member of his family is provided aid under Article VI, or vice versa, both the Illinois Department and the local governmental unit shall have a charge upon such claims, demands and causes of action for the aid provided to the injured person and any dependent member of his family, including all cash assistance, medical assistance and food stamps, from the time of the injury to the date of recovery.

"Recipient", as used herein, means (i) in the case of financial aid provided under this Code, the grantee of record and any persons whose needs are included in the financial aid provided to the grantee of record or otherwise met by grants under the appropriate Article of this Code for which such person is eligible, ~~and~~ (ii) in the case of health care benefits provided under the Covering ALL KIDS Health Insurance Act, the child to whom those benefits are provided, and (iii) in the case of health care benefits provided under the Veterans' Health Insurance Program Act, the veteran to whom benefits are provided.

In each case, the notice shall be served by certified mail or registered mail, upon the party or parties against whom the applicant or recipient has a claim, demand or cause of action. The notice shall claim the charge and describe the interest the Illinois Department, the local governmental unit, or the county, has in the claim, demand, or cause of action. The charge shall attach to any verdict or judgment entered and to any money or property which may be recovered on account of such claim, demand, cause of action or suit from and after the time of the service of the notice.

On petition filed by the Illinois Department, or by the local governmental unit or county if either is claiming a charge, or by the recipient, or by the defendant, the court, on written notice to all interested parties, may adjudicate the rights of the parties and enforce the charge. The court may approve the settlement of any claim, demand or cause of action either before or after a verdict, and nothing in this Section shall be construed as requiring the actual trial or final adjudication of any claim, demand or cause of action upon which the Illinois Department, the local governmental unit or county has charge. The court may determine what portion of the recovery shall be paid to the injured person and what portion shall be paid to the Illinois Department, the local governmental unit or county having a charge against the recovery. In making this determination, the court shall conduct an evidentiary hearing and shall consider competent evidence pertaining to the following matters:

(1) the amount of the charge sought to be enforced against the recovery when expressed as a percentage of the gross amount of the recovery; the amount of the charge sought to be enforced against the recovery when expressed as a percentage of the amount obtained by subtracting from the gross amount of the recovery the total attorney's fees and other costs incurred by the recipient incident

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to the recovery; and whether the Department, unit of local government or county seeking to enforce the charge against the recovery should as a matter of fairness and equity bear its proportionate share of the fees and costs incurred to generate the recovery from which the charge is sought to be satisfied;

(2) the amount, if any, of the attorney's fees and other costs incurred by the recipient incident to the recovery and paid by the recipient up to the time of recovery, and the amount of such fees and costs remaining unpaid at the time of recovery;

(3) the total hospital, doctor and other medical expenses incurred for care and treatment of the injury to the date of recovery therefor, the portion of such expenses theretofore paid by the recipient, by insurance provided by the recipient, and by the Department, unit of local government and county seeking to enforce a charge against the recovery, and the amount of such previously incurred expenses which remain unpaid at the time of recovery and by whom such incurred, unpaid expenses are to be paid;

(4) whether the recovery represents less than substantially full recompense for the injury and the hospital, doctor and other medical expenses incurred to the date of recovery for the care and treatment of the injury, so that reduction of the charge sought to be enforced against the recovery would not likely result in a double recovery or unjust enrichment to the recipient;

(5) the age of the recipient and of persons dependent for support upon the recipient, the nature and permanency of the recipient's injuries as they affect not only the future employability and education of the recipient but also the reasonably necessary and foreseeable future material, maintenance, medical, rehabilitative and training needs of the recipient, the cost of such reasonably necessary and foreseeable future needs, and the resources available to meet such needs and pay such costs;

(6) the realistic ability of the recipient to repay in whole or in part the charge sought to be enforced against the recovery when judged in light of the factors enumerated above.

The burden of producing evidence sufficient to support the exercise by the court of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party seeking such reduction.

The court may reduce and apportion the Illinois Department's lien proportionate to the recovery of the claimant. The court may consider the nature and extent of the injury, economic and noneconomic loss, settlement offers, comparative negligence as it applies to the case at hand, hospital costs, physician costs, and all other appropriate costs. The Illinois Department shall pay its pro rata share of the attorney fees based on the Illinois Department's lien as it compares to the total settlement agreed upon. This Section shall not affect the priority of an attorney's lien under the Attorneys Lien Act. The charges of the Illinois Department described in this Section, however, shall take priority over all other liens and charges existing under the laws of the State of Illinois with the exception of the attorney's lien under said statute.

Whenever the Department or any unit of local government has a statutory charge under this Section against a recovery for damages incurred by a recipient because of its advancement of any assistance, such charge shall not be satisfied out of any recovery until the attorney's claim for fees is satisfied, irrespective of whether or not an action based on recipient's claim has been filed in court.

This Section shall be inapplicable to any claim, demand or cause of action arising under (a) the Workers' Compensation Act or the predecessor Workers' Compensation Act of June 28, 1913, (b) the Workers' Occupational Diseases Act or the predecessor Workers' Occupational Diseases Act of March 16, 1936; and (c) the Wrongful Death Act.

(Source: P.A. 94-693, eff. 7-1-06.)

(305 ILCS 5/11-22a) (from Ch. 23, par. 11-22a)

(Text of Section after amendment by P.A. 94-693)

Sec. 11-22a. Right of Subrogation. To the extent of the amount of (i) medical assistance provided by the Department to or on behalf of a recipient under Article V or VI, ~~or~~ (ii) health care benefits provided for a child under the Covering ALL KIDS Health Insurance Act, or (iii) health care benefits provided to a veteran under the Veterans' Health Insurance Program Act, the Department shall be subrogated to any right of recovery such recipient may have under the terms of any private or public health care coverage or casualty coverage, including coverage under the "Workers' Compensation Act", approved July 9, 1951, as amended, or the "Workers' Occupational Diseases Act", approved July 9, 1951, as amended, without the necessity of assignment of claim or other authorization to secure the right of recovery to the Department. To enforce its subrogation right, the Department may (i) intervene or join in an action or proceeding brought by the recipient, his or her guardian, personal representative, estate, dependents, or survivors against any person or public or private entity that may be liable; (ii) institute and prosecute legal proceedings against any person or public or private entity that may be liable for the cost of such services; or (iii) institute and prosecute legal proceedings, to the extent necessary to reimburse the

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Illinois Department for its costs, against any noncustodial parent who (A) is required by court or administrative order to provide insurance or other coverage of the cost of health care services for a child eligible for medical assistance under this Code and (B) has received payment from a third party for the costs of those services but has not used the payments to reimburse either the other parent or the guardian of the child or the provider of the services.

(Source: P.A. 94-693, eff. 7-1-06.)

(305 ILCS 5/11-22b) (from Ch. 23, par. 11-22b)

(Text of Section after amendment by P.A. 94-693)

Sec. 11-22b. Recoveries.

(a) As used in this Section:

(1) "Carrier" means any insurer, including any private company, corporation, mutual association, trust fund, reciprocal or interinsurance exchange authorized under the laws of this State to insure persons against liability or injuries caused to another and any insurer providing benefits under a policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance or use of a motor vehicle which provides uninsured motorist endorsement or coverage.

(2) "Beneficiary" means any person or their dependents who has received benefits or will be provided benefits under this Code, ~~or~~ under the Covering ALL KIDS Health Insurance Act, or under the Veterans' Health Insurance Program Act because of an injury for which another person may be liable. It includes such beneficiary's guardian, conservator or other personal representative, his estate or survivors.

(b) (1) When benefits are provided or will be provided to a beneficiary under this Code, ~~or~~ under the Covering ALL KIDS Health Insurance Act, or under the Veterans' Health Insurance Program Act because of an injury for which another person is liable, or for which a carrier is liable in accordance with the provisions of any policy of insurance issued pursuant to the Illinois Insurance Code, the Illinois Department shall have a right to recover from such person or carrier the reasonable value of benefits so provided. The Attorney General may, to enforce such right, institute and prosecute legal proceedings against the third person or carrier who may be liable for the injury in an appropriate court, either in the name of the Illinois Department or in the name of the injured person, his guardian, personal representative, estate, or survivors.

(2) The Department may:

(A) compromise or settle and release any such claim for benefits provided under this Code, or

(B) waive any such claims for benefits provided under this Code, in whole or in part, for the convenience of the Department or if the Department determines that collection would result in undue hardship upon the person who suffered the injury or, in a wrongful death action, upon the heirs of the deceased.

(3) No action taken on behalf of the Department pursuant to this Section or any judgment rendered in such action shall be a bar to any action upon the claim or cause of action of the beneficiary, his guardian, conservator, personal representative, estate, dependents or survivors against the third person who may be liable for the injury, or shall operate to deny to the beneficiary the recovery for that portion of any damages not covered hereunder.

(c) (1) When an action is brought by the Department pursuant to subsection (b), it shall be commenced within the period prescribed by Article XIII of the Code of Civil Procedure.

However, the Department may not commence the action prior to 5 months before the end of the applicable period prescribed by Article XIII of the Code of Civil Procedure. Thirty days prior to commencing an action, the Department shall notify the beneficiary of the Department's intent to commence such an action.

(2) The death of the beneficiary does not abate any right of action established by subsection (b).

(3) When an action or claim is brought by persons entitled to bring such actions or assert such claims against a third person who may be liable for causing the death of a beneficiary, any settlement, judgment or award obtained is subject to the Department's claim for reimbursement of the benefits provided to the beneficiary under this Code, ~~or~~ under the Covering ALL KIDS Health Insurance Act, or under the Veterans' Health Insurance Program Act.

(4) When the action or claim is brought by the beneficiary alone and the beneficiary incurs a personal liability to pay attorney's fees and costs of litigation, the Department's claim for reimbursement of the benefits provided to the beneficiary shall be the full amount of benefits paid on behalf of the beneficiary under this Code, ~~or~~ under the Covering ALL KIDS Health Insurance Act, or under the Veterans' Health Insurance Program Act less a pro rata share which represents the Department's reasonable share of attorney's fees paid by the beneficiary and that portion of the cost of

litigation expenses determined by multiplying by the ratio of the full amount of the expenditures of the full amount of the judgment, award or settlement.

(d) (1) If either the beneficiary or the Department brings an action or claim against such third party or carrier, the beneficiary or the Department shall within 30 days of filing the action give to the other written notice by personal service or registered mail of the action or claim and of the name of the court in which the action or claim is brought. Proof of such notice shall be filed in such action or claim. If an action or claim is brought by either the Department or the beneficiary, the other may, at any time before trial on the facts, become a party to such action or claim or shall consolidate his action or claim with the other if brought independently.

(2) If an action or claim is brought by the Department pursuant to subsection (b)(1), written notice to the beneficiary, guardian, personal representative, estate or survivor given pursuant to this Section shall advise him of his right to intervene in the proceeding, his right to obtain a private attorney of his choice and the Department's right to recover the reasonable value of the benefits provided.

(e) In the event of judgment or award in a suit or claim against such third person or carrier:

(1) If the action or claim is prosecuted by the beneficiary alone, the court shall first order paid from any judgment or award the reasonable litigation expenses incurred in preparation and prosecution of such action or claim, together with reasonable attorney's fees, when an attorney has been retained. After payment of such expenses and attorney's fees the court shall, on the application of the Department, allow as a first lien against the amount of such judgment or award the amount of the Department's expenditures for the benefit of the beneficiary under this Code, ~~or~~ under the Covering ALL KIDS Health Insurance Act, or under the Veterans' Health Insurance Program Act, as provided in subsection (c)(4).

(2) If the action or claim is prosecuted both by the beneficiary and the Department, the court shall first order paid from any judgment or award the reasonable litigation expenses incurred in preparation and prosecution of such action or claim, together with reasonable attorney's fees for plaintiffs attorneys based solely on the services rendered for the benefit of the beneficiary. After payment of such expenses and attorney's fees, the court shall apply out of the balance of such judgment or award an amount sufficient to reimburse the Department the full amount of benefits paid on behalf of the beneficiary under this Code, ~~or~~ under the Covering ALL KIDS Health Insurance Act, or under the Veterans' Health Insurance Program Act.

(f) The court shall, upon further application at any time before the judgment or award is satisfied, allow as a further lien the amount of any expenditures of the Department in payment of additional benefits arising out of the same cause of action or claim provided on behalf of the beneficiary under this Code, ~~or~~ under the Covering ALL KIDS Health Insurance Act, or under the Veterans' Health Insurance Program Act, when such benefits were provided or became payable subsequent to the original order.

(g) No judgment, award, or settlement in any action or claim by a beneficiary to recover damages for injuries, when the Department has an interest, shall be satisfied without first giving the Department notice and a reasonable opportunity to perfect and satisfy its lien.

(h) When the Department has perfected a lien upon a judgment or award in favor of a beneficiary against any third party for an injury for which the beneficiary has received benefits under this Code, ~~or~~ under the Covering ALL KIDS Health Insurance Act, or under the Veterans' Health Insurance Program Act, the Department shall be entitled to a writ of execution as lien claimant to enforce payment of said lien against such third party with interest and other accruing costs as in the case of other executions. In the event the amount of such judgment or award so recovered has been paid to the beneficiary, the Department shall be entitled to a writ of execution against such beneficiary to the extent of the Department's lien, with interest and other accruing costs as in the case of other executions.

(i) Except as otherwise provided in this Section, notwithstanding any other provision of law, the entire amount of any settlement of the injured beneficiary's action or claim, with or without suit, is subject to the Department's claim for reimbursement of the benefits provided and any lien filed pursuant thereto to the same extent and subject to the same limitations as in Section 11-22 of this Code.

(Source: P.A. 94-693, eff. 7-1-06.)

(305 ILCS 5/11-22c) (from Ch. 23, par. 11-22c)

(Text of Section after amendment by P.A. 94-693)

Sec. 11-22c. (a) As used in this Section, "recipient" means any person receiving financial assistance under Article IV or Article VI of this Code, ~~or~~ receiving health care benefits under the Covering ALL KIDS Health Insurance Act, or receiving health care benefits under the Veterans' Health Insurance Program Act.

(b) If a recipient maintains any suit, charge or other court or administrative action against an employer

seeking back pay for a period during which the recipient received financial assistance under Article IV or Article VI of this Code, ~~or~~ health care benefits under the Covering ALL KIDS Health Insurance Act, ~~or~~ health care benefits under the Veterans' Health Insurance Program Act, the recipient shall report such fact to the Department. To the extent of the amount of assistance provided to or on behalf of the recipient under Article IV or Article VI, ~~or~~ health care benefits provided under the Covering ALL KIDS Health Insurance Act, ~~or~~ health care benefits provided under the Veterans' Health Insurance Program Act, the Department may by intervention or otherwise without the necessity of assignment of claim, attach a lien on the recovery of back wages equal to the amount of assistance provided by the Department to the recipient under Article IV or Article VI, ~~or~~ under the Covering ALL KIDS Health Insurance Act, ~~or~~ under the Veterans' Health Insurance Program Act.
(Source: P.A. 94-693, eff. 7-1-06.)

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

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

AMENDMENT NO. 2 TO SENATE BILL 627

AMENDMENT NO. 2. Amend Senate Bill 627, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 3, by replacing lines 23 through 29 with the following:

"(7) have a household income no greater than the sum of (i) an amount equal to 25% of the federal poverty level plus (ii) an amount equal to the Veterans Administration means test income threshold at the initiation of the Program; depending on the availability of funds, this level may be increased to an amount equal to the sum of (iii) an amount equal to 50% of the federal poverty level plus (iv) an amount equal to the Veterans Administration means test income threshold after 6 months of operation. This means test income threshold is subject to alteration by the Department as set forth in subsection (b) of Section 10."

Under the rules, the foregoing **Senate Bill No. 627**, with House Amendments numbered 1 and 2, 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. 789

A bill for AN ACT concerning public employee benefits.

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. 789

Passed the House, as amended, May 4, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 789

AMENDMENT NO. 1. Amend Senate Bill 789 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Section 7-132 as follows:

(40 ILCS 5/7-132) (from Ch. 108 1/2, par. 7-132)

Sec. 7-132. Municipalities, instrumentalities and participating instrumentalities included and effective dates.

(A) Municipalities and their instrumentalities.

(a) The following described municipalities, but not including any with more than 1,000,000 inhabitants, and the instrumentalities thereof, shall be included within and be subject to this Article beginning upon the effective dates specified by the Board:

(1) Except as to the municipalities and instrumentalities thereof specifically excluded

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under this Article, every county shall be subject to this Article, and all cities, villages and incorporated towns having a population in excess of 5,000 inhabitants as determined by the last preceding decennial or subsequent federal census, shall be subject to this Article following publication of the census by the Bureau of the Census. Within 90 days after publication of the census, the Board shall notify any municipality that has become subject to this Article as a result of that census, and shall provide information to the corporate authorities of the municipality explaining the duties and consequences of participation. The notification shall also include a proposed date upon which participation by the municipality will commence.

However, for any city, village or incorporated town that attains a population over 5,000 inhabitants after having provided social security coverage for its employees under the Social Security Enabling Act, participation under this Article shall not be mandatory but may be elected in accordance with subparagraph (3) or (4) of this paragraph (a), whichever is applicable.

(2) School districts, other than those specifically excluded under this Article, shall be subject to this Article, without election, with respect to all employees thereof.

(3) Towns and all other bodies politic and corporate which are formed by vote of, or are subject to control by, the electors in towns and are located in towns which are not participating municipalities on the effective date of this Act, may become subject to this Article by election pursuant to Section 7-132.1.

(4) Any other municipality (together with its instrumentalities), other than those specifically excluded from participation and those described in paragraph (3) above, may elect to be included either by referendum under Section 7-134 or by the adoption of a resolution or ordinance by its governing body. A copy of such resolution or ordinance duly authenticated and certified by the clerk of the municipality or other appropriate official of its governing body shall constitute the required notice to the board of such action.

(b) A municipality that is about to begin participation shall submit to the Board an application to participate, in a form acceptable to the Board, not later than 90 days prior to the proposed effective date of participation. The Board shall act upon the application within 90 days, and if it finds that the application is in conformity with its requirements and the requirements of this Article, participation by the applicant shall commence on a date acceptable to the municipality and specified by the Board, but in no event more than one year from the date of application.

(c) A participating municipality which succeeds to the functions of a participating municipality which is dissolved or terminates its existence shall assume and be transferred the net accumulation balance in the municipality reserve and the municipality account receivable balance of the terminated municipality.

(d) In the case of a Veterans Assistance Commission whose employees were being treated by the Fund on January 1, 1990 as employees of the county served by the Commission, the Fund may continue to treat the employees of the Veterans Assistance Commission as county employees for the purposes of this Article, unless the Commission becomes a participating instrumentality in accordance with subsection (B) of this Section.

(B) Participating instrumentalities.

(a) The participating instrumentalities designated in paragraph (b) of this subsection shall be included within and be subject to this Article if:

(1) an application to participate, in a form acceptable to the Board and adopted by a two-thirds vote of the governing body, is presented to the Board not later than 90 days prior to the proposed effective date; and

(2) the Board finds that the application is in conformity with its requirements, that the applicant has reasonable expectation to continue as a political entity for a period of at least 10 years and has the prospective financial capacity to meet its current and future obligations to the Fund, and that the actuarial soundness of the Fund may be reasonably expected to be unimpaired by approval of participation by the applicant.

The Board shall notify the applicant of its findings within 90 days after receiving the application, and if the Board approves the application, participation by the applicant shall commence on the effective date specified by the Board.

(b) The following participating instrumentalities, so long as they meet the requirements of Section 7-108 and the area served by them or within their jurisdiction is not located entirely within a municipality having more than one million inhabitants, may be included hereunder:

- i. Township School District Trustees.
- ii. Multiple County and Consolidated Health Departments created under Division 5-25 of the Counties Code or its predecessor law.

- iii. Public Building Commissions created under the Public Building Commission Act, and located in counties of less than 1,000,000 inhabitants.
- iv. A multitype, consolidated or cooperative library system created under the Illinois Library System Act. Any library system created under the Illinois Library System Act that has one or more predecessors that participated in the Fund may participate in the Fund upon application. The Board shall establish procedures for implementing the transfer of rights and obligations from the predecessor system to the successor system.
- v. Regional Planning Commissions created under Division 5-14 of the Counties Code or its predecessor law.
- vi. Local Public Housing Authorities created under the Housing Authorities Act, located in counties of less than 1,000,000 inhabitants.
- vii. Illinois Municipal League.
- viii. Northeastern Illinois Metropolitan Area Planning Commission.
- ix. Southwestern Illinois Metropolitan Area Planning Commission.
- x. Illinois Association of Park Districts.
- xi. Illinois Supervisors, County Commissioners and Superintendents of Highways Association.
- xii. Tri-City Regional Port District.
- xiii. An association, or not-for-profit corporation, membership in which is authorized under Section 85-15 of the Township Code.
- xiv. Drainage Districts operating under the Illinois Drainage Code.
- xv. Local mass transit districts created under the Local Mass Transit District Act.
- xvi. Soil and water conservation districts created under the Soil and Water Conservation Districts Law.
- xvii. Commissions created to provide water supply or sewer services or both under Division 135 or Division 136 of Article 11 of the Illinois Municipal Code.
- xviii. Public water districts created under the Public Water District Act.
- xix. Veterans Assistance Commissions established under Section 9 of the Military Veterans Assistance Act that serve counties with a population of less than 1,000,000.
- xx. The governing body of an entity, other than a vocational education cooperative, created under an intergovernmental cooperative agreement established between participating municipalities under the Intergovernmental Cooperation Act, which by the terms of the agreement is the employer of the persons performing services under the agreement under the usual common law rules determining the employer-employee relationship. The governing body of such an intergovernmental cooperative entity established prior to July 1, 1988 may make participation retroactive to the effective date of the agreement and, if so, the effective date of participation shall be the date the required application is filed with the fund. If any such entity is unable to pay the required employer contributions to the fund, then the participating municipalities shall make payment of the required contributions and the payments shall be allocated as provided in the agreement or, if not so provided, equally among them.
- xxi. The Illinois Municipal Electric Agency.
- xxii. The Waukegan Port District.
- xxiii. The Fox Waterway Agency created under the Fox Waterway Agency Act.
- xxiv. The Illinois Municipal Gas Agency.
- xxv. The Kaskaskia Regional Port District.
- xxvi. The Southwestern Illinois Development Authority.
- xxvii. The Cairo Public Utility Company.

(c) The governing boards of special education joint agreements created under Section 10-22.31 of the School Code without designation of an administrative district shall be included within and be subject to this Article as participating instrumentalities when the joint agreement becomes effective. However, the governing board of any such special education joint agreement in effect before September 5, 1975 shall not be subject to this Article unless the joint agreement is modified by the school districts to provide that the governing board is subject to this Article, except as otherwise provided by this Section.

The governing board of the Special Education District of Lake County shall become subject to this Article as a participating instrumentality on July 1, 1997. Notwithstanding subdivision (a)1 of Section 7-139, on the effective date of participation, employees of the governing board of the Special Education District of Lake County shall receive creditable service for their prior service with that employer, up to a maximum of 5 years, without any employee contribution. Employees may establish creditable service for the remainder of their prior service with that employer, if any, by applying in writing and paying an

employee contribution in an amount determined by the Fund, based on the employee contribution rates in effect at the time of application for the creditable service and the employee's salary rate on the effective date of participation for that employer, plus interest at the effective rate from the date of the prior service to the date of payment. Application for this creditable service must be made before July 1, 1998; the payment may be made at any time while the employee is still in service. The employer may elect to make the required contribution on behalf of the employee.

The governing board of a special education joint agreement created under Section 10-22.31 of the School Code for which an administrative district has been designated, if there are employees of the cooperative educational entity who are not employees of the administrative district, may elect to participate in the Fund and be included within this Article as a participating instrumentality, subject to such application procedures and rules as the Board may prescribe.

The Boards of Control of cooperative or joint educational programs or projects created and administered under Section 3-15.14 of the School Code, whether or not the Boards act as their own administrative district, shall be included within and be subject to this Article as participating instrumentalities when the agreement establishing the cooperative or joint educational program or project becomes effective.

The governing board of a special education joint agreement entered into after June 30, 1984 and prior to September 17, 1985 which provides for representation on the governing board by less than all the participating districts shall be included within and subject to this Article as a participating instrumentality. Such participation shall be effective as of the date the joint agreement becomes effective.

The governing boards of educational service centers established under Section 2-3.62 of the School Code shall be included within and subject to this Article as participating instrumentalities. The governing boards of vocational education cooperative agreements created under the Intergovernmental Cooperation Act and approved by the State Board of Education shall be included within and be subject to this Article as participating instrumentalities. If any such governing boards or boards of control are unable to pay the required employer contributions to the fund, then the school districts served by such boards shall make payment of required contributions as provided in Section 7-172. The payments shall be allocated among the several school districts in proportion to the number of students in average daily attendance for the last full school year for each district in relation to the total number of students in average attendance for such period for all districts served. If such educational service centers, vocational education cooperatives or cooperative or joint educational programs or projects created and administered under Section 3-15.14 of the School Code are dissolved, the assets and obligations shall be distributed among the districts in the same proportions unless otherwise provided.

