

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-FIFTH GENERAL ASSEMBLY

301ST LEGISLATIVE DAY

REGULAR & PERFUNCTORY SESSION

MONDAY, JANUARY 12, 2009

1:09 O'CLOCK P.M.

**HOUSE OF REPRESENTATIVES
Daily Journal Index
301st Legislative Day**

Action	Page(s)
Adjournment	42
Agreed Resolution	10
Change of Sponsorship	10
Fiscal Note Request Withdrawn	9
Fiscal Note Requested	9
Introduction and First Reading – HB 6734	60
Legislative Measures Approved for Floor Consideration	7, 8
Legislative Measures Assigned to Committee	7, 8
Messages From The Senate	9
Motions Submitted	9
Perfunctory Adjournment	60
Perfunctory Session	60
Quorum Roll Call	4
Recess	31
Reports From Standing Committees	9
Resignations and Appointments	4
Temporary Committee Assignments	6

Bill Number	Legislative Action	Page(s)
HB 5494	Committee Report	7
HB 5494	Committee Report – Floor Amendment/s	7
HB 5494	Concurrence in Senate Amendment/s	10
HB 5730	Total Veto	10
HJR 0131	Adoption	40
HJR 0131	Committee Report	7
HR 1678	Committee Report	9
HR 1678	Posting Requirement Suspended	31
HR 1678	Adoption	40
HR 1681	Resolution	10
SB 0171	Committee Report	7
SB 0243	Committee Report	7
SB 0243	Committee Report – Floor Amendment/s	8
SB 0243	Second Reading – Amendment/s	26
SB 0243	Third Reading	31
SB 0381	Second Reading – Amendment/s	19
SB 0381	Third Reading	21
SB 0761	Motion	16
SB 0761	Motion Submitted	9
SB 0761	Second Reading – Amendment/s	22
SB 0761	Third Reading	24
SB 1132	Committee Report – Floor Amendment/s	9
SB 1132	Motion	11
SB 1132	Recall	41
SB 1132	Second Reading – Amendment/s	41
SB 1132	Third Reading	42
SB 1383	Second Reading – Amendment/s	16
SB 1383	Third Reading	19
SB 1985	Third Reading	15
SB 2173	Second Reading – Amendment/s	24

SB 2173	Third Reading	25
SB 2362	Second Reading – Amendment/s	25
SB 2362	Third Reading	26
SB 2513	Committee Report – Floor Amendment/s	9
SB 2513	Motion	11
SB 2513	Recall	31
SB 2513	Second Reading – Amendment/s	31
SB 2513	Third Reading	40
SB 2757	Second Reading – Amendment/s	11
SB 2757	Third Reading	15
SJR 0109	Committee Report – Floor Amendment/s	8
SJR 0109	Adoption.....	40
SJR 0109	Committee Report	8

[January 12, 2009]

4

The House met pursuant to adjournment.

Speaker of the House Madigan in the chair.

Prayer by Doorkeeper of the House Lee A. Crawford, the Pastor of the Cathedral of Praise Christian Center in Springfield, Il.

Representative Scully led the House in the Pledge of Allegiance.

By direction of the Speaker, a roll call was taken to ascertain the attendance of Members, as follows:

112 present. (ROLL CALL 1)

By unanimous consent, Representatives Richard Bradley, Collins and McCarthy were excused from attendance.

REQUEST TO BE SHOWN ON QUORUM

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Feigenholtz, should be recorded as present at the hour of 1:27 o'clock p.m.

RESIGNATIONS AND APPOINTMENTS

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE – Secretary of State

January 9, 2009

Clerk of the House of Representatives

Attn: Mark Mahoney

Room 402

Capitol Building

Springfield, IL 62706

Dear Mr. Mahoney:

This office is forwarding herewith a copy of the Notice of Vacancy from the Democratic Representative Committee for the 114th Representative District, declaring the existence of a vacancy in the Office of Representative for the 114th Representative District, as a result of the death of **Representative Wyvetter Younge**, on December 26, 2008.

Also enclosed is the copy of the Democratic Representative Committee's Certificate of Appointment to fill vacancy in the Office of Representative in the General Assembly of the 114th Representative District for **Eddie Lee Jackson, Sr., 1422 St. Louis Avenue, East St. Louis, Illinois 62201** who was appointed to fill the vacancy in the Office of Representative in the 114th Representative District, along with his Oath of Office.