(d) The governing boards of special recreation joint agreements created under Section 8-10b of the Park District Code, operating without designation of an administrative district or an administrative municipality appointed to administer the program operating under the authority of such joint agreement shall be included within and be subject to this Article as participating instrumentalities when the joint agreement becomes effective. However, the governing board of any such special recreation joint agreement in effect before January 1, 1980 shall not be subject to this Article unless the joint agreement is modified, by the districts and municipalities which are parties to the agreement, to provide that the governing board is subject to this Article.

If the Board returns any employer and employee contributions to any employer which erroneously submitted such contributions on behalf of a special recreation joint agreement, the Board shall include interest computed from the end of each year to the date of payment, not compounded, at the rate of 7% per annum.

(e) Each multi-township assessment district, the board of trustees of which has adopted this Article by ordinance prior to April 1, 1982, shall be a participating instrumentality included within and subject to this Article effective December 1, 1981. The contributions required under Section 7-172 shall be included in the budget prepared under and allocated in accordance with Section 2-30 of the Property Tax Code.

(f) The Illinois Medical District Commission created under the Illinois Medical District Act may be included within and subject to this Article as a participating instrumentality, notwithstanding that the location of the District is entirely within the City of Chicago. To become a participating instrumentality, the Commission must apply to the Board in the manner set forth in paragraph (a) of this subsection (B). If the Board approves the application, under the criteria and procedures set forth in paragraph (a) and any other applicable rules, criteria, and procedures of the Board, participation by the Commission shall commence on the effective date specified by the Board.

(C) Prospective participants.

(⊕) Beginning January 1, 1992, each prospective participating municipality or participating instrumentality shall pay to the Fund the cost, as determined by the Board, of a study prepared by the Fund or its actuary, detailing the prospective costs of participation in the Fund to be expected by the municipality or instrumentality.

(Source: P.A. 92-424, eff. 8-17-01; 93-777, eff. 7-21-04.)

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

Under the rules, the foregoing **Senate Bill No. 789**, 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. 858

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. 858

Passed the House, as amended, May 4, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 858

AMENDMENT NO. 1. Amend Senate Bill 858 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 2-3.25o and 10-21.9 as follows:
(105 ILCS 5/2-3.25o)

Sec. 2-3.25o. Registration and recognition of non-public elementary and secondary schools.

(a) Findings. The General Assembly finds and declares (i) that the Constitution of the State of Illinois provides that a "fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities" and (ii) that the educational development of every school student serves the public purposes of the State. In order to ensure that all Illinois students and teachers have the opportunity to enroll and work in State-approved educational institutions and programs, the State Board of Education shall provide for the voluntary registration and recognition of non-public elementary and secondary schools.

(b) Registration. All non-public elementary and secondary schools in the State of Illinois may voluntarily register with the State Board of Education on an annual basis. Registration shall be completed in conformance with procedures prescribed by the State Board of Education. Information required for registration shall include assurances of compliance (i) with federal and State laws regarding health examination and immunization, attendance, length of term, and nondiscrimination and (ii) with applicable fire and health safety requirements.

(c) Recognition. All non-public elementary and secondary schools in the State of Illinois may voluntarily seek the status of "Non-public School Recognition" from the State Board of Education. This status may be obtained by compliance with administrative guidelines and review procedures as prescribed by the State Board of Education. The guidelines and procedures must recognize that some of the aims and the financial bases of non-public schools are different from public schools and will not be identical to those for public schools, nor will they be more burdensome. The guidelines and procedures must also recognize the diversity of non-public schools and shall not impinge upon the noneducational relationships between those schools and their clientele.

(c-5) A non-public elementary or secondary school may not obtain "Non-public School Recognition" status unless the school requires all certified and non-certified applicants for employment with the school to authorize a fingerprint-based criminal history records check as a condition of employment to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses set forth in this subsection (c-5) or have been convicted, within 7 years of the application for employment,

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of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State.

Authorization for the check shall be furnished by the applicant to the school, except that if the applicant is a substitute teacher seeking employment in more than one non-public school, a teacher seeking concurrent part-time employment positions with more than one non-public school (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one non-public school, only one of the non-public schools employing the individual shall request the authorization. Upon receipt of this authorization, the non-public school shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to the Department of State Police.

The Department of State Police shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, until expunged, to the president or principal of the non-public school that requested the check. The Department of State Police shall charge that school a fee for conducting such check, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse nonpublic schools for fees paid to obtain criminal history records checks under this Section.

A non-public school may not obtain recognition status unless the school also performs a check of the Statewide Sex Offender Database, as authorized by the Sex Offender and Child Murderer Community Notification Law, for each applicant for employment to determine whether the applicant has been adjudicated a sex offender.

Any information concerning the record of convictions obtained by a non-public school's president or principal under this Section shall be confidential and may be transmitted only to the governing body of the non-public school or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Upon the check of the Statewide Sex Offender Database, the non-public school shall notify an applicant as to whether or not the applicant has been identified in the Sex Offender Database as a sex offender. Any information concerning the records of convictions obtained by the non-public school's president or principal under this Section for a substitute teacher seeking employment in more than one non-public school, a teacher seeking concurrent part-time employment positions with more than one non-public school (as a reading specialist, special education teacher, or otherwise), or an educational support personnel employee seeking employment positions with more than one non-public school may be shared with the other non-public schools to which the applicant seeks employment. Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

No non-public school may obtain recognition status that knowingly employs a person for whom a criminal history records check and a Statewide Sex Offender Database check has not been initiated or a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; and (iv) any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. No non-public school may obtain recognition status that knowingly employs a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

In order to obtain recognition status, a non-public school must require compliance with the provisions of this subsection (c-5) from all employees of persons or firms holding contracts with the school, including, but not limited to, food service workers, school bus drivers, and other transportation employees, who have direct, daily contact with the pupils. Any information concerning the record of conviction and identification as a sex offender of any such employee obtained by the non-public school principal or president must be promptly reported to the school's governing body.

(d) Public purposes. The provisions of this Section are in the public interest, for the public benefit, and serve secular public purposes.

(e) Definition. For purposes of this Section, a non-public school means any non-profit,

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non-home-based, and non-public elementary or secondary school that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of this Code.

(Source: P.A. 93-661, eff. 2-10-04.)

(105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

Sec. 10-21.9. Criminal history records checks and checks of the Statewide Sex Offender Database.

(a) Certified and noncertified applicants for employment with a school district, ~~except school bus driver applicants,~~ are required as a condition of employment to authorize a fingerprint-based criminal history records check to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the check shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the check to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the check of the applicant has been requested. The Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, until expunged, to the president of the school board for the school district that requested the check, or to the regional superintendent who requested the check. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such check, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such check by the school district or by the regional superintendent. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse school districts and regional superintendents for fees paid to obtain criminal history records checks under this Section.

(a-5) The school district or regional superintendent shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender and Child Murderer Community Notification Law, for each applicant.

(b) Any information concerning the record of convictions obtained by the president of the school board or the regional superintendent shall be confidential and may only be transmitted to the superintendent of the school district or his designee, the appropriate regional superintendent if the check was requested by the school district, the presidents of the appropriate school boards if the check was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Upon the check of the Statewide Sex Offender Database, the school district or regional superintendent shall notify an applicant as to whether or not the applicant has been identified in the Database as a sex offender. If a check of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon a check ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent and if the regional superintendent upon a check ascertains that the applicant has not been identified in the Sex Offender Database as a sex offender, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date

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specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and evidencing that as of the date that the regional superintendent conducted a check of the Statewide Sex Offender Database, the applicant has not been identified in the Database as a sex offender. The school board of any school district located in the educational service region served by the regional superintendent who issues such a certificate to an applicant for employment as a substitute teacher in more than one such district may rely on the certificate issued by the regional superintendent to that applicant, or may initiate its own criminal history records check of the applicant through the Department of State Police and its own check of the Statewide Sex Offender Database as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) No school board shall knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act except those defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; (iv) those defined in the Methamphetamine Control and Community Protection Act; and (v) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, no school board shall knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(d) No school board shall knowingly employ a person for whom a criminal history records check and a Statewide Sex Offender Database check has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section 34-8.1 or 34-83 of the School Code, the appropriate regional superintendent of schools or the State Superintendent of Education shall initiate the certificate suspension and revocation proceedings authorized by law.

(f) After January 1, 1990 the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal history records checks and checks of the Statewide Sex Offender Database on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for a criminal history records check prepared by each such employee and submitting the same to the Department of State Police and for conducting a check of the Statewide Sex Offender Database for each employee. Any information concerning the record of conviction and identification as a sex offender of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.

(Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04; 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; revised 8-19-05.)"

Under the rules, the foregoing **Senate Bill No. 858**, 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. 931

A bill for AN ACT concerning regulation.

[May 4, 2006]

Together with the following amendments which are 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. 931

House Amendment No. 3 to SENATE BILL NO. 931

Passed the House, as amended, May 4, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 931

AMENDMENT NO. 1. Amend Senate Bill 931 by replacing everything after the enacting clause with the following:

"ARTICLE 5. GENERAL PROVISIONS.

Section 5-5. Short title. This Act may be cited as the Nurse Educator Assistance Act.

Section 5-10. Purpose. The purpose of this Act is to attract capable and promising students to the nursing educator profession, increase employment and retention of individuals who are working towards or who have received a master's or doctoral degree in nursing, and provide opportunities for persons making mid-career decisions to enter the nurse educator profession.

Section 5-15. Definitions. In this Act:

"Approved program of professional nursing education" and "approved program of practical nursing education" mean programs of professional or practical nursing, respectively, approved by the Department of Financial and Professional Regulation under the provisions of the Nursing and Advanced Practice Nursing Act.

"Commission" means the Illinois Student Assistance Commission.

Section 5-20. Rulemaking. The Commission shall adopt all rules necessary for the administration of this Act.

ARTICLE 10. NURSE EDUCATOR LOAN REPAYMENT PROGRAM.

Section 10-5. Nurse Educator Loan Repayment Program. There is created, beginning July 1, 2007, the Nurse Educator Loan Repayment Program to be administered by the Illinois Student Assistance Commission. The program shall provide assistance, subject to appropriation, to eligible nurse educators.

Section 10-10. Award; maximum time period; maximum amount. Subject to appropriation, the Commission shall award a grant to each qualified applicant for a maximum of 4 years. The amount of this grant shall not exceed \$5,000 per year. The Commission shall encourage the recipient of a grant awarded under the program to use the grant award for payment of the recipient's educational loan.

Section 10-15. Application. All applications for grant assistance under the program shall be made to the Commission in a form and manner prescribed by the Commission. Applicants shall also submit any supporting documents deemed necessary by the Commission at the time of application.

Section 10-20. Eligibility.

(a) The Commission shall, on an annual basis, receive and consider applications for grant assistance under the program. An applicant is eligible for a grant under the program if the Commission finds that the applicant:

- (1) is a United States citizen or permanent resident;
- (2) is a resident of Illinois;
- (3) has worked for at least 12 consecutive months as a nurse educator in an approved program of professional or practical nursing education in Illinois;
- (4) is a borrower with an outstanding balance due on an educational loan; and
- (5) has not defaulted on an educational loan.

(b) Preference may be given to previous recipients of a grant under the program, provided that the recipient continues to meet the eligibility requirements set forth in this Section.

(c) A recipient of a grant under the program must fulfill a separate 12-month period as a nurse

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educator in an approved program of professional or practical nursing education in Illinois for each grant that he or she is awarded.

ARTICLE 15. NURSE EDUCATOR SCHOLARSHIP PROGRAM.

Section 15-5. Nurse Educator Scholarship Program. There is created, beginning July 1, 2006, the Nurse Educator Scholarship Program to be administered by the Illinois Student Assistance Commission. The program shall provide scholarship assistance, subject to appropriation, to eligible students for nursing-related graduate study.

Section 15-10. Scholarship award; maximum time period; maximum amount.

(a) Subject to appropriation, the Commission shall award a nurse educator scholarship to each qualified applicant in an amount sufficient to pay the tuition and fees of the Illinois institution of higher learning at which the recipient is enrolled, up to the current maximum amount of tuition and fees charged to students enrolled in an approved program of professional or practical nursing education at a public university.

(b) Scholarship recipients shall also receive a stipend, the amount of which shall not exceed \$10,000, to cover other costs of attendance, including, but not limited to, living expenses. Stipend amounts for recipients enrolled on less than a full-time basis shall be prorated by credit hour.

(c) A recipient may receive scholarship assistance under the program for the equivalent of 8 semesters or 16 quarters of full-time enrollment.

(d) The total amount of scholarship assistance awarded by the Commission under the program to an individual in any given fiscal year, when added to other financial assistance awarded to that individual for that year, may not exceed the cost of attendance at the institution of higher learning at which the student is enrolled.

Section 15-15. Application. All applications for a scholarship under the program shall be made to the Commission in a form and manner prescribed by the Commission. Applicants shall also submit any supporting documents deemed necessary by the Commission at the time of application.

Section 15-20. Eligibility.

(a) The Commission shall, on an annual basis, receive and consider applications for scholarship assistance under the program. An applicant is eligible for a scholarship under the program if the Commission finds that the applicant:

(1) is a United States citizen or permanent resident;

(2) is a resident of Illinois;

(3) is enrolled or accepted for enrollment on at least a half-time basis in an approved program of professional or practical nursing education at the graduate level at an Illinois institution of higher learning.

(b) Scholarship recipients shall be selected from among eligible applicants based on a combination of academic excellence and financial need, as determined by the Commission.

(c) Preference may be given to previous recipients of a scholarship under the program, provided that the recipient continues to meet the eligibility requirements set forth in this Section and maintains satisfactory academic progress as determined by the institution of higher education at which he or she is enrolled.

(d) Prior to receiving scholarship assistance for any academic year, each recipient of a scholarship awarded under the program must sign an agreement pledging that, within the one-year period following the termination of the academic program for which the recipient was awarded a scholarship, the recipient shall (i) begin working as an educator in an approved program of professional nursing education or an approved program of practical nursing education in Illinois for a period of not less than 5 years and (ii) upon request of the Commission, provide the Commission with evidence that he or she is fulfilling or has fulfilled the terms of the work agreement required under this subsection (d).

Section 15-25. Payment to institution. All scholarship funds distributed under the program shall be paid to the institution on behalf of the scholarship recipient.

Section 15-30. Repayment upon default; exception.

(a) If a recipient of a scholarship awarded under this Section fails to fulfill the work agreement required under the program, the Commission shall require the recipient to repay the amount of the

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scholarship or scholarships received, prorated according to the fraction of the work agreement not completed, plus interest at a rate of 5% and, if applicable, reasonable collection fees.

(b) Payments received by the Commission under this Section shall be remitted to the State Comptroller for deposit into the General Revenue Fund, except that that portion of a recipient's repayment that equals the amount in expenses that the Commission has reasonably incurred in attempting collection from that recipient shall be remitted to the State Comptroller for deposit into the Commission's Accounts Receivable Fund.

(c) A recipient of a scholarship awarded by the Commission under the program shall not be in violation of the agreement entered into pursuant to this Article if the recipient is (i) serving as a member of the armed services of the United States, (ii) temporarily totally disabled, as established by a sworn affidavit of a qualified physician, (iii) seeking and unable to find full-time employment as a nursing educator and is able to provide evidence of that fact, or (iv) taking additional courses, on at least a half-time basis, related to nursing education. Any extension of the period during which the work requirement must be fulfilled shall be subject to limitations of duration established by the Commission.

ARTICLE 90. AMENDATORY PROVISIONS.

Section 90-2. The State Finance Act is amended by changing and renumbering Section 5.570, as added by Public Act 92-589, as follows:

(30 ILCS 105/5.569)

Sec. ~~5.569~~ ~~5.570~~. The National Guard and Naval Militia Grant Fund.

(Source: P.A. 92-589, eff. 7-1-02; revised 8-27-02.)

Section 90-5. The Board of Higher Education Act is amended by adding Sections 9.31 and 9.32 as follows:

(110 ILCS 205/9.31 new)

Sec. 9.31. Competitive grants to nursing schools. In order to increase the number of nurses graduating from Illinois institutions of higher learning, the Board shall establish and administer a competitive grant program for institutions of higher learning that award degrees in nursing. The grants may be awarded on the basis of performance criteria that shall include, but not be limited to, degree production, student retention, and passage rates on professional licensure examinations.

The Board shall adopt those rules that are necessary for the implementation and administration of the grants established under this Section.

(110 ILCS 205/9.32 new)

Sec. 9.32. Nurse educator fellowship program. In order to ensure the retention of well-qualified nursing faculty, the Board shall establish and administer a nurse educator fellowship program that supplements nursing faculty salaries at institutions of higher learning that award degrees in nursing. Fellowships awarded under the program may be awarded on a competitive basis.

The Board shall adopt those rules that are necessary for the implementation and administration of the fellowship program established under this Section.

Section 90-8. The Higher Education Student Assistance Act is amended by changing Section 45 as follows:

(110 ILCS 947/45)

Sec. 45. Illinois National Guard and Naval Militia grant program.

(a) As used in this Section:

"State controlled university or community college" means those institutions under the administration of the Chicago State University Board of Trustees, the Eastern Illinois University Board of Trustees, the Governors State University Board of Trustees, the Illinois State University Board of Trustees, the Northeastern Illinois University Board of Trustees, the Northern Illinois University Board of Trustees, the Western Illinois University Board of Trustees, Southern Illinois University Board of Trustees, University of Illinois Board of Trustees, or the Illinois Community College Board.

"Tuition and fees" shall not include expenses for any sectarian or denominational instruction, the construction or maintenance of sectarian or denominational facilities, or any other sectarian or denominational purposes or activity.

"Fees" means matriculation, graduation, activity, term, or incidental fees. Exemption shall not be granted from any other fees, including book rental, service, laboratory, supply, and union building fees, hospital and medical insurance fees, and any fees established for the operation and maintenance of buildings, the income of which is pledged to the payment of interest and principal on bonds issued by the

governing board of any university or community college.

(b) Any person who has served at least one year in the Illinois National Guard or the Illinois Naval Militia and who possesses all necessary entrance requirements shall, upon application and proper proof, be awarded a grant to the State-controlled university or community college of his or her choice, consisting of exemption from tuition and fees for not more than the equivalent of 4 years of full-time enrollment, including summer terms, in relation to his or her course of study at that State controlled university or community college while he or she is a member of the Illinois National Guard or the Illinois Naval Militia. Except as otherwise provided in this Section, if the recipient of any grant awarded under this Section ceases to be a member of the Illinois National Guard or the Illinois Naval Militia while enrolled in a course of study under that grant, the grant shall be terminated as of the date membership in the Illinois National Guard or the Illinois Naval Militia ended, and the recipient shall be permitted to complete the school term in which he or she is then enrolled only upon payment of tuition and other fees allocable to the part of the term then remaining. If the recipient of a grant awarded under this Section ceases to be a member of the Illinois National Guard or the Illinois Naval Militia while enrolled in a course of study under that grant but (i) has served in the Illinois National Guard or the Illinois Naval Militia for at least 5 years and (ii) has served a cumulative total of at least 6 months of active duty, then that recipient shall continue to be eligible for a grant for one year after membership in the Illinois National Guard or the Illinois Naval Militia ended, provided that the recipient has not already received the exemption from tuition and fees for the equivalent of 4 years of full-time enrollment, including summer terms, under this Section. If the recipient of the grant fails to complete his or her military service obligations or requirements for satisfactory participation, the Department of Military Affairs shall require the recipient to repay the amount of the grant received, prorated according to the fraction of the service obligation not completed, and, if applicable, reasonable collection fees. The Department of Military Affairs may adopt rules relating to its collection activities for repayment of the grant under this Section. Unsatisfactory participation shall be defined by rules adopted by the Department of Military Affairs. Repayments shall be deposited in the National Guard and Naval Militia Grant Fund. The National Guard and Naval Militia Grant Fund is created as a special fund in the State treasury. All money in the National Guard and Naval Militia Grant Fund shall be used, subject to appropriation, by the Illinois Student Assistance Commission for the purposes of this Section.

A grant awarded under this Section shall be considered an entitlement which the State-controlled university or community college in which the holder is enrolled shall honor without any condition other than the holder's maintenance of minimum grade levels and a satisfactory student loan repayment record pursuant to subsection (c) of Section 20 of this Act.

(c) Subject to a separate appropriation for such purposes, the Commission may reimburse the State-controlled university or community college for grants authorized by this Section.

(Source: P.A. 93-838, eff. 7-30-04; 93-856, eff. 8-3-04; 94-583, eff. 8-15-05.)

Section 90-10. The Nursing Education Scholarship Law is amended by changing Section 5 as follows: (110 ILCS 975/5) (from Ch. 144, par. 2755)

Sec. 5. Nursing education scholarships. Beginning with the fall term of the 2004-2005 academic year, the Department, in accordance with rules and regulations promulgated by it for this program, shall provide scholarships to individuals selected from among those applicants who qualify for consideration by showing:

- (1) that he or she has been a resident of this State for at least one year prior to application, and is a citizen or a lawful permanent resident alien of the United States;
- (2) that he or she is enrolled in or accepted for admission to an associate degree in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program, or practical nursing program at an approved institution; and
- (3) that he or she agrees to meet the nursing employment obligation.

If in any year the number of qualified applicants exceeds the number of scholarships to be awarded, the Department shall, in consultation with the Center for Nursing Advisory Board, consider the following factors in granting give priority in awarding scholarships:

(A) Financial To students in the greatest financial need, as shown on a standardized financial needs assessment form used by an

approved institution, of students who will pursue their education on a full-time or close ~~closest~~ to full-time basis and who already have a certificate in practical nursing, a diploma in nursing, or an associate degree in nursing and are pursuing a higher degree.

(B) A student's status as a ~~To~~ registered nurse who is ~~nurses~~ pursuing a graduate degree in

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nursing to pursue employment in an

approved institution that educates licensed practical nurses and that educates registered nurses in undergraduate and graduate nursing programs.

Unless otherwise indicated, scholarships shall be awarded to recipients at approved institutions for a period of up to 2 years if the recipient is enrolled in an associate degree in nursing program, up to 3 years if the recipient is enrolled in a hospital-based diploma in nursing program, up to 4 years if the recipient is enrolled in a baccalaureate degree in nursing program, up to 5 years if the recipient is enrolled in a graduate degree in nursing program, and up to one year if the recipient is enrolled in a certificate in practical nursing program. At least 40% of the scholarships awarded shall be for recipients who are pursuing baccalaureate degrees in nursing, 30% of the scholarships awarded shall be for recipients who are pursuing associate degrees in nursing or a diploma in nursing, 10% of the scholarships awarded shall be for recipients who are pursuing a certificate in practical nursing, and 20% of the scholarships awarded shall be for recipients who are pursuing a graduate degree in nursing.

(Source: P.A. 92-43, eff. 1-1-02; 93-879, eff. 1-1-05.)

Section 90-15. The Nursing and Advanced Practice Nursing Act is amended by changing Section 10-10 and by adding Title 17 as follows:

(225 ILCS 65/10-10)

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

Sec. 10-10. Department powers and duties.

(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for administration of licensing acts and shall exercise other powers and duties necessary for effectuating the purpose of this Act. None of the functions, powers, or duties of the Department with respect to licensure and examination shall be exercised by the Department except upon review by the Board. The Department shall adopt rules to implement, interpret, or make specific the provisions and purposes of this Act; however no such rules shall be adopted by the Department except upon review by the Board.

(b) The Department shall:

(1) prepare and maintain a list of approved programs of professional nursing education and programs of practical nursing education in this State, whose graduates, if they have the other necessary qualifications provided in this Act, shall be eligible to apply for a license to practice nursing in this State;

(2) promulgate rules defining what constitutes an approved program of professional nursing education and what constitutes an approved program of practical nursing education; and

(3) adopt rules for examination of candidates for licenses and for issuance of licenses authorizing candidates upon passing an examination to practice under this Act.

(c) The Department may act upon the recommendations of the Center for Nursing Advisory Board.

(Source: P.A. 90-742, eff. 8-13-98.)

(225 ILCS 65/Tit. 17 heading new)

(Title heading scheduled to be repealed on January 1, 2008)

TITLE 17. ILLINOIS CENTER FOR NURSING

(225 ILCS 65/17-5 new)

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

Sec. 17-5. Definitions. In this Title:

"Board" means the Center for Nursing Advisory Board.

"Center" means the Illinois Center for Nursing.

(225 ILCS 65/17-10 new)

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

Sec. 17-10. Illinois Center for Nursing. There is created the Illinois Center for Nursing to address issues of supply and demand in the nursing profession, including issues of recruitment, retention, and utilization of nurse manpower resources. The General Assembly finds that the Center will enhance the delivery of quality health care services by providing an ongoing strategy for the allocation of the State's resources directed towards nursing. Each of the following objectives shall serve as the primary goals for the Center:

(1) To develop a strategic plan for nursing manpower in Illinois by selecting priorities that must be addressed.

(2) To convene various groups of representatives of nurses, other health care providers, businesses and industries, consumers, legislators, and educators to:

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(A) review and comment on data analysis prepared for the Center;

(B) recommend systemic changes, including strategies for implementation of recommended changes; and

(C) evaluate and report the results of the Board's efforts to the General Assembly and others.

(3) To enhance and promote recognition, reward, and renewal activities for nurses in Illinois by:

(A) proposing and creating reward, recognition, and renewal activities for nursing; and

(B) promoting media and positive image-building efforts for nursing.

(225 ILCS 65/17-15 new)

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

Sec. 17-15. Center for Nursing Advisory Board.

(a) There is created the Center for Nursing Advisory Board, which shall consist of 11 members appointed by the Governor, with 6 members of the Board being nurses representative of various nursing specialty areas. The other 5 members may include representatives of associations, health care providers, nursing educators, and consumers. The Board shall be chaired by the Nursing Act Coordinator, who shall be a voting member of the Board.

(b) The membership of the Board shall reasonably reflect representation from the geographic areas in this State.

(c) Members of the Board appointed by the Governor shall serve for terms of 4 years, with no member serving more than 10 successive years, except that, initially, 4 members shall be appointed to the Board for terms that expire on June 30, 2009, 4 members shall be appointed to the Board for terms that expire on June 30, 2008, and 3 members shall be appointed to the Board for terms that expire on June 30, 2007. A member shall serve until his or her successor is appointed and has qualified. Vacancies shall be filled in the same manner as original appointments, and any member so appointed shall serve during the remainder of the term for which the vacancy occurred.

(d) A quorum of the Board shall consist of a majority of Board members currently serving. A majority vote of the quorum is required for Board decisions. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all of the rights and perform all of the duties of the Board.

(e) The Governor may remove any appointed member of the Board for misconduct, incapacity, or neglect of duty and shall be the sole judge of the sufficiency of the cause for removal.

(f) Members of the Board are immune from suit in any action based upon any activities performed in good faith as members of the Board.

(e) Members of the Board shall not receive compensation, but shall be reimbursed for actual traveling, incidentals, and expenses necessarily incurred in carrying out their duties as members of the Board, as approved by the Department.

(225 ILCS 65/17-20 new)

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

Sec. 17-20. Powers and duties of the Board.

(a) The Board shall be advisory to the Department and shall possess and perform each of the following powers and duties:

(1) determine operational policy;

(2) administer grants, scholarships, internships, and other programs, as defined by rule, including the administration of programs, as determined by law, that further those goals set forth in Section 17-10 of this Title, in consultation with other State agencies, as provided by law;

(3) establish committees of the Board as needed;

(4) recommend the adoption and, from time to time, the revision of those rules that may be adopted and necessary to carry out the provisions of this Act;

(5) implement the major functions of the Center, as established in the goals set forth in Section 17-10 of this Title; and

(6) seek and accept non-State funds for carrying out the policy of the Center.

(b) The Center shall work in consultation with other State agencies as necessary.

ARTICLE 99. EFFECTIVE DATE.

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

AMENDMENT NO. 3 TO SENATE BILL 931

AMENDMENT NO. 3. Amend Senate Bill 931, AS AMENDED, by replacing everything after the enacting clause with the following:

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"ARTICLE 5. GENERAL PROVISIONS.

Section 5-5. Short title. This Act may be cited as the Nurse Educator Assistance Act.

Section 5-10. Purpose. The purpose of this Act is to attract capable and promising students to the nursing educator profession, increase employment and retention of individuals who are working towards or who have received a master's or doctoral degree in nursing, and provide opportunities for persons making mid-career decisions to enter the nurse educator profession.

Section 5-15. Definitions. In this Act:

"Approved program of professional nursing education" and "approved program of practical nursing education" mean programs of professional or practical nursing, respectively, approved by the Department of Financial and Professional Regulation under the provisions of the Nursing and Advanced Practice Nursing Act.

"Commission" means the Illinois Student Assistance Commission.

Section 5-20. Rulemaking. The Commission shall adopt all rules necessary for the administration of this Act.

ARTICLE 10. NURSE EDUCATOR LOAN REPAYMENT PROGRAM.

Section 10-5. Nurse Educator Loan Repayment Program. There is created, beginning July 1, 2007, the Nurse Educator Loan Repayment Program to be administered by the Illinois Student Assistance Commission. The program shall provide assistance, subject to appropriation, to eligible nurse educators.

Section 10-10. Award; maximum time period; maximum amount. Subject to appropriation, the Commission shall award a grant to each qualified applicant for a maximum of 4 years. The amount of this grant shall not exceed \$5,000 per year. The Commission shall encourage the recipient of a grant awarded under the program to use the grant award for payment of the recipient's educational loan.

Section 10-15. Application. All applications for grant assistance under the program shall be made to the Commission in a form and manner prescribed by the Commission. Applicants shall also submit any supporting documents deemed necessary by the Commission at the time of application.

Section 10-20. Eligibility.

(a) The Commission shall, on an annual basis, receive and consider applications for grant assistance under the program. An applicant is eligible for a grant under the program if the Commission finds that the applicant:

- (1) is a United States citizen or permanent resident;
- (2) is a resident of Illinois;
- (3) has worked for at least 12 consecutive months as a nurse educator in an approved program of professional or practical nursing education in Illinois;
- (4) is a borrower with an outstanding balance due on an educational loan; and
- (5) has not defaulted on an educational loan.

(b) Preference may be given to previous recipients of a grant under the program, provided that the recipient continues to meet the eligibility requirements set forth in this Section.

(c) A recipient of a grant under the program must fulfill a separate 12-month period as a nurse educator in an approved program of professional or practical nursing education in Illinois for each grant that he or she is awarded.

ARTICLE 15. NURSE EDUCATOR SCHOLARSHIP PROGRAM.

Section 15-5. Nurse Educator Scholarship Program. There is created, beginning July 1, 2006, the Nurse Educator Scholarship Program to be administered by the Illinois Student Assistance Commission. The program shall provide scholarship assistance until July 1, 2010, subject to appropriation, to eligible students for nursing-related graduate study.

Section 15-10. Scholarship award; maximum time period; maximum amount.

(a) Subject to appropriation, the Commission shall award a nurse educator scholarship to each

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qualified applicant in an amount sufficient to pay the tuition and fees of the Illinois institution of higher learning at which the recipient is enrolled, up to the current maximum amount of tuition and fees charged to students enrolled in an approved program of professional or practical nursing education at a public university.

(b) Scholarship recipients shall also receive a stipend, the amount of which shall not exceed \$10,000, to cover other costs of attendance, including, but not limited to, living expenses. Stipend amounts for recipients enrolled on less than a full-time basis shall be prorated by credit hour.

(c) A recipient may receive scholarship assistance under the program for the equivalent of 8 semesters or 16 quarters of full-time enrollment.

(d) The total amount of scholarship assistance awarded by the Commission under the program to an individual in any given fiscal year, when added to other financial assistance awarded to that individual for that year, may not exceed the cost of attendance at the institution of higher learning at which the student is enrolled.

Section 15-15. Application. All applications for a scholarship under the program shall be made to the Commission in a form and manner prescribed by the Commission. Applicants shall also submit any supporting documents deemed necessary by the Commission at the time of application.

Section 15-20. Eligibility.

(a) The Commission shall, on an annual basis until July 1, 2010, receive and consider applications for scholarship assistance under the program. An applicant is eligible for a scholarship under the program if the Commission finds that the applicant:

(1) is a United States citizen or permanent resident;

(2) is a resident of Illinois;

(3) is enrolled or accepted for enrollment on at least a half-time basis in an

approved program of professional or practical nursing education at the graduate level at an Illinois institution of higher learning.

(b) Scholarship recipients shall be selected from among eligible applicants based on a combination of academic excellence and financial need, as determined by the Commission.

(c) Preference may be given to previous recipients of a scholarship under the program, provided that the recipient continues to meet the eligibility requirements set forth in this Section and maintains satisfactory academic progress as determined by the institution of higher education at which he or she is enrolled.

(d) Prior to receiving scholarship assistance for an academic year, each recipient of a scholarship awarded under the program must sign an agreement pledging that, within the one-year period following the termination of the academic program for which the recipient was awarded a scholarship, the recipient shall (i) begin working as an educator in an approved program of professional nursing education or an approved program of practical nursing education in Illinois for a period of not less than 5 years and (ii) upon request of the Commission, provide the Commission with evidence that he or she is fulfilling or has fulfilled the terms of the work agreement required under this subsection (d).

Section 15-25. Payment to institution. All scholarship funds distributed under the program shall be paid to the institution on behalf of the scholarship recipient.

Section 15-30. Repayment upon default; exception.

(a) If a recipient of a scholarship awarded under this Section fails to fulfill the work agreement required under the program, the Commission shall require the recipient to repay the amount of the scholarship or scholarships received, prorated according to the fraction of the work agreement not completed, plus interest at a rate of 5% and, if applicable, reasonable collection fees.

(b) Payments received by the Commission under this Section shall be remitted to the State Comptroller for deposit into the General Revenue Fund, except that that portion of a recipient's repayment that equals the amount in expenses that the Commission has reasonably incurred in attempting collection from that recipient shall be remitted to the State Comptroller for deposit into the Commission's Accounts Receivable Fund.

(c) A recipient of a scholarship awarded by the Commission under the program shall not be in violation of the agreement entered into pursuant to this Article if the recipient is (i) serving as a member of the armed services of the United States, (ii) temporarily totally disabled, as established by a sworn affidavit of a qualified physician, (iii) seeking and unable to find full-time employment as a nursing educator and is able to provide evidence of that fact, or (iv) taking additional courses, on at least a

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half-time basis, related to nursing education. Any extension of the period during which the work requirement must be fulfilled shall be subject to limitations of duration established by the Commission.

ARTICLE 90. AMENDATORY PROVISIONS.

Section 90-2. The State Finance Act is amended by changing and renumbering Section 5.570, as added by Public Act 92-589, as follows:

(30 ILCS 105/5.569)

Sec. ~~5.569~~ ~~5.570~~. The National Guard and Naval Militia Grant Fund.
(Source: P.A. 92-589, eff. 7-1-02; revised 8-27-02.)

Section 90-5. The Board of Higher Education Act is amended by adding Sections 9.31 and 9.32 as follows:

(110 ILCS 205/9.31 new)

Sec. 9.31. Competitive grants to nursing schools. In order to increase the number of nurses graduating from Illinois institutions of higher learning, the Board shall establish and administer a competitive grant program for institutions of higher learning that award degrees in nursing. The grants may be awarded on the basis of performance criteria that shall include, but not be limited to, degree production, student retention, and passage rates on professional licensure examinations.

The Board shall adopt those rules that are necessary for the implementation and administration of the grants established under this Section.

(110 ILCS 205/9.32 new)

Sec. 9.32. Nurse educator fellowship program. In order to ensure the retention of well-qualified nursing faculty, the Board shall establish and administer a nurse educator fellowship program that supplements nursing faculty salaries at institutions of higher learning that award degrees in nursing. Fellowships awarded under the program may be awarded on a competitive basis.

The Board shall adopt those rules that are necessary for the implementation and administration of the fellowship program established under this Section.

Section 90-8. The Higher Education Student Assistance Act is amended by changing Section 45 and by adding Section 65.80 as follows:

(110 ILCS 947/45)

Sec. 45. Illinois National Guard and Naval Militia grant program.

(a) As used in this Section:

"State controlled university or community college" means those institutions under the administration of the Chicago State University Board of Trustees, the Eastern Illinois University Board of Trustees, the Governors State University Board of Trustees, the Illinois State University Board of Trustees, the Northeastern Illinois University Board of Trustees, the Northern Illinois University Board of Trustees, the Western Illinois University Board of Trustees, Southern Illinois University Board of Trustees, University of Illinois Board of Trustees, or the Illinois Community College Board.

"Tuition and fees" shall not include expenses for any sectarian or denominational instruction, the construction or maintenance of sectarian or denominational facilities, or any other sectarian or denominational purposes or activity.

"Fees" means matriculation, graduation, activity, term, or incidental fees. Exemption shall not be granted from any other fees, including book rental, service, laboratory, supply, and union building fees, hospital and medical insurance fees, and any fees established for the operation and maintenance of buildings, the income of which is pledged to the payment of interest and principal on bonds issued by the governing board of any university or community college.

(b) Any person who has served at least one year in the Illinois National Guard or the Illinois Naval Militia and who possesses all necessary entrance requirements shall, upon application and proper proof, be awarded a grant to the State-controlled university or community college of his or her choice, consisting of exemption from tuition and fees for not more than the equivalent of 4 years of full-time enrollment, including summer terms, in relation to his or her course of study at that State controlled university or community college while he or she is a member of the Illinois National Guard or the Illinois Naval Militia. Except as otherwise provided in this Section, if the recipient of any grant awarded under this Section ceases to be a member of the Illinois National Guard or the Illinois Naval Militia while enrolled in a course of study under that grant, the grant shall be terminated as of the date membership in the Illinois National Guard or the Illinois Naval Militia ended, and the recipient shall be permitted to complete the school term in which he or she is then enrolled only upon payment of tuition

and other fees allocable to the part of the term then remaining. If the recipient of a grant awarded under this Section ceases to be a member of the Illinois National Guard or the Illinois Naval Militia while enrolled in a course of study under that grant but (i) has served in the Illinois National Guard or the Illinois Naval Militia for at least 5 years and (ii) has served a cumulative total of at least 6 months of active duty, then that recipient shall continue to be eligible for a grant for one year after membership in the Illinois National Guard or the Illinois Naval Militia ended, provided that the recipient has not already received the exemption from tuition and fees for the equivalent of 4 years of full-time enrollment, including summer terms, under this Section. If the recipient of the grant fails to complete his or her military service obligations or requirements for satisfactory participation, the Department of Military Affairs shall require the recipient to repay the amount of the grant received, prorated according to the fraction of the service obligation not completed, and, if applicable, reasonable collection fees. The Department of Military Affairs may adopt rules relating to its collection activities for repayment of the grant under this Section. Unsatisfactory participation shall be defined by rules adopted by the Department of Military Affairs. Repayments shall be deposited in the National Guard and Naval Militia Grant Fund. The National Guard and Naval Militia Grant Fund is created as a special fund in the State treasury. All money in the National Guard and Naval Militia Grant Fund shall be used, subject to appropriation, by the Illinois Student Assistance Commission for the purposes of this Section.

A grant awarded under this Section shall be considered an entitlement which the State-controlled university or community college in which the holder is enrolled shall honor without any condition other than the holder's maintenance of minimum grade levels and a satisfactory student loan repayment record pursuant to subsection (c) of Section 20 of this Act.

(c) Subject to a separate appropriation for such purposes, the Commission may reimburse the State-controlled university or community college for grants authorized by this Section.

(Source: P.A. 93-838, eff. 7-30-04; 93-856, eff. 8-3-04; 94-583, eff. 8-15-05.)

(110 ILCS 947/65.80 new)

Sec. 65.80. Forensic science grant program.

(a) In order to encourage graduate students to enter the field of forensic science and continue their careers as forensic scientists with the Department of State Police in one of the specialty areas of forensic sciences that is considered a shortage specialty area, the Commission shall, subject to appropriation, establish and administer a forensic science grant program.

(b) A qualified applicant may receive a maximum grant amount of \$30,000 to cover those expenses related to the forensic science program in which he or she is enrolled.

(c) The Commission shall, on an annual basis until July 1, 2010, receive and consider applications for grant assistance under the program. An applicant is eligible for a grant under the program if the Commission finds that the applicant:

(1) is a United States citizen or permanent resident;

(2) is a resident of Illinois or will be a resident of Illinois upon completion of the forensic science program;

(3) is enrolled on a full-time basis in a minimum one-year program that combines graduate education with training in a specific forensic discipline in a manner equivalent to the Department of State Police's new examiner training so as to prepare him or her to do casework; and

(4) meets or will meet all of the evaluation criteria required by the Department of State Police for employment.

(d) Prior to receiving grant assistance for an academic year, each recipient shall be required by the Commission to sign an agreement under which the recipient pledges to seek employment as a forensic scientist with the Department of State Police and, if such employment is obtained, to continue as an employee of the Department of State Police for a minimum period of 4 years. If a recipient of a grant under this Section fails to fulfill the employment obligation, the Commission shall require that the recipient repay the amount of the grant award, prorated according to the fraction of the obligation not completed, plus interest at a rate of 5% and, if applicable, reasonable collection fees, as established by the Commission.

(e) A recipient of a grant award under this Section shall not be in violation of the agreement entered into pursuant to subsection (d) of this Section if the Department of State Police is unable to offer employment to the recipient. The Commission may adopt rules relating to other conditions under which a recipient is not considered to be in violation of the agreement entered into pursuant to subsection (d) of this Section. Any extension of the period during which the employment requirement under subsection (d) of this Section must be fulfilled shall be subject to the limitations of duration established by the Commission.

(f) The Commission and the Department of State Police shall adopt all rules that are necessary for the

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implementation and administration of this Section.

Section 90-10. The Nursing Education Scholarship Law is amended by changing Section 5 as follows: (110 ILCS 975/5) (from Ch. 144, par. 2755)

Sec. 5. Nursing education scholarships. Beginning with the fall term of the 2004-2005 academic year, the Department, in accordance with rules and regulations promulgated by it for this program, shall provide scholarships to individuals selected from among those applicants who qualify for consideration by showing:

(1) that he or she has been a resident of this State for at least one year prior to application, and is a citizen or a lawful permanent resident alien of the United States;

(2) that he or she is enrolled in or accepted for admission to an associate degree in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program, or practical nursing program at an approved institution; and

(3) that he or she agrees to meet the nursing employment obligation.

If in any year the number of qualified applicants exceeds the number of scholarships to be awarded, the Department shall, in consultation with the Center for Nursing Advisory Board, consider the following factors in granting ~~give~~ priority in awarding scholarships:

(A) ~~Financial~~ To students in the greatest financial need, as shown on a standardized financial needs assessment form used by an

approved institution, of students who will pursue their education on a full-time or ~~close~~ closest to full-time basis and who already have a certificate in practical nursing, a diploma in nursing, or an associate degree in nursing and are pursuing a higher degree.

(B) ~~A student's status as a~~ registered nurse who is ~~nurses~~ pursuing a graduate degree in nursing to pursue employment in an

approved institution that educates licensed practical nurses and that educates registered nurses in undergraduate and graduate nursing programs.

(C) A student's merit, as shown through his or her grade point average, class rank, and other academic and extracurricular activities. The Department may add to and further define these merit criteria by rule.

Unless otherwise indicated, scholarships shall be awarded to recipients at approved institutions for a period of up to 2 years if the recipient is enrolled in an associate degree in nursing program, up to 3 years if the recipient is enrolled in a hospital-based diploma in nursing program, up to 4 years if the recipient is enrolled in a baccalaureate degree in nursing program, up to 5 years if the recipient is enrolled in a graduate degree in nursing program, and up to one year if the recipient is enrolled in a certificate in practical nursing program. At least 40% of the scholarships awarded shall be for recipients who are pursuing baccalaureate degrees in nursing, 30% of the scholarships awarded shall be for recipients who are pursuing associate degrees in nursing or a diploma in nursing, 10% of the scholarships awarded shall be for recipients who are pursuing a certificate in practical nursing, and 20% of the scholarships awarded shall be for recipients who are pursuing a graduate degree in nursing.

(Source: P.A. 92-43, eff. 1-1-02; 93-879, eff. 1-1-05.)

Section 90-15. The Nursing and Advanced Practice Nursing Act is amended by changing Section 10-10 and by adding Title 17 as follows:

(225 ILCS 65/10-10)

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

Sec. 10-10. Department powers and duties.

(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for administration of licensing acts and shall exercise other powers and duties necessary for effectuating the purpose of this Act. None of the functions, powers, or duties of the Department with respect to licensure and examination shall be exercised by the Department except upon review by the Board. The Department shall adopt rules to implement, interpret, or make specific the provisions and purposes of this Act; however no such rules shall be adopted by the Department except upon review by the Board.

(b) The Department shall:

(1) prepare and maintain a list of approved programs of professional nursing education and programs of practical nursing education in this State, whose graduates, if they have the other necessary qualifications provided in this Act, shall be eligible to apply for a license to practice nursing in this State;

- (2) promulgate rules defining what constitutes an approved program of professional nursing education and what constitutes an approved program of practical nursing education; and
 (3) adopt rules for examination of candidates for licenses and for issuance of licenses authorizing candidates upon passing an examination to practice under this Act.

(c) The Department may act upon the recommendations of the Center for Nursing Advisory Board.
 (Source: P.A. 90-742, eff. 8-13-98.)

(225 ILCS 65/Tit. 17 heading new)

(Title heading scheduled to be repealed on January 1, 2008)

TITLE 17. ILLINOIS CENTER FOR NURSING

(225 ILCS 65/17-5 new)

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

Sec. 17-5. Definitions. In this Title:

"Board" means the Center for Nursing Advisory Board.

"Center" means the Illinois Center for Nursing.

(225 ILCS 65/17-10 new)

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

Sec. 17-10. Illinois Center for Nursing. There is created the Illinois Center for Nursing to address issues of supply and demand in the nursing profession, including issues of recruitment, retention, and utilization of nurse manpower resources. The General Assembly finds that the Center will enhance the delivery of quality health care services by providing an ongoing strategy for the allocation of the State's resources directed towards nursing. Each of the following objectives shall serve as the primary goals for the Center:

(1) To develop a strategic plan for nursing manpower in Illinois by selecting priorities that must be addressed.

(2) To convene various groups of representatives of nurses, other health care providers, businesses and industries, consumers, legislators, and educators to:

(A) review and comment on data analysis prepared for the Center;

(B) recommend systemic changes, including strategies for implementation of recommended changes; and

(C) evaluate and report the results of the Board's efforts to the General Assembly and others.

(3) To enhance and promote recognition, reward, and renewal activities for nurses in Illinois by:

(A) proposing and creating reward, recognition, and renewal activities for nursing; and

(B) promoting media and positive image-building efforts for nursing.

(225 ILCS 65/17-15 new)

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

Sec. 17-15. Center for Nursing Advisory Board.

(a) There is created the Center for Nursing Advisory Board, which shall consist of 11 members appointed by the Governor, with 6 members of the Board being nurses representative of various nursing specialty areas. The other 5 members may include representatives of associations, health care providers, nursing educators, and consumers. The Board shall be chaired by the Nursing Act Coordinator, who shall be a voting member of the Board.

(b) The membership of the Board shall reasonably reflect representation from the geographic areas in this State.

(c) Members of the Board appointed by the Governor shall serve for terms of 4 years, with no member serving more than 10 successive years, except that, initially, 4 members shall be appointed to the Board for terms that expire on June 30, 2009, 4 members shall be appointed to the Board for terms that expire on June 30, 2008, and 3 members shall be appointed to the Board for terms that expire on June 30, 2007. A member shall serve until his or her successor is appointed and has qualified. Vacancies shall be filled in the same manner as original appointments, and any member so appointed shall serve during the remainder of the term for which the vacancy occurred.

(d) A quorum of the Board shall consist of a majority of Board members currently serving. A majority vote of the quorum is required for Board decisions. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all of the rights and perform all of the duties of the Board.

(e) The Governor may remove any appointed member of the Board for misconduct, incapacity, or neglect of duty and shall be the sole judge of the sufficiency of the cause for removal.

(f) Members of the Board are immune from suit in any action based upon any activities performed in good faith as members of the Board.

(g) Members of the Board shall not receive compensation, but shall be reimbursed for actual traveling.

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incidentals, and expenses necessarily incurred in carrying out their duties as members of the Board, as approved by the Department.

(225 ILCS 65/17-20 new)

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

Sec. 17-20. Powers and duties of the Board.

(a) The Board shall be advisory to the Department and shall possess and perform each of the following powers and duties:

(1) determine operational policy;

(2) administer grants, scholarships, internships, and other programs, as defined by rule, including the administration of programs, as determined by law, that further those goals set forth in Section 17-10 of this Title, in consultation with other State agencies, as provided by law;

(3) establish committees of the Board as needed;

(4) recommend the adoption and, from time to time, the revision of those rules that may be adopted and necessary to carry out the provisions of this Act;

(5) implement the major functions of the Center, as established in the goals set forth in Section 17-10 of this Title; and

(6) seek and accept non-State funds for carrying out the policy of the Center.

(b) The Center shall work in consultation with other State agencies as necessary.

ARTICLE 99. EFFECTIVE DATE.

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

Under the rules, the foregoing **Senate Bill No. 931**, with House Amendments numbered 1 and 3, 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. 1892

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. 2 to SENATE BILL NO. 1892

Passed the House, as amended, May 4, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 1892

AMENDMENT NO. 2. Amend Senate Bill 1892 by replacing everything after the enacting clause with the following:

"Section 5. If and only if Senate Bill 17 of the 94th General Assembly becomes law, the River Edge Redevelopment Zone Act is amended by changing Sections 10-2, 10-4, and 10-5.3 as follows:

(94SB17 Art. 10, Sec. 10-2)

Sec. 10-2. Findings. The General Assembly finds and declares that those municipalities adjacent to or surrounding river areas often lack critical tools to safely revive and redevelop environmentally-challenged properties that will stimulate economic revitalization and create jobs in Illinois. Environmentally-challenged properties adjacent to or surrounding Illinois rivers are a threat to the health, safety, and welfare of the people of this State. Many of these environmentally-challenged properties adjacent to or surrounding rivers were former industrial areas that now, subject to appropriate environmental clean-up and remediation, would be ideal for office, residential, retail, hospitality, commercial, recreational, warehouse and distribution, and other economically productive uses. The cost of the cleaning and remediation of these environmentally-challenged properties is often the primary obstacle to returning these properties to a safe and economically productive use.