Yours truly,
s/Jesse White
Secretary of State

NOTICE

Change in the Ninety-Sixth General Assembly

HOUSE OF REPRESENTATIVES

Appointment

Eddie Lee Jackson, Sr.

1422 St. Louis Avenue

Vacancy

Wyvetter Younge

114th Representative District

East St. Louis, IL 62201
 114th Representative District
 Appointed: January 9, 2009
 Filed: January 14, 2009

Deceased: December 26, 2008
 Filed: January 14, 2009

OFFICE OF THE SECRETARY OF STATE
JESSE WHITE – Secretary of State

January 9, 2009

Hon. Jesse White
 Secretary of State of Illinois
 c/o Lisa Richno
 111 E. Monroe Street
 Springfield, IL 62756

RE: Vacancy in Office, 114th Representative District

Dear Secretary White:

Please be advised that the Democratic Representative Committee for the 114th Representative District of the State of Illinois met on January 9, 2009 and declared the existence of a vacancy in the office of Representative in the General Assembly from the 114th Representative District of the State of Illinois, pursuant to Section 25-6 of the Election Code, by virtue of the death of Wyvetter Younge on December 26, 2008.

You are hereby notified that the vacancy in office has been filled, in accordance with Section 25-6 of the Election Code, by the appointment of Eddie Lee Jackson, Sr., who resides at 1422 St. Louis Avenue in the city of East St. Louis, Illinois 62201.

Dated: January 9, 2009

Signed: Robert Sprague
 Chairman of the Representative District Committee
 for the 114th Representative District

CERTIFICATE OF ORGANIZATION

Democratic Representative Committee for the
 114th Representative District, State of Illinois

This is to certify that, in accordance with Section 8-5 of the Illinois Election Code, the Democratic Representative Committee of the 114th Representative District of the State of Illinois met at 2:00 o'clock p.m. on the 9th day of January, 2009 in the City of Edwardsville, County of Madison, and within the 114th Representative District of the State of Illinois and organized by electing the following officers:

s/Robert J. Sprague
 Chairman

2829 Titleist Drive, Belleville, IL 62220
 Address

Matt Melucci
 Secretary

1166 N. Bluff Rd., Collinsville, IL 62234
Address

Signed: Robert Sprague
Chairmen

Attest: Matt Melucci
Secretary

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

WHEREAS, a vacancy exists in the office of Representative in the General Assembly from the 114th Representative District of the State of Illinois by reason of the death of Wyvetter Younge on December 26, 2008; and

WHEREAS, the Democratic Representative Committee of the 114th Representative District has declared the existence of a vacancy in said office and has voted to fill the vacancy in accordance with Section 25-6 of the Election Code; and

WHEREAS, at a meeting of the Democratic Representative Committee of the 114th Representative District on January 9, 2009, **Eddie Lee Jackson, Sr., who resides at 1422 St. Louis Avenue, East St. Louis, Illinois 62201** in the 114th Representative District of the State of Illinois, received the required number of votes for appointment to fill the vacancy in office, pursuant to Section 25-6 of the Election Code; therefore

BE IT RESOLVED, on this 9th day of January, 2009, that the Democratic Representative Committee of the 114th Representative District of the State of Illinois hereby appoints Eddie Lee Jackson, Sr., who resides at 1422 St. Louis Avenue, East St. Louis, Illinois 62201 in the 114th Representative District of the State of Illinois, who is eligible to serve as a member of the General Assembly, and who is a member of the Democratic Party, as the Representative in the General Assembly from the 114th Representative District of the State of Illinois for the remainder of the term.

Robert Sprague
Committeeman, Democratic Representative
Committeeman for the 114th Representative District

Matt Melucci
Committeeman, Democratic Representative
Committeeman for the 114th Representative District

State of Illinois)
) ss.
County of St. Clair)

Subscribed and Sworn to before me on the 9th day of January, 2009.

s/Patty A. Sprague
Notary Public

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Meyer replaced Representative Black in the Committee on Rules (A) on January 12, 2009.

Representative Brady replaced Representative Hassert in the Committee on Rules (A) on January 12, 2009.

Representative Lang replaced Representative Turner in the Committee on Rules (A) on January 12, 2009.

Representative Watson replaced Representative Hassert in the Committee on Rules (B) on January 12, 2009.