Cooperative and continuous partnership among the State, through the Department of Commerce and Economic Opportunity and the Environmental Protection Agency, municipalities adjacent to or

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surrounding rivers, and the private sector is necessary to appropriately encourage the cost-effective cleaning and remediation of these environmentally-challenged properties in order to bring about a safe and economically productive use of the properties.

Therefore, it is declared to be the purpose of this Act to identify and initiate 3 ~~2~~ pilot River Edge Redevelopment Zones to stimulate the safe and cost-effective re-use of environmentally-challenged properties adjacent to or surrounding rivers by means of tax incentives or grants.

(Source: 94SB17ham003.)

(94SB17 Art. 10, Sec. 10-4)

Sec. 10-4. Qualifications for River Edge Redevelopment Zones.

An area is qualified to become a zone if it:

- (1) is a contiguous area adjacent to or surrounding a river;
- (2) comprises a minimum of one half square mile and not more than 12 square miles, exclusive of lakes and waterways;
- (3) satisfies any additional criteria established by the Department consistent with the purposes of this Act;
- (4) is entirely within a single ~~home rule~~ municipality; and
- (5) has at least 100 acres of environmentally challenged land within 1500 yards of the riverfront.

(Source: 94SB17ham003.)

(94SB17 Art. 10, Sec. 10-5.3)

Sec. 10-5.3. Certification of River Edge Redevelopment Zones.

(a) Approval of designated River Edge Redevelopment Zones shall be made by the Department by certification of the designating ordinance. The Department shall promptly issue a certificate for each zone upon its approval. The certificate shall be signed by the Director of the Department, shall make specific reference to the designating ordinance, which shall be attached thereto, and shall be filed in the office of the Secretary of State. A certified copy of the River Edge Redevelopment Zone Certificate, or a duplicate original thereof, shall be recorded in the office of the recorder of deeds of the county in which the River Edge Redevelopment Zone lies.

(b) A River Edge Redevelopment Zone shall be effective upon its certification. The Department shall transmit a copy of the certification to the Department of Revenue, and to the designating municipality. Upon certification of a River Edge Redevelopment Zone, the terms and provisions of the designating ordinance shall be in effect, and may not be amended or repealed except in accordance with Section 10-5.4.

(c) A River Edge Redevelopment Zone shall be in effect for the period stated in the certificate, which shall in no event exceed 30 calendar years. Zones shall terminate at midnight of December 31 of the final calendar year of the certified term, except as provided in Section 10-5.4.

(d) In calendar years 2006 and 2007, the Department may certify one pilot River Edge Redevelopment Zone in the City of East St. Louis, one pilot River Edge Redevelopment Zone in the City of Rockford, and one pilot River Edge Redevelopment Zone in the City of Aurora.

Thereafter the Department may not certify any additional River Edge Redevelopment Zones, but may amend and rescind certifications of existing River Edge Redevelopment Zones in accordance with Section 10-5.4.

(e) A municipality in which a River Edge Redevelopment Zone has been certified must submit to the Department, within 60 days after the certification, a plan for encouraging the participation by minority persons, females, persons with disabilities, and veterans in the zone. The Department may assist the municipality in developing and implementing the plan. The terms "minority person", "female", and "person with a disability" have the meanings set forth under Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. "Veteran" means an Illinois resident who is a veteran as defined in subsection (h) of Section 1491 of Title 10 of the United States Code.

(Source: 94SB17ham003.)

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

Under the rules, the foregoing **Senate Bill No. 1892**, with House Amendment No. 2, was referred to the Secretary's Desk.

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

[May 4, 2006]

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. 2185

A bill for AN ACT concerning revenue.

Together with the following amendments which are 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. 2185

House Amendment No. 2 to SENATE BILL NO. 2185

Passed the House, as amended, May 4, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2185

AMENDMENT NO. 1. Amend Senate Bill 2185 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 10-245 and by adding Division 15 to Article 10 as follows:

(35 ILCS 200/10-245)

Sec. 10-245. Method of valuation of low-income housing projects. Notwithstanding Section 1-55 and except in counties with a population of more than 200,000 that classify property for the purposes of taxation, to determine 33 and one-third percent of the fair cash value of any low-income housing project developed under the Section 515 program or that qualifies for the low-income housing tax credit under Section 42 of the Internal Revenue Code, in assessing the project, local assessment officers must consider the actual or probable net operating income attributable to the property project, using a vacancy rate of not more than 5%, capitalized at normal market rates. The interest rate to be used in developing the normal market value capitalization rate shall be one that reflects the prevailing cost of cash for other types of commercial real estate in the geographic market in which the low-income housing project is located.

(Source: P.A. 93-533, eff. 1-1-04; 93-755, eff. 7-16-04.)

(35 ILCS 200/Art. 10 Div. 15 heading new)

DIVISION 15. SUPPORTIVE LIVING FACILITIES

(35 ILCS 200/10-390 new)

Sec. 10-390. Valuation of supportive living facilities.

(a) Notwithstanding Section 1-55, to determine the fair cash value of any supportive living facility established under Section 5-5.01a of the Illinois Public Aid Code, in assessing the facility, a local assessment officer must use the income capitalization approach when assessing the value of supportive living facilities.

(b) When assessing supportive living facilities, the local assessment officer may not consider the following payments to be income attributable to the property:

(1) payments from Medicaid for services provided to residents of supportive living facilities when such payments constitute income that is attributable to services and not attributable to the real estate; or

(2) payments by a resident of a supportive living facility for services that would be paid by Medicaid if the resident were Medicaid-eligible, when such payments constitute income that is attributable to services and not attributable to real estate."

AMENDMENT NO. 2 TO SENATE BILL 2185

AMENDMENT NO. 2. Amend Senate Bill 2185, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 10-245 and 15-143 and by adding Division 15 to Article 10 as follows:

(35 ILCS 200/10-245)

Sec. 10-245. Method of valuation of low-income housing projects. Notwithstanding Section 1-55 and except in counties with a population of more than 200,000 that classify property for the purposes of taxation, to determine 33 and one-third percent of the fair cash value of any low-income housing project developed under the Section 515 program or that qualifies for the low-income housing tax credit under Section 42 of the Internal Revenue Code, in assessing the project, local assessment officers must

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consider the actual or probable net operating income attributable to the property project, using a vacancy rate of not more than 5%, capitalized at normal market rates. The interest rate to be used in developing the normal market value capitalization rate shall be one that reflects the prevailing cost of cash for other types of commercial real estate in the geographic market in which the low-income housing project is located.

(Source: P.A. 93-533, eff. 1-1-04; 93-755, eff. 7-16-04.)

(35 ILCS 200/Art. 10 Div. 15 heading new)

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(b) When assessing supportive living facilities, the local assessment officer may not consider:

(1) payments from Medicaid for services provided to residents of supportive living facilities when such payments constitute income that is attributable to services and not attributable to the real estate; or

(2) payments by a resident of a supportive living facility for services that would be paid by Medicaid if the resident were Medicaid-eligible, when such payments constitute income that is attributable to services and not attributable to real estate.

(35 ILCS 200/15-143)

Sec. 15-143. Metropolitan Water Reclamation Districts in counties with a population greater than 3,000,000.

(a) All property that is located in a county with a population greater than 3,000,000 and that is owned by a metropolitan water reclamation district in a county with a population greater than 3,000,000 is exempt. Any such property leased to an entity that is not exempt shall remain exempt, and the leasehold interest of the lessee shall be assessed under Section 9-195 of this Code. The changes made by this amendatory Act of the 93rd General Assembly are declaratory of existing law.

(b) Property that is owned by a metropolitan water reclamation district in a county with a population greater than 3,000,000 is exempt, and the leasehold interest is exempt, if the property is:

(1) located in Will County; and

(2) leased to the Will County Forest Preserve District for a de minimis amount for use for public purposes.

(Source: P.A. 93-767, eff. 7-20-04.)

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

Under the rules, the foregoing **Senate Bill No. 2185**, with House Amendments numbered 1 and 2, 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. 2436

A bill for AN ACT concerning health facilities.

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. 2436

Passed the House, as amended, May 4, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2436

AMENDMENT NO. 1. Amend Senate Bill 2436 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Health Facilities Planning Act is amended by changing Sections 12, 13, and
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19.6 as follows:

(20 ILCS 3960/12) (from Ch. 111 1/2, par. 1162)

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

Sec. 12. Powers and duties of State Board. For purposes of this Act, the State Board shall exercise the following powers and duties:

(1) Prescribe rules, regulations, standards, criteria, procedures or reviews which may vary according to the purpose for which a particular review is being conducted or the type of project reviewed and which are required to carry out the provisions and purposes of this Act.

(2) Adopt procedures for public notice and hearing on all proposed rules, regulations, standards, criteria, and plans required to carry out the provisions of this Act.

(3) Prescribe criteria for recognition for areawide health planning organizations, including, but not limited to, standards for evaluating the scientific bases for judgments on need and procedure for making these determinations.

(4) Develop criteria and standards for health care facilities planning, conduct statewide inventories of health care facilities, maintain an updated inventory on the Department's web site reflecting the most recent bed and service changes and updated need determinations when new census data become available or new need formulae are adopted, and develop health care facility plans which shall be utilized in the review of applications for permit under this Act. Such health facility plans shall be coordinated by the Agency with the health care facility plans areawide health planning organizations and with other pertinent State Plans. Inventories pursuant to this Section of skilled or intermediate care facilities licensed under the Nursing Home Care Act or nursing homes licensed under the Hospital Licensing Act shall be conducted on an annual basis no later than July 1 of each year and shall include among the information requested a list of all services provided by a facility to its residents and to the community at large and differentiate between active and inactive beds.

In developing health care facility plans, the State Board shall consider, but shall not be limited to, the following:

(a) The size, composition and growth of the population of the area to be served;

(b) The number of existing and planned facilities offering similar programs;

(c) The extent of utilization of existing facilities;

(d) The availability of facilities which may serve as alternatives or substitutes;

(e) The availability of personnel necessary to the operation of the facility;

(f) Multi-institutional planning and the establishment of multi-institutional systems where feasible;

(g) The financial and economic feasibility of proposed construction or modification; and

(h) In the case of health care facilities established by a religious body or denomination, the needs of the members of such religious body or denomination may be considered to be public need.

The health care facility plans which are developed and adopted in accordance with this Section shall form the basis for the plan of the State to deal most effectively with statewide health needs in regard to health care facilities.

(5) Coordinate with other state agencies having responsibilities affecting health care facilities, including those of licensure and cost reporting.

(6) Solicit, accept, hold and administer on behalf of the State any grants or bequests of money, securities or property for use by the State Board or recognized areawide health planning organizations in the administration of this Act; and enter into contracts consistent with the appropriations for purposes enumerated in this Act.

(7) The State Board shall prescribe, in consultation with the recognized areawide health planning organizations, procedures for review, standards, and criteria which shall be utilized to make periodic areawide reviews and determinations of the appropriateness of any existing health services being rendered by health care facilities subject to the Act. The State Board shall consider recommendations of the areawide health planning organization and the Agency in making its determinations.

(8) Prescribe, in consultation with the recognized areawide health planning organizations, rules, regulations, standards, and criteria for the conduct of an expeditious review of applications for permits for projects of construction or modification of a health care facility, which projects are non-substantive in nature. Such rules shall not abridge the right of areawide health planning organizations to make recommendations on the classification and approval of projects, nor shall such rules prevent the conduct of a public hearing upon the timely request of an interested party. Such reviews shall not exceed 60 days from the date the application is declared to be complete by the Agency.

(9) Prescribe rules, regulations, standards, and criteria pertaining to the granting of permits for

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construction and modifications which are emergent in nature and must be undertaken immediately to prevent or correct structural deficiencies or hazardous conditions that may harm or injure persons using the facility, as defined in the rules and regulations of the State Board. This procedure is exempt from public hearing requirements of this Act.

(10) Prescribe rules, regulations, standards and criteria for the conduct of an expeditious review, not exceeding 60 days, of applications for permits for projects to construct or modify health care facilities which are needed for the care and treatment of persons who have acquired immunodeficiency syndrome (AIDS) or related conditions.

(Source: P.A. 93-41, eff. 6-27-03.)

(20 ILCS 3960/13) (from Ch. 111 1/2, par. 1163)

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

Sec. 13. Investigation of applications for permits and certificates of recognition. The Agency or the State Board shall make or cause to be made such investigations as it or the State Board deems necessary in connection with an application for a permit or an application for a certificate of recognition, or in connection with a determination of whether or not construction or modification which has been commenced is in accord with the permit issued by the State Board or whether construction or modification has been commenced without a permit having been obtained. The State Board may issue subpoenas duces tecum requiring the production of records and may administer oaths to such witnesses.

Any circuit court of this State, upon the application of the State Board or upon the application of any party to such proceedings, may, in its discretion, compel the attendance of witnesses, the production of books, papers, records, or memoranda and the giving of testimony before the State Board, by a proceeding as for contempt, or otherwise, in the same manner as production of evidence may be compelled before the court.

The State Board shall require all health facilities operating in this State to provide such reasonable reports at such times and containing such information as is needed by it to carry out the purposes and provisions of this Act. Prior to collecting information from health facilities, the State Board shall make reasonable efforts through a public process to consult with health facilities and associations that represent them to determine whether data and information requests will result in useful information for health planning, whether sufficient information is available from other sources, and whether data requested is routinely collected by health facilities and is available without retrospective record review. Data and information requests shall not impose undue paperwork burdens on health care facilities and personnel. Health facilities not complying with this requirement shall be reported to licensing, accrediting, certifying, or payment agencies as being in violation of State law. Health care facilities and other parties at interest shall have reasonable access, under rules established by the State Board, to all planning information submitted in accord with this Act pertaining to their area.

Among the reports to be required by the State Board are facility questionnaires for health care facilities licensed under the Ambulatory Surgical Treatment Center Act, the Hospital Licensing Act, the Nursing Home Care Act, or the End Stage Renal Disease Facility Act. These questionnaires shall be conducted on an annual basis and compiled by the Agency. For health care facilities licensed under the Nursing Home Care Act, these reports shall include, but not be limited to, the identification of specialty services provided by the facility to patients, residents, and the community at large. For health care facilities that contain long term care beds, the reports shall also include the number of staffed long term care beds, physical capacity for long term care beds at the facility, and long term care beds available for immediate occupancy. For purposes of this paragraph, "long term care beds" means beds (i) licensed under the Nursing Home Care Act or (ii) licensed under the Hospital Licensing Act and certified as skilled nursing or nursing facility beds under Medicaid or Medicare.

(Source: P.A. 93-41, eff. 6-27-03.)

(20 ILCS 3960/19.6)

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

Sec. 19.6. Repeal. This Act is repealed on ~~April 1, 2007~~ July 1, 2006.

(Source: P.A. 93-41, eff. 6-27-03; 93-889, eff. 8-9-04.)

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

Under the rules, the foregoing **Senate Bill No. 2436**, with House Amendment No. 1, was referred to the Secretary's Desk.

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

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

SENATE BILL NO. 2664

A bill for AN ACT concerning local government.

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. 5 to SENATE BILL NO. 2664

Passed the House, as amended, May 4, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 5 TO SENATE BILL 2664

AMENDMENT NO. 5. Amend Senate Bill 2664, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 11-147-1 as follows:
(65 ILCS 5/11-147-1) (from Ch. 24, par. 11-147-1)

Sec. 11-147-1. Whenever a municipality, drainage district, sanitary district, or other municipal corporation is adjacent to any other municipality, drainage district, sanitary district, or other municipal corporation the adjacent municipal corporations have the power to contract with each other, upon such terms as may be agreed upon between them, for the perpetual or temporary use and benefit by one of them of any sewer or drain, or of any system of sewerage or drainage or part thereof, or of any sewage disposal or sewage treatment plants and works, heretofore or hereafter constructed by the other. Any such sewer or drain, or system of sewerage or drainage or part thereof, or sewage disposal or sewage treatment plants and work, heretofore or hereafter constructed by one such municipal corporation may be extended or furnished to the inhabitants of the other. Such municipal corporations may by contract with each other provide for the joint construction of any sewer or drain or sewage disposal or sewage treatment plants and works by the municipal corporations so contracting, and for the common use thereof by the inhabitants of the contracting municipal corporations. In addition, whenever a sanitary district has acquired an easement granting the sanitary district the right to construct or operate a sanitary sewer system or part of a sanitary sewer system over property that connects the sanitary district to a municipality, the municipality and the sanitary district may enter into a contract for the use of the sanitary sewer system regardless of whether the sanitary district is adjacent to the municipality.
(Source: Laws 1961, p. 576.)

Section 10. The Sanitary District Act of 1917 is amended by changing Sections 8, 23.5, and 23.7 as follows:

(70 ILCS 2405/8) (from Ch. 42, par. 307)

Sec. 8.

(a) The sanitary district may acquire by purchase, condemnation, or otherwise all real and personal property, right of way and privilege, either within or without its corporate limits that may be required for its corporate purposes. If real property is acquired by condemnation, the sanitary district may not sell or lease any portion of the property for a period of 10 years after acquisition by condemnation is completed. If, after such 10-year period, the sanitary district decides to sell or lease the property, it must first offer the property for sale or lease to the previous owner of the land from whom the sanitary district acquired the property. If the sanitary district and such previous owner do not execute a contract for purchase or lease of the property within 60 days from the initial offer, the sanitary district then may offer the property for sale or lease to any other person. If any district formed under this Act is unable to agree with any other sanitary district upon the terms whereby it shall be permitted to use the drains, channels or ditches of such other sanitary district, the right to such use may be acquired by condemnation in any circuit court by proceedings as provided in Section 4-17 of the Illinois Drainage Code. The compensation to be paid for such use may be a gross sum, or it may be in the form of an annual rental, to be paid in yearly installments as provided by the judgment of the court wherein such proceedings may be had. However, when such compensation is fixed at a gross sum all moneys for the purchase and condemnation of any property shall be paid before possession is taken or any work done on the premises damaged by the construction of such channel or outlet, and in case of an appeal from the circuit court taken by either party whereby the amount of damages is not finally determined, then possession may be

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taken, if the amount of judgment in such court is deposited at some bank or savings and loan association to be designated by the court, subject to the payment of such damages on orders signed by the circuit court, whenever the amount of damages is finally determined. The sanitary district may sell, convey, vacate and release the real or personal property, right of way and privileges acquired by it when no longer required for the purposes of the district.

(b) A sanitary district may exercise its powers of eminent domain to acquire a public utility only if the Illinois Commerce Commission, following petition by the sanitary district, has granted approval for the sanitary district to proceed in accordance with Article VII of the Code of Civil Procedure. The following procedures must be followed when a sanitary district exercises its power of eminent domain to acquire a public utility.

(1) The sanitary district shall petition the Commission for approval of the acquisition of a public utility by the exercise of eminent domain powers. The petition filed by the sanitary district shall state the following:

(A) the caption of the case;

(B) the date of the filing of the application;

(C) the name and address of the condemnee;

(D) the name and address of the condemnor;

(E) a specific reference to the statute under which the condemnation action is authorized;

(F) a specific reference to the action, whether by ordinance, resolution, or otherwise, by which the declaration of taking was authorized, including the date when such action was taken, and the place where the record may be examined;

(G) a description of the purpose of the condemnation;

(H) a reasonable description of the property to be condemned;

(I) a statement of how just compensation will be made;

(J) a statement that, if the condemnee wishes to challenge the proceeding, the condemnee shall file objections within 45 days after its receipt of the notice.

(2) Within 30 days after the filing of a petition by the sanitary district of its intent to acquire by eminent domain all real and personal property, rights of way, and privileges of a public utility, the sanitary district shall serve a copy of the petition on the public utility and shall publish a notice of the filing of the petition in a newspaper of general circulation in the area served by the sanitary district. The sanitary district shall file a certificate of publication with the Commission as proof of publication.

(3) Within 45 days after being served with the notice required by this Section, the condemnee may file objections to the petition with the Commission. All objections shall state specifically the grounds relied upon. All objections shall be raised at one time and in one document. The condemnee shall serve a copy of the objections upon the condemnor within 72 hours after the objections are filed with the Commission.

(4) The Commission shall make a determination regarding the petition and any objections to the petition and shall make such orders and decrees as justice and law shall require. The Commission may take evidence by deposition or otherwise and shall entertain oral argument on all objections. The Commission shall make its determination within 105 days after its receipt of the objections of the condemnee, unless the Commission, in its discretion, extends the determination period for a further period not exceeding 6 months.

(c) The Illinois Commerce Commission shall approve the taking of any property by a sanitary district under subsection (b), within or outside its boundaries, if it is in the public interest. The taking shall be considered to be in the public interest if the sanitary district establishes by a preponderance of the evidence:

(1) that the sanitary district has been in existence as the operator of a wastewater system for at least 20 years;

(2) that it will provide wastewater treatment service within the proposed area subject to condemnation at the same level of wastewater treatment service provided throughout the district;

(3) that it will provide the wastewater collection, treatment, and disposal at the same or less operational and maintenance volumetric or bulk rate as the public utility whose property is subject to condemnation; and

(4) that it is not financially impractical for the public utility to serve its remaining customers who are not in the area subject to condemnation.

(Source: P.A. 90-558, eff. 12-12-97.)

(70 ILCS 2405/23.5) (from Ch. 42, par. 317e.5)

Sec. 23.5. Any sanitary district may annex any territory which is not within the corporate limits of the sanitary district but which is contiguous to it and is served by the sanitary district or by a municipality

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with sanitary sewers that are connected and served by the sanitary district by the passage of an ordinance to that effect by the board of trustees, describing the territory to be annexed. A copy of the ordinance with an accurate map of the annexed territory, certified as correct by the clerk of the district shall be filed with the county clerk of the county in which the annexed territory is located. For purposes of this Act, a property is served by a sanitary district if a sewer that is part of the sanitary district's sewer system, part of the sewer system of a municipality that is connected to the sanitary district, or part of any other sewer system that connects to and is served by the sanitary district has been extended to, across, or along the property, whether or not the buildings on the property are physically connected to the sewer.

~~Territory that is not contiguous to a sanitary district but is separated from the sanitary district by only a forest preserve district may be annexed to the sanitary district under this Section. The territory included within the forest preserve district shall not be annexed to the sanitary district and shall not be subject to rights of way for access or services between the parts of the sanitary district separated by the forest preserve district without the approval of the governing body of the forest preserve district.~~

(Source: P.A. 90-697, eff. 8-7-98.)

(70 ILCS 2405/23.7) (from Ch. 42, par. 317e.7)

Sec. 23.7. For purposes of this Act, territory to be organized as a sanitary district shall be considered to be contiguous territory, and territory to be annexed to a sanitary district shall be considered to be contiguous to the sanitary district notwithstanding that the territory to be so organized is divided by, ~~one or more railroad rights-of-ways, public easements, or property owned by a public utility~~ or that the territory to be so annexed is separated from the sanitary district by one or more railroad rights-of-ways, public easements, or property owned by a public utility, or property owned by a forest preserve district or any public agency or not-for-profit corporation, provided that the property does not require sanitary sewer service. However, upon such organization or annexation, the area included within any such right-of-way, public easement, ~~or property owned by a public utility~~ or property owned by a forest preserve district or any public agency or not-for-profit corporation shall not be considered a part of or annexed to the sanitary district and shall not be subject to rights-of-way for access or services without the approval of the legal owner of the property.

(Source: P.A. 89-558, eff. 7-26-96.)

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

Under the rules, the foregoing **Senate Bill No. 2664**, with House Amendment No. 5, 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. 2796

A bill for AN ACT concerning education.

Together with the following amendments which are 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. 2796

House Amendment No. 2 to SENATE BILL NO. 2796

Passed the House, as amended, May 4, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2796

AMENDMENT NO. 1. Amend Senate Bill 2796 as follows:

on page 23, line 29, by deleting "with leave of the"; and

on page 23, line 30, by replacing "An amended request" with "In addition, the party who requested the hearing may amend the request once as a matter of right by filing the amended request within 5 days after filing the initial request. An amended request, other than an amended request as a matter of right,"; and

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on page 23, line 33, by replacing "the amended request raises" with "an amended request, other than an amended request as a matter of right, raises"; and

on page 27, by replacing lines 5 and 6 with the following:

"(g-55) All reasonable efforts must be made by the parties to present their respective cases at the hearing within a cumulative period of 7 days. When scheduling hearing dates, the"; and

on page 27, line 9, by replacing "The time limits in this" with "This"; and

on page 27, line 12, after "case", by inserting "in its entirety"; and

on page 30, line 6, by replacing "90 +20" with "120"; and

on page 39, line 6, after "practice", by inserting "(including without limitation the handling of amended requests)".

AMENDMENT NO. 2 TO SENATE BILL 2796

AMENDMENT NO. 2. Amend Senate Bill 2796 on page 23, line 30, after "request", by inserting the following:

"Amendments are permissible for the purpose of raising issues beyond those in the initial hearing request".

Under the rules, the foregoing **Senate Bill No. 2796**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

JOINT ACTION MOTIONS FILED

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

Motion to Concur in House Amendments 1 and 2 to Senate Bill 627
 Motion to Concur in House Amendment 1 to Senate Bill 789
 Motion to Concur in House Amendments 1 and 3 to Senate Bill 931
 Motion to Concur in House Amendment 1 to Senate Bill 2436

MESSAGE FROM THE HOUSE

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 4977

A bill for AN ACT concerning public utilities.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4977

Non-concurred in by the House, May 4, 2006.

MARK MAHONEY, Clerk of the House

Under the rules, the foregoing **House Bill No. 4977**, with Senate Amendment No. 1, was referred to the Secretary's Desk.

JOINT ACTION MOTIONS FILED

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

[May 4, 2006]

Motion to Concur in House Amendments 1 and 2 to Senate Bill 14
 Motion to Concur in House Amendment 1 to Senate Bill 858
 Motion to Concur in House Amendments 1, 3 and 4 to Senate Bill 998
 Motion to Concur in House Amendments 1 and 3 to Senate Bill 2030
 Motion to Concur in House Amendment 5 to Senate Bill 2664
 Motion to Concur in House Amendment 1 to Senate Bill 2772
 Motion to Concur in House Amendments 1 and 2 to Senate Bill 2796

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

Motion to Recede from Senate Amendment 1 to House Bill 4977

REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its May 4, 2006 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Executive: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 14**
 Motion to Concur in House Amendment 1 to Senate Bill 789
 Motion to Concur in House Amendment 1 to Senate Bill 1279
 Motion to Concur in House Amendments 1 and 3 to Senate Bill 2030
 Motion to Concur in House Amendment 1 to Senate Bill 2445

State Government: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 627**
 Motion to Concur in House Amendments 1 and 3 to Senate Bill 931
 Motion to Concur in House Amendments 1, 3 and 4 to Senate Bill 998
 Motion to Concur in House Amendment 1 to Senate Bill 2436

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

HJR 121 and HJR 127

The foregoing resolutions were placed on the Secretary's Desk.

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

Senate Floor Amendment No. 2 to House Bill 1918 **Senate Floor Amendment No. 3 to House Bill 4442**

The foregoing floor amendments were placed on the Secretary's Desk.

COMMITTEE MEETING ANNOUNCEMENTS

Senator Garrett, Chairperson of the Committee on State Government, announced that the State Government Committee will meet today in Room A-1 Stratton Building, at 1:00 o'clock p.m.

Senator Silverstein, Chairperson of the Committee on Executive, announced that the Executive Committee will meet today in Room 212, at 1:00 o'clock p.m.

At the hour of 11:58 o'clock a.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

[May 4, 2006]

AFTER RECESS

At the hour of 2:43 o'clock p.m., the Senate resumed consideration of business.
Senator DeLeo, presiding.

COMMUNICATION

ILLINOIS STATE SENATE
JOHN J. CULLERTON
MAJORITY CAUCUS WHIP
STATE SENATOR · 6TH DISTRICT

May 4, 2006

Ms. Linda Hawker
Secretary of the Senate
401 State House
Springfield, IL 62706

Dear Secretary Hawker:

Legislation was introduced by me on March 29, 2006 in the form of an amendment to Senate Bill 946. At the time it was introduced, my law firm, Fagel Haber LLC, represented a client, T. C. Manufacturing, that manufactures a plastic bag that would be used by restaurants to conceal unused liquor. I was unaware of the representation at the time of introduction. The bill was supported by groups such as Mothers Against Drunk Drivers and was beneficial to restaurants, many of which are in my district.

On May 4 after the bill's passage I became aware of the fact that the company was a client. Even if I knew there was a benefit to my law firm's client I still would have supported it since it is good public policy.

Sincerely,
s/John J. Cullerton
Senator

STANDING COMMITTEE REPORTS

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendments 1 and 2 to Senate Bill 14; Motion to Concur in House Amendment 1 to Senate Bill 789; Motion to Concur in House Amendment 1 to Senate Bill 1279; Motion to Concur in House Amendments 1 and 3 to Senate Bill 2030; Motion to Concur in House Amendment 1 to Senate Bill 2445

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Garrett, Chairperson of the Committee on State Government, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

[May 4, 2006]

Motion to Concur in House Amendments 1 and 2 to Senate Bill 627; Motion to Concur in House Amendments 1 and 3 to Senate Bill 931; Motion to Concur in House Amendments 1, 3 and 4 to Senate Bill 998; Motion to Concur in House Amendment 1 to Senate Bill 2436

Under the rules, the foregoing motions are eligible for consideration by the Senate.

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. 1684

A bill for AN ACT concerning law enforcement.

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. 2 to SENATE BILL NO. 1684

Passed the House, as amended, May 4, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 1684

AMENDMENT NO. 2. Amend Senate Bill 1684 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Missing Persons Identification Act.

Section 5. Missing person reports.

(a) Report acceptance. All law enforcement agencies shall accept without delay any report of a missing person. Acceptance of a missing person report filed in person may not be refused on any ground. No law enforcement agency may refuse to accept a missing person report:

- (1) on the basis that the missing person is an adult;
- (2) on the basis that the circumstances do not indicate foul play;
- (3) on the basis that the person has been missing for a short period of time;
- (4) on the basis that the person has been missing a long period of time;
- (5) on the basis that there is no indication that the missing person was in the jurisdiction served by the law enforcement agency at the time of the disappearance;
- (6) on the basis that the circumstances suggest that the disappearance may be voluntary;
- (7) on the basis that the reporting individual does not have personal knowledge of the facts;
- (8) on the basis that the reporting individual cannot provide all of the information requested by the law enforcement agency;
- (9) on the basis that the reporting individual lacks a familial or other relationship with the missing person; or
- (10) for any other reason.

(b) Manner of reporting. All law enforcement agencies shall accept missing person reports in person. Law enforcement agencies are encouraged to accept reports by phone or by electronic or other media to the extent that such reporting is consistent with law enforcement policies or practices.

(c) Contents of report. In accepting a report of a missing person, the law enforcement agency shall attempt to gather relevant information relating to the disappearance. The law enforcement agency shall attempt to gather at the time of the report information that shall include, but shall not be limited to, the following:

- (1) the name of the missing person, including alternative names used;
- (2) the missing person's date of birth;
- (3) the missing person's identifying marks, such as birthmarks, moles, tattoos, and scars;
- (4) the missing person's height and weight;
- (5) the missing person's gender;

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- (6) the missing person's race;
- (7) the missing person's current hair color and true or natural hair color;
- (8) the missing person's eye color;
- (9) the missing person's prosthetics, surgical implants, or cosmetic implants;
- (10) the missing person's physical anomalies;
- (11) the missing person's blood type, if known;
- (12) the missing person's drivers license number, if known;
- (13) the missing person's social security number, if known;
- (14) a photograph of the missing person; recent photographs are preferable and the agency is encouraged to attempt to ascertain the approximate date the photograph was taken;
- (15) a description of the clothing the missing person was believed to be wearing;
- (16) a description of items that might be with the missing person, such as jewelry, accessories, and shoes or boots;
- (17) information on the missing person's electronic communications devices, such as cellular telephone numbers and e-mail addresses;
- (18) the reasons why the reporting individual believes that the person is missing;
- (19) the name and location of the missing person's school or employer, if known;
- (20) the name and location of the missing person's dentist or primary care physician, or both, if known;
- (21) any circumstances that may indicate that the disappearance was not voluntary;
- (22) any circumstances that may indicate that the missing person may be at risk of injury or death;
- (23) a description of the possible means of transportation of the missing person, including make, model, color, license number, and Vehicle Identification Number of a vehicle;
- (24) any identifying information about a known or possible abductor or person last seen with the missing person, or both, including:
 - (A) name;
 - (B) a physical description;
 - (C) date of birth;
 - (D) identifying marks;
 - (E) the description of possible means of transportation, including make, model, color, license number, and Vehicle Identification Number of a vehicle;
 - (F) known associates;
- (25) any other information that may aid in locating the missing person; and
- (26) the date of last contact.

(d) Notification and follow up action.

(1) Notification. The law enforcement agency shall notify the person making the report, a family member, or other person in a position to assist the law enforcement agency in its efforts to locate the missing person of the following:

- (A) general information about the handling of the missing person case or about intended efforts in the case to the extent that the law enforcement agency determines that disclosure would not adversely affect its ability to locate or protect the missing person or to apprehend or prosecute any person criminally involved in the disappearance;
- (B) that the person should promptly contact the law enforcement agency if the missing person remains missing in order to provide additional information and materials that will aid in locating the missing person such as the missing person's credit cards, debit cards, banking information, and cellular telephone records; and
- (C) that any DNA samples provided for the missing person case are provided on a voluntary basis and will be used solely to help locate or identify the missing person and will not be used for any other purpose.

The law enforcement agency, upon acceptance of a missing person report, shall inform the reporting citizen of one of 2 resources, based upon the age of the missing person. If the missing person is under 18 years of age, contact information for the National Center for Missing and Exploited Children shall be given. If the missing person is age 18 or older, contact information for the National Center for Missing Adults shall be given.

Agencies handling the remains of a missing person who is deceased must notify the agency handling the missing person's case. Documented efforts must be made to locate family members of the deceased person to inform them of the death and location of the remains of their family member.

The law enforcement agency is encouraged to make available informational materials,

through publications or electronic or other media, that advise the public about how the information or materials identified in this subsection are used to help locate or identify missing persons.

(2) Follow up action. If the person identified in the missing person report remain missing after 30 days, and the additional information and materials specified below have not been received, the law enforcement agency shall attempt to obtain:

(A) DNA samples from family members or from the missing person along with any needed documentation, or both, including any consent forms, required for the use of State or federal DNA databases, including, but not limited to, the Local DNA Index System (LDIS), State DNA Index System (SDIS), and National DNA Index System (NDIS);

(B) an authorization to release dental or skeletal x-rays of the missing person;

(C) any additional photographs of the missing person that may aid the investigation or an identification; the law enforcement agency is not required to obtain written authorization before it releases publicly any photograph that would aid in the investigation or identification of the missing person;

(D) dental information and x-rays; and

(E) fingerprints.

(3) All DNA samples obtained in missing person cases shall be immediately forwarded to the Department of State Police for analysis. The Department of State Police shall establish procedures for determining how to prioritize analysis of the samples relating to missing person cases.

(4) This subsection shall not be interpreted to preclude a law enforcement agency from attempting to obtain the materials identified in this subsection before the expiration of the 30-day period.

Section 10. Law enforcement analysis and reporting of missing person information.

(a) Prompt determination of high-risk missing person.

(1) Definition. "High-risk missing person" means a person whose whereabouts are not currently known and whose circumstances indicate that the person may be at risk of injury or death. The circumstances that indicate that a person is a high-risk missing person include, but are not limited to, any of the following:

(A) the person is missing as a result of a stranger abduction;

(B) the person is missing under suspicious circumstances;

(C) the person is missing under unknown circumstances;

(D) the person is missing under known dangerous circumstances;

(E) the person is missing more than 30 days;

(F) the person has already been designated as a high-risk missing person by another law enforcement agency;

(G) there is evidence that the person is at risk because:

(i) the person is in need of medical attention or prescription medication;

(ii) the person does not have a pattern of running away or disappearing;

(iii) the person may have been abducted by a non-custodial parent;

(iv) the person is mentally impaired;

(v) the person is under the age of 21;

(vi) the person has been the subject of past threats or acts of violence;

(vii) the person has eloped from a nursing home; or

(H) any other factor that may, in the judgment of the law enforcement official, indicate that the missing person may be at risk.

(2) Law enforcement risk assessment.

(A) Upon initial receipt of a missing person report, the law enforcement agency shall immediately and in no case later than 72 hours determine whether there is a basis to determine that the missing person is a high-risk missing person.

(B) If a law enforcement agency has previously determined that a missing person is not a high-risk missing person, but obtains new information, it shall immediately determine whether the information indicates that the missing person is a high-risk missing person.

(C) Law enforcement agencies are encouraged to establish written protocols for the handling of missing person cases to accomplish the purposes of this Act.

(3) Law enforcement agency reports.

(A) The responding local law enforcement agency shall immediately enter all collected information relating to the missing person case in the Law Enforcement Agencies Data

System (LEADS) and the National Crime Information Center (NCIC) databases. The information shall be provided in accordance with applicable guidelines relating to the databases. The information shall be entered as follows:

- (i) All DNA profiles shall be uploaded into the missing person databases of the State DNA Index System (SDIS) and National DNA Index System (NDIS) after completion of the DNA analysis and other procedures required for database entry.
 - (ii) Information relevant to the Federal Bureau of Investigation's Violent Criminal Apprehension Program shall be entered as soon as possible.
 - (iii) The Department of State Police shall ensure that persons entering data relating to medical or dental records in State or federal databases are specifically trained to understand and correctly enter the information sought by these databases. The Department of State Police shall either use a person with specific expertise in medical or dental records for this purpose or consult with a chief medical examiner, forensic anthropologist, or odontologist to ensure the accuracy and completeness of information entered into the State and federal databases.
- (B) The Department of State Police shall immediately notify all law enforcement agencies within this State and the surrounding region of the information that will aid in the prompt location and safe return of the high-risk missing person.
- (C) The local law enforcement agencies that receive the notification from the Department of State Police shall notify officers to be on the lookout for the missing person or a suspected abductor.
- (D) Pursuant to any applicable State criteria, local law enforcement agencies shall also provide for the prompt use of an Amber Alert in cases involving abducted children; or public dissemination of photographs in appropriate high risk cases.

Section 15. Reporting of unidentified persons and human remains.

(a) Handling of death scene investigations.

- (1) The Department of State Police shall provide information to local law enforcement agencies about best practices for handling death scene investigations.
 - (2) The Department of State Police shall identify any publications or training opportunities that may be available to local law enforcement agencies or law enforcement officers and coroners and medical examiners concerning the handling of death scene investigations.
- (b) Law enforcement reports.

- (1) Before performing any death scene investigation deemed appropriate under the circumstances, the official with custody of the human remains shall ensure that the coroner or medical examiner of the county in which the deceased was found has been notified.
- (2) Any coroner or medical examiner with custody of human remains that are not identified within 24 hours of discovery shall promptly notify the Department of State Police of the location of those remains.
- (3) If the coroner or medical examiner with custody of remains cannot determine whether or not the remains found are human, the coroner or medical examiner shall notify the Department of State Police of the existence of possible human remains.

Section 20. Unidentified persons or human remains identification responsibilities.

- (a) If the official with custody of human remains is not a coroner or medical examiner, the official shall immediately notify the coroner or medical examiner of the county in which the remains were found. The coroner or medical examiner shall go to the scene and take charge of the remains.
- (b) Notwithstanding any other action deemed appropriate for the handling of the human remains, the medical examiner or coroner shall make reasonable attempts to promptly identify human remains. These actions may include but are not limited to obtaining:
 - (1) photographs of the human remains (prior to an autopsy);
 - (2) dental or skeletal X-rays;
 - (3) photographs of items found with the human remains;
 - (4) fingerprints from the remains, if possible;
 - (5) samples of tissue suitable for DNA typing, if possible;
 - (6) samples of whole bone or hair suitable for DNA typing, or both;
 - (7) any other information that may support identification efforts.
- (c) No medical examiner or coroner or any other person shall dispose of, or engage in

actions that will materially affect the unidentified human remains before the medical examiner or coroner obtains:

- (1) samples suitable for DNA identification, archiving;
 - (2) photographs of the unidentified person or human remains; and
 - (3) all other appropriate steps for identification have been exhausted.
- (d) Cremation of unidentified human remains is prohibited.
- (e) The medical examiner or coroner or the Department of State Police shall make reasonable efforts to obtain prompt DNA analysis of biological samples if the human remains have not been identified by other means within 30 days.
- (f) The medical examiner or coroner or the Department of State Police shall seek support from appropriate State and federal agencies for human remains identification efforts. This support may include, but is not be limited to, available mitochondrial or nuclear DNA testing, federal grants for DNA testing, or federal grants for crime laboratory or medical examiner or coroner's office improvement.
- (g) The Department of State Police shall promptly enter information in federal and State databases that may aid in the identification of human remains. Information shall be entered into federal databases as follows:
- (1) information for the National Crime Information Center shall be entered within 72 hours;
 - (2) DNA profiles and information shall be entered into the National DNA Index System (NDIS) within 5 business days after the completion of the DNA analysis and procedures necessary for the entry of the DNA profile; and
 - (3) information sought by the Violent Criminal Apprehension Program database shall be entered as soon as practicable.
- (h) If the Department of State Police does not input the data directly into the federal databases, the Department of State Police shall consult with the medical examiner or coroner's office to ensure appropriate training of the data entry personnel and the establishment of a quality assurance protocol for ensuring the ongoing quality of data entered in the federal and State databases.
- (i) Nothing in this Act shall be interpreted to preclude any medical examiner or coroner's office, the Department of State Police, or a local law enforcement agency from pursuing other efforts to identify unidentified human remains including efforts to publicize information, descriptions, or photographs that may aid in the identification of the unidentified remains, allow family members to identify missing person, and seek to protect the dignity of the missing person.

Section 95. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-375 as follows:

(20 ILCS 2605/2605-375) (was 20 ILCS 2605/55a in part)

Sec. 2605-375. Missing persons; Law Enforcement Agencies Data System (LEADS).

(a) To establish and maintain a statewide Law Enforcement Agencies Data System (LEADS) for the purpose of providing electronic access by authorized entities to criminal justice data repositories and effecting an immediate law enforcement response to reports of missing persons, including lost, missing or runaway minors and missing endangered seniors. The Department shall implement an automatic data exchange system to compile, to maintain, and to make available to other law enforcement agencies for immediate dissemination data that can assist appropriate agencies in recovering missing persons and provide access by authorized entities to various data repositories available through LEADS for criminal justice and related purposes. To assist the Department in this effort, funds may be appropriated from the LEADS Maintenance Fund.

(b) In exercising its duties under this Section, the Department shall ~~provide~~ ~~do the following:~~ ~~(1) Provide~~ a uniform reporting format (LEADS) for the entry of pertinent information regarding the report of a missing person into LEADS. The report must include all of the following:

- (1) ~~(A)~~ Relevant information obtained from the notification concerning the missing person, including all of the following:
 - (A) ~~(i)~~ a physical description of the missing person;
 - (B) ~~(ii)~~ the date, time, and place that the missing person was last seen; and
 - (C) ~~(iii)~~ the missing person's address.
- (2) ~~(B)~~ Information gathered by a preliminary investigation, if one was made.
- (3) ~~(C)~~ A statement by the law enforcement officer in charge stating the officer's assessment of the case based on the evidence and information received.

[May 4, 2006]

(b-5) The Department of State Police shall:

~~(1) Prepare~~ ~~prepare~~ the report required by ~~subsection (b) this paragraph (1)~~ as soon as practical, but not later than 5 hours after the

Department receives notification of a missing person.

(2) Develop and implement a policy whereby a statewide or regional alert would be used in situations relating to the disappearances of individuals, based on criteria and in a format established by the Department. Such a format shall include, but not be limited to, the age of the missing person and the suspected circumstance of the disappearance.

(3) Notify all law enforcement agencies that reports of missing persons shall be entered as soon as the minimum level of data specified by the Department is available to the reporting agency and that no waiting period for the entry of the data exists.

(4) Compile and retain information regarding lost, abducted, missing, or runaway minors in a separate data file, in a manner that allows that information to be used by law enforcement and other agencies deemed appropriate by the Director, for investigative purposes. The information shall include the disposition of all reported lost, abducted, missing, or runaway minor cases.

(5) Compile and maintain an historic data repository relating to lost, abducted, missing, or runaway minors and other missing persons, including, but not limited to, missing endangered seniors, in order to develop and improve techniques utilized by law enforcement agencies when responding to reports of missing persons.

(6) Create a quality control program regarding confirmation of missing person data, timeliness of entries of missing person reports into LEADS, and performance audits of all entering agencies.

~~(7) Upon completion of the report required by paragraph (1), the Department of State Police shall immediately forward the contents of the report to all of the following:~~

~~(A) all law enforcement agencies that have jurisdiction in the location where the missing person lives and all law enforcement agencies that have jurisdiction in the location where the missing person was last seen;~~

~~(B) all law enforcement agencies to which the person who made the notification concerning the missing person requests the report be sent, if the Department determines that the request is reasonable in light of the information received;~~

~~(C) all law enforcement agencies that request a copy of the report; and~~

~~(D) the National Crime Information Center's Missing Person File, if appropriate.~~

~~(8) The Department of State Police shall begin an investigation concerning the missing person not later than 24 hours after receiving notification of a missing person.~~

~~(c) The Illinois Law Enforcement Training Standards Board shall conduct a training program for law enforcement personnel of local governmental agencies in the Missing Persons Identification Act statewide coordinated missing endangered senior alert system established under this Section.~~

~~(d) The Department of State Police shall perform the duties prescribed in the Missing Persons Identification Act, subject to appropriation.~~

(Source: P.A. 94-145, eff. 1-1-06.)

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

Under the rules, the foregoing **Senate Bill No. 1684**, with House Amendment No. 2, 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. 2295

A bill for AN ACT concerning civil law.

Together with the following amendments which are 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. 2295

House Amendment No. 3 to SENATE BILL NO. 2295

Passed the House, as amended, May 4, 2006.

[May 4, 2006]

AMENDMENT NO. 1 TO SENATE BILL 2295

AMENDMENT NO. 1. Amend Senate Bill 2295 on page 1, line 5, by deleting "8-2005,"; and

on page 1, immediately below line 15, by inserting the following:

"In this Part, "practitioner" means any health care practitioner, including a physician, dentist, podiatrist, advanced practice nurse, physician assistant, clinical psychologist, or clinical social worker. The term includes a medical office, health care clinic, health department, group practice, and any other organizational structure for a licensed professional to provide health care services. The term does not include a health care facility as defined in this Section."; and

on page 3, by replacing lines 7 through 15 with the following:

"Sec. 8-2003. Records of health care practitioners. In this Section, "practitioner" means any health care practitioner, including a physician, dentist, podiatrist, advanced practice nurse, physician assistant, clinical psychologist, or clinical social worker. The term includes a medical office, health care clinic, health department, group practice, and any other organizational structure for a licensed professional to provide health care services. The term does not include a health care facility as defined in Section 8-2001."; and

on page 5, by deleting lines 1 through 36; and

on page 6, by deleting lines 1 through 5.

AMENDMENT NO. 3 TO SENATE BILL 2295

AMENDMENT NO. 3. Amend Senate Bill 2295 on page 1, line 5, after "Sections", by inserting "8-802,"; and

on page 1, immediately below line 6, by inserting the following:

"(735 ILCS 5/8-802) (from Ch. 110, par. 8-802)

Sec. 8-802. Physician and patient. No physician or surgeon shall be permitted to disclose any information he or she may have acquired in attending any patient in a professional character, necessary to enable him or her professionally to serve the patient, except only (1) in trials for homicide when the disclosure relates directly to the fact or immediate circumstances of the homicide, (2) in actions, civil or criminal, against the physician for malpractice, (3) with the expressed consent of the patient, or in case of his or her death or disability, of his or her personal representative or other person authorized to sue for personal injury or of the beneficiary of an insurance policy on his or her life, health, or physical condition, (4) in all actions brought by or against the patient, his or her personal representative, a beneficiary under a policy of insurance, or the executor or administrator of his or her estate wherein the patient's physical or mental condition is an issue, (5) upon an issue as to the validity of a document as a will of the patient, (6) in any criminal action where the charge is either first degree murder by abortion, attempted abortion or abortion, (7) in actions, civil or criminal, arising from the filing of a report in compliance with the Abused and Neglected Child Reporting Act, (8) to any department, agency, institution or facility which has custody of the patient pursuant to State statute or any court order of commitment, (9) in prosecutions where written results of blood alcohol tests are admissible pursuant to Section 11-501.4 of the Illinois Vehicle Code, (10) in prosecutions where written results of blood alcohol tests are admissible under Section 5-11a of the Boat Registration and Safety Act, ~~or~~ (11) in criminal actions arising from the filing of a report of suspected terrorist offense in compliance with Section 29D-10(p)(7) of the Criminal Code of 1961 , or (12) upon the issuance of a subpoena pursuant to Section 38 of the Medical Practice Act of 1987; the issuance of a subpoena pursuant to Section 25.1 of the Illinois Dental Practice Act; or the issuance of a subpoena pursuant to Section 22 of the Nursing Home Administrators Licensing and Disciplinary Act.

In the event of a conflict between the application of this Section and the Mental Health and Developmental Disabilities Confidentiality Act to a specific situation, the provisions of the Mental Health and Developmental Disabilities Confidentiality Act shall control.

(Source: P.A. 87-803; 92-854, eff. 12-5-02)."

Under the rules, the foregoing **Senate Bill No. 2295**, with House Amendments numbered 1 and 3, was referred to the Secretary's Desk.

[May 4, 2006]

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. 2762

A bill for AN ACT concerning education.