Representative John Bradley replaced Representative Turner in the Committee on Rules (B) on January 12, 2009.

Representative Lyons replaced Representative Hannig in the Committee on Rules (C) on January 12, 2009.

Representative Arroyo replaced Representative Richard Bradley in the Committee on Executive on January 12, 2009.

Representative Hannig replaced Representative Molaro in the Committee on Executive on January 12, 2009.

Representative Lang replaced Representative Franks in the Committee on State Government Administration on January 12, 2009.

REPORTS FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on January 12, 2009, reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the bill be reported "approved for consideration" and be placed on the order Concurrence: HOUSE BILL 5494.

That the Senate Amendment be reported "recommends be adopted": Senate Amendments Numbered 1 and 2 to HOUSE BILL 5494.

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: HOUSE JOINT RESOLUTION 131.

That the bill be reported "approved for consideration" and be placed on the order of Second Reading--Short Debate: SENATE BILLS 171 and 243.

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

State Government Administration: HOUSE RESOLUTION 1678.

The committee roll call vote on the foregoing Legislative Measures is as follows:

5, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson
Y Hannig(D)
Y Turner(D)

Y Black(R), Republican Spokesperson
Y Hassert(R)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on January 12, 2009, (A) reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to SENATE BILL 243.

That the resolution be reported "recommends be adopted" and be placed on the House Calendar:
SENATE JOINT RESOLUTION 109.

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Executive: HOUSE AMENDMENT No. 3 to SENATE BILL 1132 and HOUSE AMENDMENT No. 3 to SENATE BILL 2513.

The committee roll call vote on the foregoing Legislative Measures is as follows:

5, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson

Y Meyer(R) (replacing Black)

Y Hannig(D)

Y Brady(R) (replacing Hassert)

Y Lang(D) (replacing Turner)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on January 12, 2009, (B) reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to SENATE JOINT RESOLUTION 109.

The committee roll call vote on the foregoing Legislative Measure is as follows:

5, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson

Y Black(R), Republican Spokesperson

Y Hannig(D)

Y Watson(R) (replacing Hassert)

Y Bradley, J(D) (replacing Turner)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on January 12, 2009, (C) reported the same back with the following recommendations:

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Consumer Protection: HOUSE AMENDMENT No. 2 to SENATE BILL 171.

The committee roll call vote on the foregoing Legislative Measure is as follows:

3, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson

A Black(R), Republican Spokesperson

Y Lyons(D) (replacing Hannig)

Y Meyer(R) (replacing Hassert)

A Turner(D)

REPORTS FROM STANDING COMMITTEES

Representative Dugan, Chairperson, from the Committee on State Government Administration to which the following were referred, action taken on January 12, 2009, reported the same back with the following recommendations:

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTION 1678.

The committee roll call vote on House Resolution 1678 is as follows:

11, Yeas; 0, Nays; 0, Answering Present.

Y Lang(D) (replacing Franks)	Y Dugan(D), Vice-Chairperson
Y Pritchard(R), Republican Spokesperson	Y Bradley, John(D)
A Collins(D)	A Davis, Monique(D)
Y Froehlich(D)	Y Gordon(D)
Y Krause(R)	Y Myers(R)
Y Poe(R)	Y Ramey(R)
Y Watson(R)	

Representative Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken on January 12, 2009, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 3 to SENATE BILL 1132.

Amendment No. 3 to SENATE BILL 2513.

The committee roll call vote on Amendment No. 3 to Senate Bill 1132 and Amendment No. 3 to SENATE BILL 2513 is as follows:

13, Yeas; 0, Nays; 0, Answering Present.

Y Burke(D), Chairperson	Y Lyons(D), Vice-Chairperson
Y Brady(R), Republican Spokesperson	Y Acevedo(D)
Y Berrios(D)	Y Biggins(R)
Y Arroyo(D) (replacing Bradley,R)	Y Hassert(R)
Y Meyer(R)	Y Hannig(D) (replacing Molaro)
Y Rita(D)	Y Saviano(R)
Y Turner(D)	

MOTION SUBMITTED

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

MOTION

Pursuant to Rule 58(a), I move to discharge the Committee on Rules from further consideration of House Amendment No. 2 to SENATE BILL 761 and advance to the order of Second Reading - Standard Debate.