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

House Amendment No. 2 to SENATE BILL NO. 2762

House Amendment No. 3 to SENATE BILL NO. 2762

Passed the House, as amended, May 4, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 2762

AMENDMENT NO. 2. Amend Senate Bill 2762 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 27-6 as follows:

(105 ILCS 5/27-6) (from Ch. 122, par. 27-6)

Sec. 27-6. Courses in physical education required; special activities.

(a) Pupils enrolled in the public schools and State universities engaged in preparing teachers shall be required to engage daily during the school day, except on block scheduled days for those public schools engaged in block scheduling, in courses of physical education for such periods as are compatible with the optimum growth and developmental needs of individuals at the various age levels except when appropriate excuses are submitted to the school by a pupil's parent or guardian or by a person licensed under the Medical Practice Act of 1987 and except as provided in subsection (b) of this Section.

Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act of 1987, prevents their participation in the courses provided for normal children.

(b) A school board is authorized to excuse pupils enrolled in grades 11 and 12 from engaging in physical education courses if those pupils request to be excused for any of the following reasons: (1) for ongoing participation in an interscholastic athletic program; (2) to enroll in academic classes which are required for admission to an institution of higher learning, provided that failure to take such classes will result in the pupil being denied admission to the institution of his or her choice; or (3) to enroll in academic classes which are required for graduation from high school, provided that failure to take such classes will result in the pupil being unable to graduate. A school board may also excuse pupils in grades 9 through 12 enrolled in a marching band program for credit from engaging in physical education courses if those pupils request to be excused for ongoing participation in such marching band program. In addition, a pupil school board may excuse pupils in any of grades 9 through 12 who is eligible for special education may be excused if the pupil's parent or guardian agrees that the pupil those pupils must utilize the time set aside for physical education to receive special education support and services or, if there is no agreement, the individualized education program team for the pupil determines that the pupil must utilize the time set aside for physical education to receive special education support and services. However, a pupil requiring adapted physical education must receive that service in accordance with the individualized education program developed for the pupil. A school board may also excuse pupils in grades 9 through 12 enrolled in a Reserve Officer's Training Corps (ROTC) program sponsored by the school district from engaging in physical education courses. School boards which choose to exercise this authority shall establish a policy to excuse pupils on an individual basis.

(c) The provisions of this Section are subject to the provisions of Section 27-22.05. (Source: P.A. 94-189, eff. 7-12-05; 94-198, eff. 1-1-06; 94-200, eff. 7-12-05; revised 8-19-05.)

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

AMENDMENT NO. 3 TO SENATE BILL 2762

AMENDMENT NO. 3. Amend Senate Bill 2762, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, on page 2, line 24, after "services", by inserting ", which

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agreement or determination must be made a part of the individualized education program."

Under the rules, the foregoing **Senate Bill No. 2762**, with House Amendments numbered 2 and 3, 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. 3088

A bill for AN ACT in relation to revenue.

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. 3088

Passed the House, as amended, May 4, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 3088

AMENDMENT NO. 1. Amend Senate Bill 3088 on page 1, in line 15, by deleting "the Downstate Forest Preserve District Act,"; and

on page 166, by deleting lines 8 through 22.

Under the rules, the foregoing **Senate Bill No. 3088**, 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 refused to concur with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 4173

A bill for AN ACT concerning elections.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4173

Senate Amendment No. 2 to HOUSE BILL NO. 4173

Non-concurred in by the House, May 4, 2006.

MARK MAHONEY, Clerk of the House

Under the rules, the foregoing **House Bill No. 4173**, with Senate Amendments numbered 1 and 2, 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 adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 118

WHEREAS, In the 2004-2005 school year, over 321,000 children with disabilities were served in special education programs across Illinois; and

WHEREAS, The number of children in special education programs has risen 12% in the last 5 years

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alone, and special education accounts for approximately 21% of all education spending; and

WHEREAS, The federal government has established a goal of reimbursing 40% of the costs of special education incurred by school districts, but it currently provides only 18% of costs nationally and only 14% in Illinois; and

WHEREAS, Illinois has failed for decades to update reimbursement rates for special education costs, with the last reimbursement rate set in 1973 for special education orphanage tuition, in 1985 for special education personnel, in 1978 for special education private tuition, in 1976 for special education summer school, and in 1965 for special education transportation; and

WHEREAS, Illinois has continued to prorate special education mandated categoricals at less than 100%, with the FY06 budget prorating these mandated categoricals at 97%; and

WHEREAS, Even if Illinois fully funded mandated categoricals at 100%, this would still only represent partial funding, as the reimbursement rates are severely outdated; and

WHEREAS, Illinois school districts currently spend an estimated \$1 billion from their own general education funds to meet the unreimbursed costs of special education services that are mandated by federal and State laws and administrative rules; and

WHEREAS, Special education continues to represent a growing financial burden on school districts as the need for services increases while State and federal funding fails to increase along with that need; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that a task force shall be created to study current special education funding needs and to make recommendations as to how the State can increase special education funding and ease the financial burden on school districts; and be it further

RESOLVED, That the task force shall consist of the State Superintendent of Education (or his or her designee) plus 16 members appointed as follows: the House Majority Leader and the House Minority Leader shall each appoint one representative, the Senate President and the Senate Minority Leader shall each appoint one senator, and these 4 leaders shall each appoint 3 public members representing the interests of special education administrators and services, school districts, and disability advocates; and be it further

RESOLVED, That the task force shall be facilitated by the State Board of Education; and be it further

RESOLVED, That the task force shall report its findings and recommendations to the Governor and the General Assembly by January 1, 2007; and be it further

RESOLVED, That a suitable copy of this resolution be transmitted to the State Superintendent of Education.

Adopted by the House, May 3, 2006.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 118 was referred to the Committee on Rules.

JOINT ACTION MOTIONS FILED

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

[May 4, 2006]

Motion to Concur in House Amendment 3 to Senate Bill 613
 Motion to Concur in House Amendment 2 to Senate Bill 1892
 Motion to Concur in House Amendments 2 and 3 to Senate Bill 2762

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

Motion to Recede from Senate Amendments 1 and 2 to House Bill 4173

PRESENTATION OF RESOLUTION

SENATE RESOLUTION 752

Offered by Senator Hunter and all Senators:
 Mourns the death of Beverly Jean Nicholson.

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

REPORT FROM RULES COMMITTEE

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

Senate Floor Amendment No. 3 to House Bill 1918

The foregoing floor amendment was placed on the Secretary's Desk.

HOUSE BILL RECALLED

On motion of Senator Clayborne, **House Bill No. 1918** was recalled from the order of third reading to the order of second reading.

Senate Committee Amendment No. 1 was held in the Committee on Executive.

Senator Hendon offered the following amendment:

AMENDMENT NO. 2 TO HOUSE BILL 1918

AMENDMENT NO. 2. Amend House Bill 1918, on page 6, immediately below line 21, by inserting the following:

"(d) This Section is repealed 2 years after the effective date of this amendatory Act of the 94th General Assembly."; and

on page 6, line 34, by replacing "As a condition" with "For a period of 2 years beginning on the effective date of this amendatory Act of the 94th General Assembly, as a condition".

Senator Hendon moved that the foregoing amendment be ordered to lie on the table.

The motion to table prevailed.

Senator Hendon offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO HOUSE BILL 1918

AMENDMENT NO. 3. Amend House Bill 1918 by replacing line 11 on page 4 through line 22 on page 6 with the following:

"Section 10. The Illinois Horse Racing Act of 1975 is amended by adding Section 54.5 as follows:
 (230 ILCS 5/54.5 new)

Sec. 54.5. Horse Racing Equity Trust Fund.

(a) There is created a Fund to be known as the Horse Racing Equity Trust Fund, which is a non-appropriated trust fund held separate and apart from State moneys. The Fund shall consist of

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moneys paid into it by owners licensees under the Riverboat Gambling Act for the purposes described in this Section. The Fund shall be administered by the Board. Moneys in the Fund shall be distributed as directed and certified by the Board in accordance with the provisions of subsection (b).

(b) The moneys deposited into the Fund, plus any accrued interest on those moneys, shall be distributed within 10 days after those moneys are deposited into the Fund as follows:

(1) Sixty percent of all moneys distributed under this subsection shall be distributed to organization licensees to be distributed at their race meetings as purses. Fifty-seven percent of the amount distributed under this paragraph (1) shall be distributed for thoroughbred race meetings and 43% shall be distributed for standardbred race meetings. Within each breed, moneys shall be allocated to each organization licensee's purse fund in accordance with the ratio between the purses generated for that breed by that licensee during the prior calendar year and the total purses generated throughout the State for that breed during the prior calendar year by licensees in the current calendar year.

(2) The remaining 40% of the moneys distributed under this subsection (b) shall be distributed as follows:

(A) 11% shall be distributed to any person (or its successors or assigns) who had operating control of a racetrack that conducted live racing in 2002 at a racetrack in a county with at least 230,000 inhabitants that borders the Mississippi River and is a licensee in the current year; and

(B) the remaining 89% shall be distributed pro rata according to the aggregate proportion of total handle from wagering on live races conducted in Illinois (irrespective of where the wagers are placed) for calendar years 2004 and 2005 to any person (or its successors or assigns) who (i) had majority operating control of a racing facility at which live racing was conducted in calendar year 2002, (ii) is a licensee in the current year, and (iii) is not eligible to receive moneys under subparagraph (A) of this paragraph (2).

The moneys received by an organization licensee under this paragraph (2) shall be used by each organization licensee to improve, maintain, market, and otherwise operate its racing facilities to conduct live racing, which shall include backstretch services and capital improvements related to live racing and the backstretch. Any organization licensees sharing common ownership may pool the moneys received and spent at all racing facilities commonly owned in order to meet these requirements.

If any person identified in this paragraph (2) becomes ineligible to receive moneys from the Fund, such amount shall be redistributed among the remaining persons in proportion to their percentages otherwise calculated.

(c) The Board shall monitor organization licensees to ensure that moneys paid to organization licensees under this Section are distributed by the organization licensees as provided in subsection (b).

(d) This Section is repealed 2 years after the effective date of this amendatory Act of the 94th General Assembly."; and

by replacing line 34 on page 6 through line 1 of page 7 with the following:

"rules of the Board. For a period of 2 years beginning on the effective date of this amendatory Act of the 94th General Assembly, as a condition of licensure and as an alternative source of payment for those funds payable"; and

on page 16, by replacing lines 19 through 33 with the following:

"(c-5) Before the effective date of this amendatory Act of the 94th General Assembly and beginning 2 years after the effective date of this amendatory Act of the 94th General Assembly, after After the payments required under subsections (b) and (c) have been made, an amount equal to 15% of the adjusted gross receipts of (1) an owners licensee that relocates pursuant to Section 11.2, (2) an owners licensee conducting riverboat gambling operations pursuant to an owners license that is initially issued after June 25, 1999, or (3) the first riverboat gambling operations conducted by a licensed manager on behalf of the State under Section 7.3, whichever comes first, shall be paid from the State Gaming Fund into the Horse Racing Equity Fund.

(c-10) Each year the General Assembly shall appropriate from the General Revenue Fund to the Education Assistance Fund an amount equal to the amount paid into the Horse Racing Equity Fund pursuant to subsection (c-5) in the prior calendar year."; and

on page 18, by replacing lines 21 through 25 with the following:

"Section 97. Inseverability. The changes made to existing statutory law by this amendatory Act of the 94th General Assembly are mutually dependent and inseverable. If any change made to existing statutory law by this amendatory Act of the 94th General Assembly is held invalid, then all changes

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made to existing statutory law by this amendatory Act of the 94th General Assembly are invalid in their entirety."

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

Yeas 40; Nays 16; Present 1.

The following voted in the affirmative:

Althoff	Halvorson	Munoz	Silverstein
Axley	Harmon	Pankau	Sullivan
Bomke	Hendon	Peterson	Trotter
Brady	Jacobs	Radogno	Viverito
Burzynski	Jones, J.	Raoul	Watson
Clayborne	Jones, W.	Righter	Winkel
Cronin	Lightford	Risinger	Mr. President
Dahl	Luechtefeld	Ronen	
del Valle	Maloney	Rutherford	
Demuzio	Martinez	Sandoval	
Geo-Karis	Meeks	Sieben	

The following voted in the negative:

Collins	Garrett	Petka	Wilhelmi
Crotty	Hunter	Roskam	
Cullerton	Lauzen	Schoenberg	
DeLeo	Link	Shadid	
Forby	Millner	Syverson	

The following voted present:

Haine

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. 1918**, 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 40; Nays 16; Present 1.

The following voted in the affirmative:

Althoff	Harmon	Munoz	Sieben
Axley	Hendon	Pankau	Silverstein
Bomke	Hunter	Peterson	Sullivan
Brady	Jacobs	Radogno	Trotter
Burzynski	Jones, J.	Raoul	Watson
Clayborne	Jones, W.	Righter	Winkel
Cronin	Lightford	Risinger	Mr. President
del Valle	Luechtefeld	Ronen	
Demuzio	Maloney	Rutherford	

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Geo-Karis	Martinez	Sandoval
Halvorson	Meeks	Shadid

The following voted in the negative:

Collins	Forby	Petka	Wilhelmi
Crotty	Garrett	Rauschenberger	
Cullerton	Lauzen	Roskam	
Dahl	Link	Schoenberg	
DeLeo	Millner	Syverson	

The following voted present:

Haine

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

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

Senator Viverito asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **House Bill No. 1918**.

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

At the hour of 3:42 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 5:26 o'clock p.m., the Senate resumed consideration of business.
Senator DeLeo, presiding.

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 adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 119

WHEREAS, The Constitution of the State of Illinois gives the State the primary responsibility for funding the cost of public education; however, the State currently only covers thirty-four percent of this cost, which ranks the State forty-ninth in the nation in terms of the percentage of state funding provided to schools; and

WHEREAS, Rather than fulfilling its constitutional obligation, the State has shifted the primary responsibility for funding the cost of public education to local property taxpayers, with school districts receiving an average of sixty percent of their funds from local property taxes; Illinois ranks forty-ninth among the fifty states for its over-reliance on local property taxes to fund education; and

WHEREAS, By relying on the property tax as the primary source of funding for schools, the State has created a disparity between property rich school districts and school districts without substantial property wealth; the existing funding disparity is unfair to the children of Illinois, who all deserve an equal

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opportunity to a quality education regardless of where they reside; and

WHEREAS, If the State is to ever assume primary responsibility for funding public education and resolve the current dependence on the property tax and the funding disparity between school districts, the State must either increase an existing source of State revenue or create a new revenue stream; and

WHEREAS, Taxpayers should not be asked to provide additional resources to public schools and school districts without the State improving the current systems of fiscal and performance accountability in such a manner as to provide a guarantee that new moneys would be well spent in ways likely to improve schools and that taxpayers would be afforded appropriate and understandable accountability for greater investments in school improvement; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there is created the Accountable Schools Task Force, which shall be facilitated by the State Board of Education, to review and evaluate the complex issues involving the fiscal and performance accountability of the State's school districts and individual schools; and be it further

RESOLVED, That the Task Force shall consist of twenty-five members as follows: one member appointed by the Speaker of the House of Representatives; one member appointed by the President of the Senate; one member appointed by the Minority Leader of the House of Representatives; one member appointed by the Minority Leader of the Senate; one member appointed by the Governor; the Chairperson of the State Board of Education or his or her designee; three members who are representatives of the business community appointed by the Governor; four members who are representatives of the education labor community, two of whom shall be appointed by an organization representing teachers who participate in collective bargaining and two of whom shall be appointed by a different organization representing teachers who participate in collective bargaining; two members who are representatives of the education management community appointed by an organization representing school management; two members who are representatives of a statewide child advocacy organization appointed by the Governor; two members who are representatives of a statewide organization of parents and teachers appointed by the Governor; one member who is a mayor or village president from the northeastern Illinois region appointed by an organization representing mayors of northern Illinois; one member who is a mayor or village president from downstate Illinois appointed by an organization representing mayors of southern Illinois; one member who is a representative of the Mayor of the City of Chicago appointed by the Mayor of the City of Chicago; and three members appointed at-large by a national or regional organization with particular expertise in school fiscal and performance accountability; and be it further

RESOLVED, That following the appointment of all Task Force members, the Task Force shall meet and select a member to serve as Chairperson and shall meet as necessary thereafter; and be it further

RESOLVED, That the Task Force shall have the following duties and responsibilities: (1) to evaluate the State's existing fiscal and performance accountability systems; (2) to identify costs of mandates imposed on school districts and individual schools; (3) to recommend a fiscal assessment process that includes criteria for examining and evaluating the current financial practices of all school districts and schools and determining the adequacy and efficiency of internal controls; (4) to recommend methods to improve and stabilize the State's system of performance accountability; and (5) to recommend methods by which the fiscal and performance accountability systems are made more transparent and understandable for parents of students and taxpayers; and be it further

RESOLVED, That all Task Force meetings shall be open to the public; the Task Force may solicit input from non-members of the Task Force and any other sources deemed appropriate by the State Board of Education; and be it further

RESOLVED, That that the Task Force shall report its findings and recommendations to the General Assembly by January 8, 2007.

Adopted by the House, May 4, 2006.

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The foregoing message from the House of Representatives reporting House Joint Resolution No. 119 was referred to the Committee on Rules.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 130

WHEREAS, America's increasing dependence on foreign oil has contributed to rising gasoline prices throughout Illinois and the nation; numerous economic development and environmental benefits result from the use of renewable fuels, including strengthening our agricultural sector by creating new renewable fuels industry related jobs, reducing our dependence on foreign oil, improving our energy security, and reducing greenhouse gas emissions; and

WHEREAS, Replacing fossil fuels with renewable raw material significantly reduces the consumption of limited energy sources; the hybrid grass miscanthus requires little energy input for infrastructure, fertilizers and pesticides, and growing and processing; use of non-renewable raw materials in miscanthus production and processing is limited to infrastructure and transport; miscanthus requires significantly less fertilizer and pesticide input than other energy crops; miscanthus is a plant that thrives on less water than other crops; targeted below-ground irrigation via pipe systems increases yields; and

WHEREAS, Mining fossil fuels entails large-scale interference in the landscape, but establishing energy crops preserves rather than endangers landscapes; miscanthus has the best energy per space ratio of all energy crops; harvested miscanthus can be processed down to the last fibre, leaving no production waste; ashes from combustion can re-enter the cycle as fertilizer; and

WHEREAS, Renewable energy sources have a closed carbon cycle: the CO₂ released while burning biomass is absorbed by the next crop growing; in contrast to fossil fuels like coal, petroleum, and natural gas, the atmosphere is not polluted by additional greenhouse gas and CO₂ emissions; the danger of water pollution by excessive fertilization is low; compared to food production the pesticide input is extremely low, and miscanthus requires pesticide input only during the first and second year of establishment to keep out competing field plants; so far, no significant pests or diseases have affected miscanthus; and

WHEREAS, The energy yield from miscanthus is not high enough to make transportation over long distances economically viable, favoring localized conversion and use at the place of availability and the establishment of local infrastructure; growing miscanthus has some advantages over conventional food agriculture; perennials offer more animal and plant kinds a habitat than a crop like corn could; the soil improves, and as miscanthus requires only a low fertilizer input, the danger of water pollution is low; miscanthus stabilizes soil threatened by erosion; fields planted with miscanthus produce annual yields over decades without harming the natural balance of soil and ground water; and

WHEREAS, Growing and converting miscanthus as an energy crop is highly cost-effective; the conversion of biomass to biogenic solid fuels is labor-intensive and creates jobs; growing miscanthus offers farmers an additional foothold; new employment opportunities benefit economically weak areas; miscanthus can be harvested with existing machinery; biomass fuels are easy to store, even for longer periods of time, which ensures year-round availability; up-to-date conversion facilities pose no health risks; appropriate handling will prevent the development of hazardous fungus spores or toxins that is possible in biofuel storage; and

WHEREAS, Dry miscanthus stems can be used as a solid fuel; the perennial grass grows from an underground stem-like organ called a rhizome; miscanthus, a crop native to Asia and a relative of sugarcane, drops its leaves in the winter, leaving behind tall bamboo-like stems that can be harvested in early spring and burned for fuel; grasses such as miscanthus are very clean fuels; nutrients such as

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nitrogen are transferred to the rhizome and are saved until the next growing season; burning miscanthus produces only as much carbon dioxide as it removes from the air as it grows, that balance means there is no net effect on atmospheric carbon dioxide levels, which is not the case with fossil fuels; and

WHEREAS, Miscanthus also is a very efficient fuel, because the energy ratio of input to output is less than 0.2; in contrast, the ratios exceed 0.8 for ethanol and biodiesel from canola, which are other plant-derived energy sources; besides being a clean, efficient, and renewable fuel source, miscanthus also is remarkably easy to grow; upon reaching maturity, miscanthus has few needs, as it outgrows weeds, requires little water and minimal fertilizer, and thrives in untilled fields; in untilled fields, various wildlife species make their homes in the plant's leafy canopy and in the surrounding undisturbed soil; Illinois researchers have found that miscanthus grown in the State has greater crop yields than in Europe, where it has been used commercially for years; full-grown plants produce 10-30 tons per acre dry weight each year; and

WHEREAS, The Illinois miscanthus crop began three years ago, when 400 miscanthus rhizomes were planted at the University of Illinois, and the three 33-by-33 feet miscanthus plots are considered mature; nine different fields across the State are being used to help estimate miscanthus productivity; plots in Champaign and Christian counties each have more than 2 acres of miscanthus, and DeKalb, Pike, Pope, Wayne, Fayette, and Mason counties have smaller plots; plots in Champaign County have shown the greatest yearly yields, according to the 2004 progress report to the Illinois Council on Food and Agricultural Research, which funded the experiments; and

WHEREAS, The next step is to demonstrate how miscanthus goes from a plant to a power source; existing U.S. power plants could be modified to use miscanthus for fuel, as in Europe; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we urge the United States Department of Agriculture and the Illinois Department of Agriculture to fund research and make grants available to determine the efficacy of using miscanthus as a power source; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the United States Secretary of Agriculture and to the Illinois Director of Agriculture.

Adopted by the House, May 4, 2006.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 130 was referred to the Committee on Rules.

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. 1497

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. 3 to SENATE BILL NO. 1497

Passed the House, as amended, May 4, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 3 TO SENATE BILL 1497

AMENDMENT NO. 3. Amend Senate Bill 1497 by replacing everything after the enacting clause with the following:

[May 4, 2006]

"Section 5. The School Code is amended by changing Section 2-3.71 as follows:
(105 ILCS 5/2-3.71) (from Ch. 122, par. 2-3.71)

Sec. 2-3.71. Grants for preschool educational programs.

(a) Preschool program.

(1) The State Board of Education shall implement and administer a grant program under the provisions of this subsection which shall consist of grants to public school districts and other eligible entities, as defined by the State Board of Education, to conduct voluntary preschool educational programs for children ages 3 to 5 which include a parent education component. A public school district which receives grants under this subsection may subcontract with other entities that are eligible to conduct a preschool educational program. These grants must be used to supplement, not supplant, funds received from any other source.

(2) (Blank).

(3) Any teacher of preschool children in the program authorized by this subsection shall hold an early childhood teaching certificate.

(4) This paragraph (4) applies before July 1, 2006 and after June 30, 2008. The State Board of Education shall provide the primary source of funding through appropriations for the ~~this~~ program. Such funds shall be distributed for the benefit of children who because of their home and community environment are subject to such language, cultural, economic and like disadvantages that they have been determined as a result of screening procedures to be at risk of academic failure. Such screening procedures shall be based on criteria established by the State Board of Education.

(4.5) This paragraph (4.5) applies from July 1, 2006 through June 30, 2008. The State Board of Education shall provide the primary source of funding through appropriations for the program. Such funds shall be distributed to achieve a goal of "Preschool for All Children" for the benefit of all children whose families choose to participate in the program. Based on available appropriations, newly funded programs shall be selected through a process giving first priority to qualified programs serving primarily at-risk children and second priority to qualified programs serving primarily children with a family income of less than 4 times the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2). For purposes of this paragraph (4.5), at-risk children are those who because of their home and community environment are subject to such language, cultural, economic and like disadvantages to cause them to have been determined as a result of screening procedures to be at risk of academic failure. Such screening procedures shall be based on criteria established by the State Board of Education.

On or before November 1 of each fiscal year in which the General Assembly provides funding for new programs under this paragraph (4.5), the State Board of Education shall report to the General Assembly on what percentage of new funding was provided to programs serving primarily at-risk children, what percentage of new funding was provided to programs serving primarily children with a family income of less than 4 times the federal poverty level, and what percentage of new funding was provided to other programs.

(5) The State Board of Education shall develop and provide evaluation tools, including tests, that school districts and other eligible entities may use to evaluate children for school readiness prior to age 5. The State Board of Education shall require school districts and other eligible entities to obtain consent from the parents or guardians of children before any evaluations are conducted. The State Board of Education shall encourage local school districts and other eligible entities to evaluate the population of preschool children in their communities and provide preschool programs, pursuant to this subsection, where appropriate.