REQUEST FOR FISCAL NOTE

Representative Black requested that a Fiscal Note be supplied for SENATE BILL 2173, as amended.

FISCAL NOTE REQUEST WITHDRAWN

Representative Black withdrew his request for a Fiscal Note on SENATE BILL 2173, as amended.

MESSAGE FROM THE SENATE

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the passage of a bill of the following title to-wit:
HOUSE BILL NO. 334
A bill for AN ACT concerning local government.
Passed by the Senate, January 12, 2009.

Deborah Shipley, Secretary of the Senate

CHANGE OF SPONSORSHIPS

With the consent of the affected members, Representative Fritchey was removed as principal sponsor, and Representative Holbrook became the new principal sponsor of SENATE BILL 171.

With the consent of the affected members, Representative Osterman was removed as principal sponsor, and Representative May became the new principal sponsor of SENATE BILL 243.

AGREED RESOLUTION

The following resolution was offered and placed on the Calendar on the order of Agreed Resolutions.

HOUSE RESOLUTION 1681

Offered by Representative Cole:
Congratulates Grayslake Fire Chief Don Mobley on the occasion of his retirement.

DISTRIBUTION OF SUPPLEMENTAL CALENDAR

Supplemental Calendar No. 1 was distributed to the Members at 1:15 o'clock p.m.

ACTION ON VETO MOTION

Pursuant to the Motion submitted previously, Representative Scully moved that HOUSE BILL 5730 do pass, the Veto of the Governor notwithstanding. And on that motion, a vote was taken resulting as follows:
105, Yeas; 5, Nays; 2, Answering Present.
(ROLL CALL 2)
The Motion, having received the required three-fifths votes of the Members elected, prevailed and the bill was declared passed, the veto of the Governor notwithstanding.
Ordered that the Clerk inform the Senate and ask their concurrence.

**CONCURRENCES AND NON-CONCURRENCES
IN SENATE AMENDMENTS TO HOUSE BILLS**

Senate Amendments numbered 1 and 2 to HOUSE BILL 5494, having been reproduced, were taken up for consideration.

Representative Hoffman moved that the House concur with the Senate in the adoption of Senate Amendments numbered 1 and 2.

And on that motion, a vote was taken resulting as follows:

111, Yeas; 0, Nays; 1, Answering Present.
(ROLL CALL 3)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendments numbered 1 and 2 to HOUSE BILL 5494.

Ordered that the Clerk inform the Senate.

ACTION ON MOTIONS

Pursuant to the motion submitted previously, Representative Currie moved to reconsider the vote by which SENATE BILL 2513 passed.

And on that motion, a vote was taken resulting as follows:

112, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 4)

The motion prevailed.

Pursuant to the motion submitted previously, Representative Holbrook moved to reconsider the vote by which SENATE BILL 1132 passed.

And on that motion, a vote was taken resulting as follows:

112, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 5)

The motion prevailed.

SENATE BILL ON SECOND READING

SENATE BILL 2757. Having been read by title a second time on January 8, 2009, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Environmental Health, adopted and reproduced.

AMENDMENT NO. 1. Amend Senate Bill 2757 by replacing everything after the enacting clause with the following:

"Section 5. The Smoke Free Illinois Act is amended by changing Sections 10, 15, 35, 40, 45, 50, and 60 as follows:

(410 ILCS 82/10)

Sec. 10. Definitions. In this Act:

"Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives no more than 10% of its gross revenue from the sale of food consumed on the premises. "Bar" includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities, and cabarets.

"Department" means the Department of Public Health.

"Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profits or a person who volunteers his or her services for a non-profit entity.

"Employer" means a person, business, partnership, association, or corporation, including a municipal corporation, trust, or non-profit entity, that employs the services of one or more individual persons.

"Enclosed area" means all space between a floor and a ceiling that is enclosed or partially enclosed with (i) solid walls or windows, exclusive of doorways, or (ii) solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

"Enclosed or partially enclosed sports arena" means any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller rink, ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise or participate in athletic competitions or recreational activities or to witness sports, cultural, recreational, or other events.

"Gaming equipment or supplies" means gaming equipment/supplies as defined in the Illinois Gaming Board Rules of the Illinois Administrative Code.

"Gaming facility" means an establishment utilized primarily for the purposes of gaming and where gaming equipment or supplies are operated for the purposes of accruing business revenue.

"Healthcare facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. "Healthcare facility" includes all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within healthcare facilities.

"Place of employment" means any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including, but not limited to entrances and exits to places of employment, including a minimum distance, as set forth in Section 70 of this Act, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a "place of employment", nor are enclosed laboratories, not open to the public, in an accredited university or government facility where the activity of smoking is exclusively conducted for the purpose of medical or scientific health-related research. Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

"Private club" means a not-for-profit association that (1) has been in active and continuous existence for at least 3 years prior to the effective date of this amendatory Act of the 95th General Assembly, whether incorporated or not, (2) is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, (3) is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and (4) only sells alcoholic beverages incidental to its operation. For purposes of this definition, "private club" means an organization that is managed by a board of directors, executive committee, or similar body chosen by the members at an annual meeting, has established bylaws, a constitution, or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. 501.

"Private residence" means the part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin, or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home, or assisted living facility shall not be considered a private residence.

"Public place" means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance, as set forth in Section 70 of this Act, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A "public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. A "public place" includes, but is not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government owned vehicles and facilities, including buildings and vehicles owned, leased, or operated by the State or State subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than 75% of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodation that are rented to guests, but excludes private residences.

"Restaurant" means (i) an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees, and (ii) a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. "Restaurant" includes a bar area within the restaurant.

"Retail tobacco store" means a retail establishment that derives more than 80% of its gross

revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" includes an enclosed workplace that manufactures, imports, or distributes tobacco or tobacco products, when, as a necessary and integral part of the process of making, manufacturing, importing, or distributing a tobacco product for the eventual retail sale of that tobacco or tobacco product, tobacco is heated, burned, or smoked, or a lighted tobacco product is tested, provided that the involved business entity: (1) maintains a specially designated area or areas within the workplace for the purpose of the heating, burning, smoking, or lighting activities, and does not create a facility that permits smoking throughout; (2) satisfies the 80% requirement related to gross sales; and (3) delivers tobacco products to consumers, retail establishments, or other wholesale establishments as part of its business. "Retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license. Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

"Smoke" or "smoking" means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment.

"State agency" has the meaning formerly ascribed to it in subsection (a) of Section 3 of the Illinois Purchasing Act (now repealed).

"Unit of local government" has the meaning ascribed to it in Section 1 of Article VII of the Illinois Constitution of 1970.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/15)

Sec. 15. Smoking in public places, places of employment, and governmental vehicles prohibited. No person shall smoke in a public place or in any place of employment or within 15 feet of any entrance to a public place or place of employment. No person may smoke in any vehicle owned, leased, or operated by the State or a political subdivision of the State. An owner shall reasonably assure that smoking ~~Smoking~~ is prohibited in indoor public places and workplaces unless specifically exempted by Section 35 of this Act.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/35)

Sec. 35. Exemptions. Notwithstanding any other provision of this Act, smoking is allowed in the following areas:

(1) Private residences or dwelling places, except when used as a child care, adult day care, or healthcare facility or any other home-based business open to the public.

(2) Retail tobacco stores as defined in Section 10 of this Act in operation prior to the effective date of this amendatory Act of the 95th General Assembly. The retail tobacco store shall annually file with the Department by January 31st an affidavit stating the percentage of its gross income during the prior calendar year that was derived from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, or other smoking devices for smoking tobacco and related smoking accessories. Any retail tobacco store that begins operation after the effective date of this amendatory Act may only qualify for an exemption if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited.

(3) Private and semi-private rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain in a room where smoking is permitted and the smoke shall not infiltrate other areas of the nursing home.

(4) Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than 25% of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.

(5) Enclosed laboratories that are excluded from the definition of "place of employment" in Section 10 of this Act. Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported

rule not so adopted, for whatever reason, is unauthorized.

(6) Common smoking rooms in long-term care facilities operated under the authority of the Illinois Department of Veterans' Affairs that are accessible only to residents who are smokers and have requested in writing to have access to the common smoking room where smoking is permitted and the smoke shall not infiltrate other areas of the long-term care facility. Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/40)

Sec. 40. Enforcement; complaints.

(a) The Department, State-certified local public health departments, and local law enforcement agencies shall enforce the provisions of this Act through the issuance of citations and may assess fines pursuant to Section 45 of this Act.