(6) The State Board of Education shall report to the General Assembly by July 1, ~~2007~~ ~~1989~~ and every 3 years thereafter, on the results and progress of students who were enrolled in preschool educational programs, including an assessment of which programs have been most successful in promoting academic excellence and alleviating academic failure. The State Board of Education shall assess the academic progress of all students who have been enrolled in preschool educational programs.

(b) (Blank).

(Source: P.A. 94-506, eff. 8-8-05.)

Section 99. Effective date. This Act takes effect July 1, 2006."

Under the rules, the foregoing **Senate Bill No. 1497**, with House Amendment No. 3, was referred to the Secretary's Desk.

[May 4, 2006]

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. 2049

A bill for AN ACT concerning local government.

Together with the following amendments which are 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. 2049

House Amendment No. 5 to SENATE BILL NO. 2049

Passed the House, as amended, May 4, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2049

AMENDMENT NO. 1. Amend Senate Bill 2049 by replacing everything after the enacting clause with the following:

"Section 5. The Public Building Commission Act is amended by changing Section 20 and by adding Section 20.1 as follows:

(50 ILCS 20/20) (from Ch. 85, par. 1050)

Sec. 20. Contracts let to lowest responsible bidder; competitive bidding; advertisement for bids; design-build contracts. All contracts to be let for the construction, alteration, improvement, repair, enlargement, demolition or removal of any buildings or other facilities, or for materials or supplies to be furnished, where the amount thereof is in excess of \$5,000, shall be let to the lowest responsible bidder, or bidders, except in the case of an offeror for a design-build contract, on open competitive bidding after public advertisement published at least once in each week for three consecutive weeks prior to the opening of bids, in a daily newspaper of general circulation in the county where the commission is located. Nothing contained in this Section shall be construed to prohibit the Board of Commissioners from placing additional advertisements in recognized trade journals. Advertisements for bids shall describe the character of the proposed contract in sufficient detail to enable the bidders or offerors thereon to know what their obligation will be, either in the advertisement itself, or by reference to detailed plans and specifications, or a design-build scope of work statement that includes criteria and preliminary design, budget parameters or guaranteed maximum price, schedule, and delivery requirements, on file in the office of the Public Building Commission at the time of the publication of the first announcement. Such advertisement shall also state the date, time, and place assigned for the opening of bids or offers. ~~No and no~~ bids or offers shall be received at any time subsequent to the time indicated in said advertisement. The Board of Commissioners may reject any and all bids or offers received and readvertise for bids or offers. All bids shall be open to public inspection in the office of the Public Building Commission for a period of at least forty-eight (48) hours before award is made. The successful bidder or offeror for such work shall enter into contracts furnished and prescribed by the Board of Commissioners and in addition to any other bonds required under this Act the successful bidder shall execute and give bond, payable to and to be approved by the Commission, with a corporate surety authorized to do business under the laws of the State of Illinois, in an amount to be determined by the Board of Commissioners, conditioned upon the payment of all labor furnished and materials supplied in the prosecution of the contracted work. If the bidder or offeror whose bid has been accepted shall neglect or refuse to accept the contract within five (5) days after written notice that the same has been awarded to him, or if he accepts but does not execute the contract and give the proper security, the Commission may accept the next lowest bidder or offeror, or readvertise and relet in manner above provided. In case any work shall be abandoned by any contractor or design-builder, the Commission may, if the best interests of the Commission be thereby served, adopt on behalf of the Commission all subcontracts made by such contractor or design-builder for such work and all such sub-contractors shall be bound by such adoption if made; and the Commission shall, in the manner provided herein, readvertise and relet the work specified in the original contract exclusive of so much thereof as shall be accepted. Every contract when made and entered into, as herein provided for, shall be executed in duplicate, one copy of which shall be held by the Commission, and filed in its records, and one copy of which shall be given to the contractor or design-builder.

(Source: P.A. 84-249.)

(50 ILCS 20/20.1 new)

[May 4, 2006]

Sec. 20.1. Design-build; criteria and evaluation factors. Notwithstanding any provision to the contrary in Section 20 of this Act, any contract with a design-build company or firm to furnish the architectural or engineering and related design services as well as labor, material, and construction services for a building or improvement shall be let based upon criteria and evaluation factors determined by the Commission, which may include, without limitation, specialized experience and technical competence, capability to perform, past performance of the offeror's team, and other appropriate technical and qualifications factors."

AMENDMENT NO. 5 TO SENATE BILL 2049

AMENDMENT NO. 5. Amend Senate Bill 2049, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Public Building Commission Act is amended by changing Sections 3 and 20 and by adding Sections 20.3, 20.4, 20.5, 20.10, 20.15, and 20.20 as follows:

(50 ILCS 20/3) (from Ch. 85, par. 1033)

Sec. 3. The following terms, wherever used, or referred to in this Act, mean unless the context clearly requires a different meaning:

- (a) "Commission" means a Public Building Commission created pursuant to this Act.
- (b) "Commissioner" or "Commissioners" means a Commissioner or Commissioners of a Public Building Commission.
- (c) "County seat" means a city, village or town which is the county seat of a county.
- (d) "Municipality" means any city, village or incorporated town of the State of Illinois.
- (e) "Municipal corporation" includes a county, city, village, town, (including a county seat), park district, school district in a county of 3,000,000 or more population, board of education of a school district in a county of 3,000,000 or more population, sanitary district, airport authority contiguous with the County Seat as of July 1, 1969 and any other municipal body or governmental agency of the State but does not include a school district in a county of less than 3,000,000 population, a board of education of a school district in a county of less than 3,000,000 population, or a community college district in a county of less than 3,000,000 population.
- (f) "Governing body" includes a city council, county board, or any other body or board, by whatever name it may be known, charged with the governing of a municipal corporation.
- (g) "Presiding officer" includes the mayor or president of a city, village or town, the presiding officer of a county board, or the presiding officer of any other board or commission, as the case may be.
- (h) "Oath" means oath or affirmation.
- (i) "Building" means an improvement to real estate to be made available for use by a municipal corporation for the furnishing of governmental services to its citizens, together with any land or interest in land necessary or useful in connection with the improvement.
- (j) "Delivery system" means the design and construction approach used to develop and construct a project.
- (k) "Design-bid-build" means the traditional delivery system used on public projects that incorporates the Local Government Professional Services Selection Act (50 ILCS 510/) and the principles of competitive selection.
- (l) "Design-build" means a delivery system that provides responsibility within a single contract for the furnishing of architecture, engineering, land surveying and related services as required, and the labor, materials, equipment, and other construction services for the project.
- (m) "Design-build contract" means a contract for a public project under this Act between the Commission and a design-build entity to furnish architecture, engineering, land surveying, and related services as required, and to furnish the labor, materials, equipment, and other construction services for the project. The design-build contract may be conditioned upon subsequent refinements in scope and price and may allow the Commission to make modifications in the project scope without invalidating the design-build contract.
- (n) "Design-build entity" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that proposes to design and construct any public project under this Act. A design-build entity and associated design-build professionals shall conduct themselves in accordance with the laws of this State and the related provisions of the Illinois Administrative Code, as referenced by the licensed design professionals Acts of this State.
- (o) "Design professional" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that offers services under the Illinois Architecture Practice Act of 1989 (225 ILCS 305/), the Professional Engineering Practice Act of 1989 (225 ILCS

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325/), the Structural Engineering Licensing Act of 1989 (225 ILCS 340/), or the Illinois Professional Land Surveyor Act of 1989 (225 ILCS 330/).

(p) "Evaluation criteria" means the requirements for the separate phases of the selection process for design-build proposals as defined in this Act and may include the specialized experience, technical qualifications and competence, capacity to perform, past performance, experience with similar projects, assignment of personnel to the project, and other appropriate factors. Price may not be used as a factor in the evaluation of Phase I proposals.

(q) "Proposal" means the offer to enter into a design-build contract as submitted by a design-build entity in accordance with this Act.

(r) "Request for proposal" means the document used by the Commission to solicit proposals for a design-build contract.

(s) "Scope and performance criteria" means the requirements for the public project, including but not limited to, the intended usage, capacity, size, scope, quality and performance standards, life-cycle costs, and other programmatic criteria that are expressed in performance-oriented and quantifiable specifications and drawings that can be reasonably inferred and are suited to allow a design-build entity to develop a proposal.

(t) "Guaranteed maximum price" means a form of contract in which compensation may vary according to the scope of work involved but in any case may not exceed an agreed total amount.

(Source: P.A. 88-304.)

(50 ILCS 20/20) (from Ch. 85, par. 1050)

Sec. 20. Contracts let to lowest responsible bidder; competitive bidding; advertisement for bids; design-build contracts.

(a) All contracts to be let for the construction, alteration, improvement, repair, enlargement, demolition or removal of any buildings or other facilities, or for materials or supplies to be furnished, where the amount thereof is in excess of \$5,000, shall be awarded as a design-build contract in accordance with Sections 20.3 through 20.20 or shall be let to the lowest responsible bidder, or bidders on open competitive bidding. ¶

(b) A contract awarded on the basis of competitive bidding shall be awarded after public advertisement published at least once in each week for three consecutive weeks prior to the opening of bids, in a daily newspaper of general circulation in the county where the commission is located. Nothing contained in this Section shall be construed to prohibit the Board of Commissioners from placing additional advertisements in recognized trade journals. Advertisements for bids shall describe the character of the proposed contract in sufficient detail to enable the bidders thereon to know what their obligation will be, either in the advertisement itself, or by reference to detailed plans and specifications on file in the office of the Public Building Commission at the time of the publication of the first announcement. Such advertisement shall also state the date, time, and place assigned for the opening of bids. No and no bids shall be received at any time subsequent to the time indicated in said advertisement.

(c) In addition to the requirements of Section 20.3, the Commission shall advertise a design-build solicitation at least once in a daily newspaper of general circulation in the county where the Commission is located. The date that Phase I submissions by design-build entities are due must be at least 14 calendar days after the date the newspaper advertisement for design-build proposals is first published. The advertisement shall identify the design-build project, the due date, the place and time for Phase I submissions, and the place where proposers can obtain a complete copy of the request for design-build proposals, including the criteria for evaluation and the scope and performance criteria. The Commission is not precluded from using other media or from placing advertisements in addition to the one required under this subsection.

(d) The Board of Commissioners may reject any and all bids and proposals received and may readvertise for bids or issue a new request for design-build proposals.

(e) All bids shall be open to public inspection in the office of the Public Building Commission for a period of at least forty-eight (48) hours before award is made. The successful bidder for such work shall enter into contracts furnished and prescribed by the Board of Commissioners and in addition to any other bonds required under this Act the successful bidder shall execute and give bond, payable to and to be approved by the Commission, with a corporate surety authorized to do business under the laws of the State of Illinois, in an amount to be determined by the Board of Commissioners, conditioned upon the payment of all labor furnished and materials supplied in the prosecution of the contracted work. If the bidder whose bid has been accepted shall neglect or refuse to accept the contract within five (5) days after written notice that the same has been awarded to him, or if he accepts but does not execute the contract and give the proper security, the Commission may accept the next lowest bidder, or readvertise and relet in manner above provided.

(f) In case any work shall be abandoned by any contractor or design-build entity, the Commission may, if the best interests of the Commission be thereby served, adopt on behalf of the Commission all subcontracts made by such contractor or design-build entity for such work and all such sub-contractors shall be bound by such adoption if made; and the Commission shall, in the manner provided in this Act herein, readvertise and relet or request proposals and award design-build contracts for, the work specified in the original contract exclusive of so much thereof as shall be accepted. Every contract when made and entered into, as herein provided in this Section or Section 20.20 for, shall be executed in duplicate, one copy of which shall be held by the Commission, and filed in its records, and one copy of which shall be given to the contractor or design-build entity.
(Source: P.A. 84-249.)

(50 ILCS 20/20.3 new)

Sec. 20.3. Solicitation of design-build proposals.

(a) When the Commission elects to use the design-build delivery method, it must issue a notice of intent to receive proposals for the project at least 14 days before issuing the request for the proposal. The Commission must publish the advance notice in a daily newspaper of general circulation in the county where the Commission is located. The Commission is encouraged to use publication of the notice in related construction industry service publications. A brief description of the proposed procurement must be included in the notice. The Commission must provide a copy of the request for proposal to any party requesting a copy.

(b) The request for proposal shall be prepared for each project and must contain, without limitation, the following information:

(1) The name of the Commission.

(2) A preliminary schedule for the completion of the contract.

(3) The proposed budget for the project, the source of funds, and the currently available funds at the time the request for proposal is submitted.

(4) Prequalification criteria for design-build entities wishing to submit proposals. The Commission shall include, at a minimum, its normal prequalification, licensing, registration, and other requirements, but nothing contained herein precludes the use of additional prequalification criteria by the Commission.

(5) Material requirements of the contract, including but not limited to, the proposed terms and conditions, required performance and payment bonds, insurance, and the entity's plan to comply with the utilization goals established by the corporate authorities of the Commission for minority and women business enterprises and to comply with Section 2-105 of the Illinois Human Rights Act.

(6) The performance criteria.

(7) The evaluation criteria for each phase of the solicitation.

(8) The number of entities that will be considered for the technical and cost evaluation phase.

(c) The Commission may include any other relevant information that it chooses to supply. The design-build entity shall be entitled to rely upon the accuracy of this documentation in the development of its proposal.

(d) The date that proposals are due must be at least 21 calendar days after the date of the issuance of the request for proposal. In the event the cost of the project is estimated to exceed \$12,000,000, then the proposal due date must be at least 28 calendar days after the date of the issuance of the request for proposal. The Commission shall include in the request for proposal a minimum of 30 days to develop the Phase II submissions after the selection of entities from the Phase I evaluation is completed.

(50 ILCS 20/20.4 new)

Sec. 20.4. Development of design-build scope and performance criteria.

(a) The Commission shall develop, with the assistance of a licensed design professional, a request for proposal, which shall include scope and performance criteria. The scope and performance criteria must be in sufficient detail and contain adequate information to reasonably apprise the qualified design-build entities of the Commission's overall programmatic needs and goals, including criteria and preliminary design plans, general budget parameters, schedule, and delivery requirements.

(b) Each request for proposal shall also include a description of the level of design to be provided in the proposals. This description must include the scope and type of renderings, drawings, and specifications that, at a minimum, will be required by the Commission to be produced by the design-build entities.

(c) The scope and performance criteria shall be prepared by a design professional who is an employee of the Commission, or the Commission may contract with an independent design professional selected under the Local Government Professional Services Selection Act (50 ILCS 510/) to provide these services.

(d) The design professional that prepares the scope and performance criteria is prohibited from

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participating in any design-build entity proposal for the project.

(50 ILCS 20/20.5 new)

Sec. 20.5. Procedures for design-build selection.

(a) The Commission must use a two-phase procedure for the selection of the successful design-build entity. Phase I of the procedure will evaluate and shortlist the design-build entities based on qualifications, and Phase II will evaluate the technical and cost proposals.

(b) The Commission shall include in the request for proposal the evaluating factors to be used in Phase I. These factors are in addition to any prequalification requirements of design-build entities that the Commission has set forth. Each request for proposal shall establish the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the Commission. The Commission must maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

The Commission shall include the following criteria in every Phase I evaluation of design-build entities: (1) experience of personnel; (2) successful experience with similar project types; (3) financial capability; (4) timeliness of past performance; (5) experience with similarly sized projects; (6) successful reference checks of the firm; (7) commitment to assign personnel for the duration of the project and qualifications of the entity's consultants; and (8) ability or past performance in meeting or exhausting good faith efforts to meet the utilization goals for minority and women business enterprises established by the corporate authorities of the Commission and in complying with Section 2-105 of the Illinois Human Rights Act. The Commission may include any additional relevant criteria in Phase I that it deems necessary for a proper qualification review. The Commission may include any additional relevant criteria in Phase I that it deems necessary for a proper qualification review.

The Commission may not consider any design-build entity for evaluation or award if the entity has any pecuniary interest in the project or has other relationships or circumstances, including but not limited to, long-term leasehold, mutual performance, or development contracts with the Commission, that may give the design-build entity a financial or tangible advantage over other design-build entities in the preparation, evaluation, or performance of the design-build contract or that create the appearance of impropriety. No design-build proposal shall be considered that does not include an entity's plan to comply with the requirements established in the minority and women business enterprises and economically disadvantaged firms established by the corporate authorities of the Commission and with Section 2-105 of the Illinois Human Rights Act.

Upon completion of the qualifications evaluation, the Commission shall create a shortlist of the most highly qualified design-build entities. The Commission, in its discretion, is not required to shortlist the maximum number of entities as identified for Phase II evaluation, provided however, no less than 2 design-build entities nor more than 6 are selected to submit Phase II proposals.

The Commission shall notify the entities selected for the shortlist in writing. This notification shall commence the period for the preparation of the Phase II technical and cost evaluations. The Commission must allow sufficient time for the shortlist entities to prepare their Phase II submittals considering the scope and detail requested by the Commission.

(c) The Commission shall include in the request for proposal the evaluating factors to be used in the technical and cost submission components of Phase II. Each request for proposal shall establish, for both the technical and cost submission components of Phase II, the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the Commission. The Commission must maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

The Commission shall include the following criteria in every Phase II technical evaluation of design-build entities: (1) compliance with objectives of the project; (2) compliance of proposed services to the request for proposal requirements; (3) quality of products or materials proposed; (4) quality of design parameters; (5) design concepts; (6) innovation in meeting the scope and performance criteria; and (7) constructability of the proposed project. The Commission may include any additional relevant technical evaluation factors it deems necessary for proper selection.

The Commission shall include the following criteria in every Phase II cost evaluation: the guaranteed maximum project cost and the time of completion. The Commission may include any additional relevant technical evaluation factors it deems necessary for proper selection. The guaranteed maximum project cost criteria weighing factor shall not exceed 30%.

The Commission shall directly employ or retain a licensed design professional to evaluate the technical and cost submissions to determine if the technical submissions are in accordance with generally accepted industry standards.

Upon completion of the technical submissions and cost submissions evaluation, the Commission may

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award the design-build contract to the highest overall ranked entity.

(50 ILCS 20/20.10 new)

Sec. 20.10. Small design-build projects. In any case where the total overall cost of the project is estimated to be less than \$12,000,000, the Commission may combine the two-phase procedure for design-build selection described in Section 20.5 into one combined step, provided that all the requirements of evaluation are performed in accordance with Section 20.5.

(50 ILCS 20/20.15 new)

Sec. 20.15. Submission of design-build proposals. Design-build proposals must be properly identified and sealed. Proposals may not be reviewed until after the deadline for submission has passed as set forth in the request for proposals. All design-build entities submitting proposals shall be disclosed after the deadline for submission, and all design-build entities who are selected for Phase II evaluation shall also be disclosed at the time of that determination.

Phase II design-build proposals shall include a bid bond in the form and security as designated in the request for proposals. Proposals shall also contain a separate sealed envelope with the cost information within the overall proposal submission. Proposals shall include a list of all design professionals and other entities to which any work may be subcontracted during the performance of the contract.

Proposals must meet all material requirements of the request for proposal or they may be rejected as non-responsive. The Commission shall have the right to reject any and all proposals.

The drawings and specifications of any unsuccessful design-build proposal shall remain the property of the design-build entity.

The Commission shall review the proposals for compliance with the performance criteria and evaluation factors.

Proposals may be withdrawn prior to the due date and time for submissions for any cause. After evaluation begins by the Commission, clear and convincing evidence of error is required for withdrawal.

(50 ILCS 20/20.20 new)

Sec. 20.20. Design-build award. The Commission may award a design-build contract to the highest overall ranked entity. Notice of award shall be made in writing. Unsuccessful entities shall also be notified in writing. The Commission may not request a best and final offer after the receipt of proposals. The Commission may negotiate with the selected design-build entity after award but prior to contract execution for the purpose of securing better terms than originally proposed, provided that the salient features of the request for proposal are not diminished."

Under the rules, the foregoing **Senate Bill No. 2049**, with House Amendments numbered 1 and 5, 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. 2225

A bill for AN ACT concerning education.

Together with the following amendments which are 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. 2225

House Amendment No. 3 to SENATE BILL NO. 2225

Passed the House, as amended, May 4, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2225

AMENDMENT NO. 1. Amend Senate Bill 2225 on page 2, line 34, after "coursework", by inserting the following:

"before pursuing his or her chosen course of study".

AMENDMENT NO. 3 TO SENATE BILL 2225

AMENDMENT NO. 3. Amend Senate Bill 2225, AS AMENDED, by replacing everything after the enacting clause with the following:

[May 4, 2006]

"Section 5. The Higher Education Student Assistance Act is amended by adding Section 39 as follows:

(110 ILCS 947/39 new)

Sec. 39. Monetary Award Program Plus.

(a) The Commission shall receive and consider applications for monetary grant assistance under this Section to benefit those students who will not receive Monetary Award Program grants awarded in accordance with Section 35 of this Act, but who will benefit from assistance in paying for the costs of attendance at institutions of higher learning. Subject to a separate appropriation for this purpose and sufficient revenue from the sale of student loan assets, transaction processing, or refinancing, an applicant is eligible for a Monetary Award Program Plus grant under this Section if the Commission finds that the applicant meets all of the following qualifications:

(1) He or she is a resident of this State and a citizen or permanent resident of the United States.

(2) He or she is enrolled at least half-time as a sophomore, junior, or senior at a MAP-eligible institution, as defined under the Monetary Award Program.

(3) He or she will not receive in the same academic year a Monetary Award Program grant under Section 35 of this Act.

(4) He or she is from a family that had an adjusted gross income, listed on the Free Application for Federal Student Aid, of less than \$200,000 for the 2005 taxable year.

(b) All grants under this Section are applicable only to tuition and mandatory fee costs. The Commission shall determine the grant amount for each student, which amount must not exceed \$500 per year or \$250 per semester and must not exceed tuition and mandatory fees net of State and federal financial aid.

(c) Grants under this Section may be awarded only for the Fall 2006 and Spring 2007 semesters.

(d) The Commission shall pay Monetary Award Program Plus grant awards to eligible students by application date, on a first-come, first-served basis.

(e) The Commission, in determining the number of Monetary Award Program Plus grants to be awarded, shall utilize whatever appropriate data is available and shall notify applicants that grant assistance is contingent upon the availability of appropriated funds.

(f) The Commission shall determine if sufficient funds are available from the sale of student loan assets, transaction processing, or refinancing to continue Monetary Award Program Plus beyond the Spring 2007 semester and shall prepare a report for the Governor and General Assembly indicating whether funding is available and how it can be used to support the program.

Section 99. Effective date. This Act takes effect July 1, 2006."

Under the rules, the foregoing **Senate Bill No. 2225**, with House Amendments numbered 1 and 3, 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 adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 73

Concurred in by the House, May 3, 2006.

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 adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 78

Concurred in by the House, May 3, 2006.

MARK MAHONEY, Clerk of the House

[May 4, 2006]

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 adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 87

Concurred in by the House, May 3, 2006.

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 adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 88

Concurred in by the House, May 3, 2006.

MARK MAHONEY, Clerk of the House

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

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

SENATE BILL NO. 622

A bill for AN ACT concerning State government.
Passed the House, May 4, 2006.

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. 626

A bill for AN ACT concerning State government.

SENATE BILL NO. 830

A bill for AN ACT concerning local government.

SENATE BILL NO. 1028

A bill for AN ACT concerning safety.

Passed the House, May 4, 2006.

MARK MAHONEY, Clerk of the House

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

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

SENATE BILL NO. 835

A bill for AN ACT concerning local government.

Passed the House, May 4, 2006.

MARK MAHONEY, Clerk of the House

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

[May 4, 2006]

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. 2399

A bill for AN ACT concerning employment.
Passed the House, May 4, 2006.

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 adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1918

A bill for AN ACT concerning gaming.

Which amendment is as follows:

Senate Amendment No. 3 to HOUSE BILL NO. 1918

Concurred in by the House, May 4, 2006.

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 adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 4676

A bill for AN ACT in relation to aging.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4676

Senate Amendment No. 2 to HOUSE BILL NO. 4676

Concurred in by the House, May 4, 2006.

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 adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 5342

A bill for AN ACT concerning criminal law.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 5342

Senate Amendment No. 2 to HOUSE BILL NO. 5342

Concurred in by the House, May 4, 2006.

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

HOUSE BILL NO. 4572

A bill for AN ACT concerning ethics.

Passed the House, May 4, 2006.

[May 4, 2006]

The foregoing **House Bill No. 4572** was taken up, ordered printed and placed on first reading.

JOINT ACTION MOTIONS FILED

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

Motion to Concur in House Amendment 3 to Senate Bill 1497
 Motion to Concur in House Amendment 2 to Senate Bill 1684
 Motion to Concur in House Amendments 1 and 2 to Senate Bill 2185
 Motion to Concur in House Amendments 1 and 3 to Senate Bill 2225
 Motion to Concur in House Amendment 1 to Senate Bill 3088

LEGISLATIVE MEASURE FILED

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

Senate Floor Amendment No. 1 to Senate Bill 1029

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 751

Offered by Senator Harmon and all Senators:
 Mourns the death of Norbert Bochat of River Grove.

SENATE RESOLUTION 753

Offered by Senator Link and all Senators:
 Mourns the death of Valerie Elizabeth Sydnor of Waukegan.