(a-2) The citations issued pursuant to this Act shall conspicuously include the following:

(1) the name of the offense and its statutory reference;

(2) the nature and elements of the violation;

(3) the date and location of the violation;

(4) the name of the enforcing agency;

(5) the name of the violator;

(6) the amount of the imposed fine and the location where the violator can pay the fine without objection;

(7) the address and phone number of the enforcing agency where the violator can request a hearing before the Department to contest the imposition of the fine imposed by the citation under the rules and procedures of the Administrative Procedure Act;

(8) the time period in which to pay the fine or to request a hearing to contest the imposition of the fine imposed by the citation; and

(9) the verified signature of the person issuing the citation.

(a-3) One copy of the citation shall be provided to the violator, one copy shall be retained by the enforcing agency, and one copy shall be provided to the entity otherwise authorized by the enforcing agency to receive fines on their behalf.

(b) Any person may register a complaint with the Department, a State-certified local public health department, or a local law enforcement agency for a violation of this Act. The Department shall establish a telephone number that a person may call to register a complaint under this subsection (b).

(c) The Department shall afford a violator the opportunity to pay the fine without objection or to contest the citation in accordance with the Illinois Administrative Procedure Act, except that in case of a conflict between the Illinois Administrative Procedure Act and this Act, the provisions of this Act shall control.

(d) Upon receipt of a request for hearing to contest the imposition of a fine imposed by a citation, the enforcing agency shall immediately forward a copy of the citation and notice of the request for hearing to the Department for initiation of a hearing conducted in accordance with the Illinois Administrative Procedure Act and the rules established thereto by the Department applicable to contested cases, except that in case of a conflict between the Illinois Administrative Procedure Act and this Act, the provisions of this Act shall control. Parties to the hearing shall be the enforcing agency and the violator.

The Department shall notify the violator in writing of the time, place, and location of the hearing. The hearing shall be conducted at the nearest regional office of the Department, or in a location contracted by the Department in the county where the citation was issued.

(e) Fines imposed under this Act may be collected in accordance with all methods otherwise available to the enforcing agency or the Department, except that there shall be no collection efforts during the pendency of the hearing before the Department.

(f) Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/45)

Sec. 45. Violations.

(a) A person, corporation, partnership, association or other entity who violates Section 15 of this Act

shall be fined pursuant to this Section. Each day that a violation occurs is a separate violation.

(b) A person who smokes in an area where smoking is prohibited under Section 15 of this Act shall be fined in an amount that is ~~not less than~~ \$100 for a first offense and ~~not more than~~ \$250 for each subsequent offense. A person who owns, operates, or otherwise controls a public place or place of employment that violates Section 15 of this Act shall be fined (i) ~~not less than~~ \$250 for the first violation, (ii) ~~not less than~~ \$500 for the second violation within one year after the first violation, and (iii) ~~not less than~~ \$2,500 for each additional violation within one year after the first violation.

(c) A fine imposed under this Section shall be allocated as follows:

(1) one-half of the fine shall be distributed to the Department; and

(2) one-half of the fine shall be distributed to the enforcing agency.

(d) Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules: any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/50)

Sec. 50. Injunctions. In addition to any other sanction or remedy, the ~~The~~ Department, a State-certified local public health department, local law enforcement agency, or any individual personally affected by repeated violations may institute, in a circuit court, an action to enjoin violations of this Act.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/60)

Sec. 60. Severability. If any provision, clause or paragraph of this Act shall be held invalid by a court of competent jurisdiction, such ~~invalidity~~ validity shall not affect the other provisions of this Act.

(Source: P.A. 95-17, eff. 1-1-08.)

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

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

SENATE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Yarbrough, SENATE BILL 2757 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:

101, Yeas; 12, Nays; 0, Answering Present.

(ROLL CALL 6)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

On motion of Representative Mautino, SENATE BILL 1985 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:

113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 7)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

ACTION ON MOTION

Pursuant to the motion submitted previously, Representative Black moved to discharge the Committee on Rules from further consideration of Amendment No. 2 to SENATE BILL 761 and advance to the order of Second Reading.

Representative Currie objected the motion.

The motion failed.

Representative Black moved to overrule the Chair.

The question is shall the Chair be sustained.

And on that motion, a vote was taken resulting as follows:

62, Yeas; 51, Nays; 0, Answering Present.

(ROLL CALL 8)

The motion prevailed.