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

INTRODUCTION OF BILLS

SENATE BILL NO. 3186. Introduced by Senators Roskam - Dillard, a bill for AN ACT concerning transportation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

HOUSE BILL RECALLED

On motion of Senator Martinez, **House Bill No. 4342** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendments numbered 2 and 3 were held in the Committee on Rules.
 Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO HOUSE BILL 4342

AMENDMENT NO. 4. Amend House Bill 4342, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Mobile Home Park Act is amended by adding Section 9.15 and changing Section 21
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as follows:

(210 ILCS 115/9.15 new)

Sec. 9.15. Fire safety. All private water supply systems and hydrants for fire safety purposes in existence on the effective date of this amendatory Act of the 94th General Assembly shall be maintained in operable condition and good repair as defined by the State Fire Marshal or mobile home park licensing agency. A mobile home park that does not have a private water supply system and hydrants shall have an agreement, approved by the State Fire Marshal or licensing agency in consultation with the municipal fire department or the local fire protection district, to provide an adequate and reliable water supply for fire mitigation needs. Nothing in this Section shall be construed to mandate a mobile home park, constructed prior to 1998, to install new water supply systems or hydrants for fire safety purposes.

Each mobile home park shall be inspected annually pursuant to the applicable mobile home park fire protection standards by the municipal fire department or fire protection district that has jurisdictional responsibility for responding to a fire call in that park. As used in this Section, "applicable mobile home park fire protection standards" means (i) in the case of a home rule unit, the fire protection standards ordinance of the municipality or fire protection district that has jurisdictional responsibility for responding to a fire call in that park or (ii) if there is no ordinance or in the case of a non-home rule unit, the rules adopted by the Office of the State Fire Marshal for fire safety in mobile home parks. If, upon inspection, the municipal fire department or fire protection district finds that a park does not meet the applicable fire protection standards, the municipal fire department or fire protection district shall give within 5 working days of the inspection a written notice of violation to the licensee and to the Department of Public Health of any violation or required modification or repair. The licensee has 30 days after receipt of the written notice to correct the violation or make the required modification or repair. Not less than 30 days after the licensee's receipt of the notice, the municipal fire department or fire protection district shall reinspect the park and issue a written reinspection report to the licensee and to the Department of Public Health concerning the status of the licensee's compliance with the notice and whether any violation still exists. If the municipal fire department or fire protection district determines on reinspection that a licensee has made a good faith and substantial effort to comply with the notice but that compliance is not complete, the municipal fire department or fire protection district may grant the licensee an extension of time for compliance, as they deem fit, by a written notice of extension of time for compliance issued within 5 working days after the reinspection that identifies what remains to be corrected, modified, or repaired and a date by which compliance must be achieved. If an extension is granted, the municipal fire department or fire protection district shall make another inspection within 10 days after the date set for compliance and issue a final written report to the licensee and the Department of Public Health concerning the status of the licensee's compliance with the notice, written report, and written notice of extension of time for compliance and whether a violation still exists. If a licensee fails to cure the violation or comply with the requirements stated in the notice of violation, or if a written notice of extension of time for compliance is issued and the final written report states that a violation still exists, the municipal fire department or fire protection district shall notify the Department of Public Health of the licensee's failure to comply with the notice of violation and the written report and shall deliver to the Department for purposes of enforcement under this Section copies of all written notices and reports concerning the violation.

Upon receipt of the written reports concerning the violation, the Department shall issue to the licensee a notice of intent to assess civil penalties in the amount of \$500 per day, per violation for non-compliance with the written notice of violation issued by the municipal fire department or fire protection district and provide the licensee with the opportunity for an administrative hearing pursuant to the provisions of Section 22 of this Act.

Notwithstanding the foregoing provisions of this Section, the enforcement of home rule ordinances and regulations shall be by the appropriate local authorities, including local public health departments, municipal attorneys, and State's Attorneys.

A home rule unit may not regulate the legal rights, remedies, and obligations of a licensee under this Section in a manner less restrictive than the regulation by the State of fire safety in a mobile home park under this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and function exercised by the State.

This Section does not apply to any mobile home park located within a home rule county if the home rule county actively regulates mobile home parks.

(210 ILCS 115/21) (from Ch. 111 1/2, par. 731)

Sec. 21. The Department shall enforce the provisions of this Act and the rules and regulations adopted pursuant thereto affecting health, sanitation, water supply, sewage, garbage, fire safety, and waste

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disposal, and the Department shall inspect, at least once each year, each mobile home park and all the accommodations and facilities therewith. Such officials or officers are hereby granted the power and authority to enter upon the premises of such parks at any time for the purposes herein set forth.

The Department may issue rules and regulations to carry out the provisions of this Act. Such rules may contain provisions for the Department to grant a waiver to a mobile home park, if the intent and purpose of the Act are met.

The Department is empowered to assess civil penalties for violations of Section 9.15 of this Act. Civil penalties in the amount of \$500 per day, per violation shall be assessed for non-compliance with the written notice of violation issued by a municipal fire department or fire protection district. An additional civil penalty of \$500 per day of violation shall be assessed against a licensee who knowingly rents or offers for rent a mobile home or mobile home site without taking appropriate corrective action to remedy a notice of violation issued by a municipal fire department or fire protection district. The first day of violation for purposes of assessing a fine shall be the date of the licensee's receipt of the written report following the reinspection, if the written report states that a violation still exists. If a written notice of extension of time for compliance is issued and the final written report states that a violation still exists, the first day of violation for purposes of assessing a fine shall be the date of the licensee's receipt of the final written report. The Department shall deposit all fees and fines collected under this Act into the Facility Licensing Fund. Moneys in the Fund, subject to appropriation, shall be used for the enforcement of this Act.

In the administration and enforcement of this Act, the Department may designate and use full-time city or county health departments as its agents in making inspections and investigations.

(Source: P.A. 85-565.)".

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 Martinez, **House Bill No. 4342**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

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

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

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

[May 4, 2006]

HOUSE BILL RECALLED

On motion of Senator Demuzio, **House Bill No. 4729** was recalled from the order of third reading to the order of second reading.

Senator Demuzio moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion prevailed.

Senator Demuzio moved that Amendment No. 1 to **House Bill No. 4729** be ordered to lie on the table.

The motion to table prevailed.

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 Demuzio, **House Bill No. 4729**, 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	Sandoval
Axley	Geo-Karis	Meeks	Schoenberg
Bomke	Haine	Millner	Shadid
Brady	Halvorson	Munoz	Sieben
Burzynski	Harmon	Pankau	Silverstein
Clayborne	Hendon	Peterson	Sullivan
Collins	Hunter	Petka	Syverson
Cronin	Jacobs	Radogno	Trotter
Crotty	Jones, J.	Raoul	Viverito
Cullerton	Jones, W.	Rauschenberger	Watson
Dahl	Lauzen	Righter	Wilhelmi
del Valle	Lightford	Risinger	Winkel
DeLeo	Link	Ronen	Mr. President
Demuzio	Luechtefeld	Roskam	
Forby	Maloney	Rutherford	

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 Lightford, **House Bill No. 4451**, 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	Sandoval
Axley	Geo-Karis	Meeks	Schoenberg
Bomke	Haine	Millner	Shadid
Brady	Halvorson	Munoz	Sieben

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Burzynski	Harmon	Pankau	Silverstein
Clayborne	Hendon	Peterson	Sullivan
Collins	Hunter	Petka	Syverson
Cronin	Jacobs	Radogno	Trotter
Crotty	Jones, J.	Raoul	Viverito
Cullerton	Jones, W.	Rauschenberger	Watson
Dahl	Lauzen	Righter	Wilhelmi
del Valle	Lightford	Risinger	Winkel
DeLeo	Link	Ronen	Mr. President
Demuzio	Luechtefeld	Roskam	
Forby	Maloney	Rutherford	

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.

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

On motion of Senator Schoenberg, **Senate Bill No. 176**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 32; Nays 26.

The following voted in the affirmative:

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

The following voted in the negative:

Althoff	Geo-Karis	Peterson	Rutherford
Axley	Jones, J.	Petka	Sieben
Bomke	Jones, W.	Radogno	Syverson
Brady	Lauzen	Rauschenberger	Watson
Burzynski	Luechtefeld	Righter	Winkel
Cronin	Millner	Risinger	
Dahl	Pankau	Roskam	

This roll call verified.

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 176**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Harmon, **Senate Bill No. 230**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

[May 4, 2006]

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

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

Yeas 33; Nays 25.

The following voted in the affirmative:

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

The following voted in the negative:

Althoff	Jones, J.	Petka	Sieben
Axley	Jones, W.	Radogno	Syverson
Brady	Lauzen	Rauschenberger	Watson
Burzynski	Luechtefeld	Righter	Winkel
Cronin	Millner	Risinger	
Dahl	Pankau	Roskam	
Geo-Karis	Peterson	Rutherford	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 230**.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Bomke asked and obtained unanimous consent for the Journal to reflect his negative vote on **Senate Bill No. 230**.

On motion of Senator Schoenberg, **Senate Bill No. 1625**, with House Amendments numbered 1 and 4 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 32; Nays 26.

The following voted in the affirmative:

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

The following voted in the negative:

Althoff	Geo-Karis	Peterson	Rutherford
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Axley	Jones, J.	Petka	Sieben
Bomke	Jones, W.	Radogno	Syverson
Brady	Lauzen	Rauschenberger	Watson
Burzynski	Luechtefeld	Righter	Winkel
Cronin	Millner	Risinger	
Dahl	Pankau	Roskam	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 4 to **Senate Bill No. 1625**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hunter, **Senate Bill No. 1863**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 32; Nays 26.

The following voted in the affirmative:

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

The following voted in the negative:

Althoff	Geo-Karis	Peterson	Rutherford
Axley	Jones, J.	Petka	Sieben
Bomke	Jones, W.	Radogno	Syverson
Brady	Lauzen	Rauschenberger	Watson
Burzynski	Luechtefeld	Righter	Winkel
Cronin	Millner	Risinger	
Dahl	Pankau	Roskam	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 1863**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Schoenberg, **Senate Bill No. 1977**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 30; Nays 27.

The following voted in the affirmative:

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

The following voted in the negative:

Althoff	Geo-Karis	Pankau	Roskam
Axley	Jacobs	Peterson	Rutherford
Bomke	Jones, J.	Petka	Sieben
Brady	Jones, W.	Radogno	Syverson
Burzynski	Lauzen	Rauschenberger	Watson
Cronin	Luechtefeld	Righter	Winkel
Dahl	Millner	Risinger	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 1977**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator del Valle, **Senate Bill No. 2339**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator del Valle moved that the Senate concur with the House in the adoption of their amendments to said bill.

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

Yeas 55; Nays 3.

The following voted in the affirmative:

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

The following voted in the negative:

Lauzen
Rauschenberger
Rutherford

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 2339**.

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Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Trotter, **Senate Bill No. 14**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 32; Nays 26.

The following voted in the affirmative:

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

The following voted in the negative:

Althoff	Geo-Karis	Peterson	Rutherford
Axley	Jones, J.	Petka	Sieben
Bomke	Jones, W.	Radogno	Syverson
Brady	Lauzen	Rauschenberger	Watson
Burzynski	Luechtefeld	Righter	Winkel
Cronin	Millner	Risinger	
Dahl	Pankau	Roskam	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 14**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Halvorson, **Senate Bill No. 627**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sandoval
Axley	Geo-Karis	Meeks	Schoenberg
Bomke	Haine	Millner	Shadid
Brady	Halvorson	Munoz	Sieben
Burzynski	Harmon	Pankau	Silverstein
Clayborne	Hendon	Peterson	Sullivan
Collins	Hunter	Petka	Syverson
Cronin	Jacobs	Radogno	Trotter
Crotty	Jones, J.	Raoul	Viverito
Cullerton	Jones, W.	Rauschenberger	Watson

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Dahl	Lauzen	Righter	Wilhelmi
del Valle	Lightford	Risinger	Winkel
DeLeo	Link	Ronen	Mr. President
Demuzio	Luechtefeld	Roskam	
Forby	Maloney	Rutherford	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 627**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Crotty, **Senate Bill No. 931**, with House Amendments numbered 1 and 3 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 50; Nays 8.

The following voted in the affirmative:

Althoff	Forby	Martinez	Sandoval
Axley	Garrett	Meeks	Schoenberg
Bomke	Geo-Karis	Millner	Shadid
Brady	Haine	Munoz	Sieben
Burzynski	Halvorson	Pankau	Silverstein
Clayborne	Harmon	Petka	Sullivan
Collins	Hendon	Radogno	Syverson
Crotty	Hunter	Raoul	Trotter
Cullerton	Jacobs	Righter	Viverito
Dahl	Lightford	Risinger	Wilhelmi
del Valle	Link	Ronen	Mr. President
DeLeo	Luechtefeld	Roskam	
Demuzio	Maloney	Rutherford	

The following voted in the negative:

Cronin	Lauzen	Watson
Jones, J.	Peterson	Winkel
Jones, W.	Rauschenberger	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 3 to **Senate Bill No. 931**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Crotty, **Senate Bill No. 998**, with House Amendments numbered 1, 3 and 4 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Millner	Shadid
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[May 4, 2006]

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

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1, 3 and 4 to **Senate Bill No. 998**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Link, **Senate Bill No. 1279**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 33; Nays 23.

The following voted in the affirmative:

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

The following voted in the negative:

Althoff	Dahl	Pankau	Roskam
Axley	Jones, J.	Peterson	Rutherford
Bomke	Jones, W.	Petka	Sieben
Brady	Lauzen	Radogno	Syverson
Burzynski	Luechtefeld	Righter	Watson
Cronin	Millner	Risinger	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1279**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Raoul, **Senate Bill No. 2030**, with House Amendments numbered 1 and 3 on the Secretary's Desk, was taken up for immediate consideration.

[May 4, 2006]

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

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 3 to **Senate Bill No. 2030**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Crotty, **Senate Bill No. 2436**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2436**.

[May 4, 2006]

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cullerton, **Senate Bill No. 2445**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 39; Nays 16.

The following voted in the affirmative:

Alothoff	Geo-Karis	Meeks	Schoenberg
Axley	Halvorson	Millner	Shadid
Clayborne	Harmon	Peterson	Sieben
Cronin	Hendon	Petka	Silverstein
Crotty	Hunter	Radogno	Sullivan
Cullerton	Jacobs	Raoul	Trotter
del Valle	Lightford	Ronen	Viverito
DeLeo	Link	Roskam	Watson
Forby	Maloney	Rutherford	Mr. President
Garrett	Martinez	Sandoval	

The following voted in the negative:

Bomke	Demuzio	Pankau	Winkel
Brady	Jones, J.	Rauschenberger	
Burzynski	Jones, W.	Righter	
Collins	Laufen	Risinger	
Dahl	Luechtefeld	Wilhelmi	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2445**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator DeLeo, **Senate Bill No. 789**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 36; Nays 19; Present 1.

The following voted in the affirmative:

Axley	Garrett	Martinez	Silverstein
Clayborne	Geo-Karis	Meeks	Sullivan
Collins	Haine	Millner	Trotter
Crotty	Halvorson	Munoz	Viverito
Cullerton	Hendon	Radogno	Wilhelmi
Dahl	Hunter	Raoul	Mr. President
del Valle	Jacobs	Ronen	
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Forby	Maloney	Shadid	

[May 4, 2006]

The following voted in the negative:

Bomke	Jones, W.	Petka	Sieben
Brady	Lauzen	Righter	Syverson
Burzynski	Luechtefeld	Risinger	Watson
Cronin	Pankau	Roskam	Winkel
Jones, J.	Peterson	Rutherford	

The following voted present:

Harmon

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 789**.

Ordered that the Secretary inform the House of Representatives thereof.

REPORT FROM RULES COMMITTEE

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

Motion to Concur with House Amendment 3 to Senate Bill 613

Motion to Concur with House Amendment 3 to Senate Bill 1497

Motion to Concur with House Amendment 2 to Senate Bill 1892

Motion to Concur with House Amendments 1 and 3 to Senate Bill 2225

The foregoing concurrences were placed on the Secretary's Desk.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator E. Jones moved that **House Joint Resolution No. 127**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator E. Jones moved that House Joint Resolution No. 127 be adopted.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

[May 4, 2006]

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

Senator del Valle moved that **Senate Resolution No. 740**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator del Valle moved that Senate Resolution No. 740 be adopted.

The motion prevailed.

And the resolution was adopted.

At the hour of 8:32 o'clock p.m., Senator Hendon presiding.

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

On motion of Senator Link, **Senate Bill No. 613**, with House Amendment No. 3 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 3 to **Senate Bill No. 613**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Lightford, **Senate Bill No. 1497**, with House Amendment No. 3 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 47; Nays 10; Present 1.

The following voted in the affirmative:

[May 4, 2006]

Althoff	Forby	Maloney	Sandoval
Axley	Garrett	Martinez	Schoenberg
Bomke	Geo-Karis	Meeks	Shadid
Clayborne	Haine	Millner	Sieben
Collins	Halvorson	Munoz	Silverstein
Cronin	Harmon	Pankau	Sullivan
Crotty	Hendon	Peterson	Trotter
Cullerton	Hunter	Raoul	Viverito
Dahl	Jacobs	Righter	Wilhelmi
del Valle	Jones, W.	Risinger	Winkel
DeLeo	Lightford	Ronen	Mr. President
Demuzio	Link	Roskam	

The following voted in the negative:

Brady	Laufen	Radogno	Watson
Burzynski	Luechtefeld	Rauschenberger	
Jones, J.	Petka	Rutherford	

The following voted present:

Syverson

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 3 to **Senate Bill No. 1497**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Silverstein, **Senate Bill No. 1892**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 57; Nays 1.

The following voted in the affirmative:

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

The following voted in the negative:

Rauschenberger

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 1892**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Maloney, **Senate Bill No. 2225**, with House Amendments numbered 1 and 3 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 34; Nays 24.

The following voted in the affirmative:

Axley	Garrett	Link	Shadid
Clayborne	Geo-Karis	Maloney	Silverstein
Collins	Haine	Martinez	Sullivan
Crotty	Halvorson	Meeks	Trotter
Cullerton	Harmon	Munoz	Viverito
del Valle	Hendon	Raoul	Wilhelmi
DeLeo	Hunter	Ronen	Mr. President
Demuzio	Jacobs	Sandoval	
Forby	Lightford	Schoenberg	

The following voted in the negative:

Althoff	Jones, W.	Radogno	Syverson
Bomke	Lauzen	Rauschenberger	Watson
Brady	Luechtefeld	Righter	Winkel
Burzynski	Millner	Risinger	
Cronin	Pankau	Roskam	
Dahl	Peterson	Rutherford	
Jones, J.	Petka	Sieben	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 3 to **Senate Bill No. 2225**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Trotter, **Senate Bill No. 1520**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

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

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

Yeas 31; Nays 27.

The following voted in the affirmative:

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

[May 4, 2006]

Forby Lightford Sandoval

The following voted in the negative:

Althoff	Geo-Karis	Peterson	Rutherford
Axley	Jones, J.	Petka	Sieben
Bomke	Jones, W.	Radogno	Syverson
Brady	Lauzen	Rauschenberger	Viverito
Burzynski	Luechtefeld	Righter	Watson
Cronin	Millner	Risinger	Winkel
Dahl	Pankau	Roskam	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1520**.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Viverito asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **Senate Bill No. 1520**.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Sandoval moved that **Senate Resolution No. 664**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Sandoval moved that Senate Resolution No. 664 be adopted.

The motion prevailed.

And the resolution was adopted.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION 717

Offered by Senator Harmon and all Senators:

Mourns the death of Robert John Biancalana of Elmwood Park.

SENATE RESOLUTION 718

Offered by Senator Haine and all Senators:

Mourns the death of Dr. Melvin E. "Doc" Schulmeister of Alton.

SENATE RESOLUTION 719

Offered by Senator Haine and all Senators:

Mourns the death of Paul M. Clark of Alton.

SENATE RESOLUTION 720

Offered by Senator Clayborne and all Senators:

Mourns the death of Dr. Delancey Howard Moore of East St. Louis.

SENATE RESOLUTION 721

Offered by Senator Link and all Senators:

Mourns the death of Loretta Bridges of North Chicago.

SENATE RESOLUTION 722

Offered by Senator Clayborne and all Senators:

Mourns the death of Helen Ann Pierce of Dunlap.

SENATE RESOLUTION 723

Offered by Senator Haine and all Senators:

Mourns the death of Robert R. "Bob" Gearing of Alton.

[May 4, 2006]

SENATE RESOLUTION 724

Offered by Senator E. Jones and all Senators:
Mourns the death of Shirley J. Szabo of Munster, Indiana.

SENATE RESOLUTION 725

Offered by Senator Link and all Senators:
Mourns the death of Janet Doreen Turner of Gurnee.

SENATE RESOLUTION 726

Offered by Senator Link and all Senators:
Mourns the death of Luigia Pilibosian of Waukegan.

SENATE RESOLUTION 727

Offered by Senator Link and all Senators:
Mourns the death of Peter A. Baker of Winter Haven, Florida, formerly of Mundelein.

SENATE RESOLUTION 728

Offered by Senator Link and all Senators:
Mourns the death of Robert Lee Humphrey of Zion.

SENATE RESOLUTION 729

Offered by Senator Link and all Senators:
Mourns the death of Evelyn M. Swanson (nee Gronwall) of Park City.

SENATE RESOLUTION 730

Offered by Senator Link and all Senators:
Mourns the death of Joseph A. Favero of Waukegan.

SENATE RESOLUTION 731

Offered by Senator Link and all Senators:
Mourns the death of Lorraine M. Larsen of Waukegan.

SENATE RESOLUTION 732

Offered by Senator Haine and all Senators:
Mourns the death of Petra Maclas of Alton.

SENATE RESOLUTION 733

Offered by Senator Haine and all Senators:
Mourns the death of U.S. Army Corporal Shawn T. Lasswell, Jr., of Las Vegas, Nevada, formerly of Alton.

SENATE RESOLUTION 735

Offered by Senator Dillard and all Senators:
Mourns the death of Judge Charles Edward Ruth of Hinsdale.

SENATE RESOLUTION 736

Offered by Senator Clayborne and all Senators:
Mourns the death of Michael A. Tolden of O'Fallon.

SENATE RESOLUTION 737

Offered by Senator Link and all Senators:
Mourns the death of Agatha Simmonds of North Chicago.

SENATE RESOLUTION 738

Offered by Senator Link and all Senators:
Mourns the death of Margaret "Peggy" Roach.

SENATE RESOLUTION 739

Offered by Senators Peterson – W. Jones and all Senators:
Mourns the death of Ralph R. Sowka of Palatine.

SENATE RESOLUTION 742

Offered by Senator Clayborne and all Senators:
Mourns the death of Paul M. Haas of Belleville.

SENATE RESOLUTION 743

Offered by Senator Petka and all Senators:
Mourns the death of the Honorable Judge Barbara J. Badger of New Lenox.

SENATE RESOLUTION 744

Offered by Senator Dillard and all Senators:
Mourns the death of Berardo J. “Dee” DeSimone, Sr., of Elmhurst

SENATE RESOLUTION 745

Offered by Senator Axley and all Senators:
Mourns the death of Ernest J. Mehlan of Mount Prospect.

SENATE RESOLUTION 746

Offered by Senator Lauzen and all Senators:
Mourns the death of Myron L. Wormley of Oswego.

SENATE RESOLUTION 747

Offered by Senator Schoenberg and all Senators:
Mourns the death of Herman Spertus

SENATE RESOLUTION 749

Offered by Senator Hunter and all Senators:
Mourns the death of Merl Lee Butler.

SENATE RESOLUTION 750

Offered by Senator Harmon and all Senators:
Mourns the death of Simone J. Mokrauer of Oak Park.

SENATE RESOLUTION 751

Offered by Senator Harmon and all Senators:
Mourns the death of Norbert Bochat of River Grove.

SENATE RESOLUTION 752

Offered by Senator Hunter and all Senators:
Mourns the death of Beverly Jean Nicholson.

SENATE RESOLUTION 753

Offered by Senator Link and all Senators:
Mourns the death of Valerie Elizabeth Sydnor of Waukegan.

The Chair moved the adoption of the foregoing resolutions. The motion prevailed, and the resolutions were adopted.

MESSAGE FROM THE HOUSE

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following House Joint Resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

[May 4, 2006]

HOUSE JOINT RESOLUTION NO. 136

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the House of Representatives adjourns on Thursday, May 4, 2006, it stands adjourned until Wednesday, November 1, 2006, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, November 14, 2006 at 1:00 o'clock p.m.; and when the Senate next adjourns for more than three days, it stands adjourned until Wednesday, November 1, 2006, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, November 14, 2006.

Adopted by the House, May 4, 2006.

MARK MAHONEY, Clerk of the House

By unanimous consent, on motion of Senator Halvorson, the foregoing message reporting House Joint Resolution No. 136 was taken up for immediate consideration.

Senator Halvorson moved that the Senate concur with the House in the adoption of the resolution.

The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 10:05 o'clock p.m., pursuant to **House Joint Resolution No. 136**, the Chair announced the Senate stand adjourned until Wednesday, November 1, 2006, in perfunctory session.