SENATE BILL ON SECOND READING

SENATE BILL 1383. Having been read by title a second time on January 8, 2009, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Personnel and Pensions, adopted and reproduced.

AMENDMENT NO. 1. Amend Senate Bill 1383 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Section 22-101B as follows:

(40 ILCS 5/22-101B)

Sec. 22-101B. Health Care Benefits.

(a) The Chicago Transit Authority (hereinafter referred to in this Section as the "Authority") shall take all actions lawfully available to it to separate the funding of health care benefits for retirees and their dependents and survivors from the funding for its retirement system. The Authority shall endeavor to achieve this separation as soon as possible, and in any event no later than July 1, 2009.

(b) Effective 90 days after the effective date of this amendatory Act of the 95th General Assembly, a Retiree Health Care Trust is established for the purpose of providing health care benefits to eligible retirees and their dependents and survivors in accordance with the terms and conditions set forth in this Section 22-101B. The Retiree Health Care Trust shall be solely responsible for providing health care benefits to eligible retirees and their dependents and survivors upon the exhaustion of the account established by the Retirement Plan for Chicago Transit Authority Employees pursuant to Section 401(h) of the Internal Revenue Code, but no earlier than January 1, 2009 and no later than July 1, 2009 ~~by no later than July 1, 2009, but no earlier than January 1, 2009.~~

(1) The Board of Trustees shall consist of 7 members appointed as follows: (i) 3 trustees shall be appointed by the Chicago Transit Board; (ii) one trustee shall be appointed by an organization representing the highest number of Chicago Transit Authority participants; (iii) one trustee shall be appointed by an organization representing the second-highest number of Chicago Transit Authority participants; (iv) one trustee shall be appointed by the recognized coalition representatives of participants who are not represented by an organization with the highest or second-highest number of Chicago Transit Authority participants; and (v) one trustee shall be selected by the Regional Transportation Authority Board of Directors, and the trustee shall be a professional fiduciary who has experience in the area of collectively bargained retiree health plans. Trustees shall serve until a successor has been appointed and qualified, or until resignation, death, incapacity, or disqualification.

Any person appointed as a trustee of the board shall qualify by taking an oath of office that he or she will diligently and honestly administer the affairs of the system, and will not knowingly violate or willfully permit the violation of any of the provisions of law applicable to the Plan, including Sections 1-109, 1-109.1, 1-109.2, 1-110, 1-111, 1-114, and 1-115 of Article 1 of the Illinois Pension Code.

Each trustee shall cast individual votes, and a majority vote shall be final and binding upon all interested parties, provided that the Board of Trustees may require a supermajority vote with respect to the investment of the assets of the Retiree Health Care Trust, and may set forth that

requirement in the trust agreement or by-laws of the Board of Trustees. Each trustee shall have the rights, privileges, authority and obligations as are usual and customary for such fiduciaries.

(2) The Board of Trustees shall establish and administer a health care benefit program for eligible retirees and their dependents and survivors. Any The health care benefit program established by the Board of Trustees for eligible retirees and their dependents and survivors effective on or after July 1, 2009 shall not contain any plan which provides for more than 90% coverage for in-network services or 70% coverage for out-of-network services after any deductible has been paid, except that coverage through a health maintenance organization ("HMO") may be provided at 100%.

(3) The Retiree Health Care Trust shall be administered by the Board of Trustees according to the following requirements:

(i) The Board of Trustees may cause amounts on deposit in the Retiree Health Care Trust to be invested in those investments that are permitted investments for the investment of moneys held under any one or more of the pension or retirement systems of the State, any unit of local government or school district, or any agency or instrumentality thereof. The Board, by a vote of at least two-thirds of the trustees, may transfer investment management to the Illinois State Board of Investment, which is hereby authorized to manage these investments when so requested by the Board of Trustees.

(ii) The Board of Trustees shall establish and maintain an appropriate funding reserve level which shall not be less than the amount of incurred and unreported claims plus 12 months of expected claims and administrative expenses.

(iii) The Board of Trustees shall make an annual assessment of the funding levels of the Retiree Health Care Trust and shall submit a report to the Auditor General at least 90 days prior to the end of the fiscal year. The report shall provide the following:

- (A) the actuarial present value of projected benefits expected to be paid to current and future retirees and their dependents and survivors;
- (B) the actuarial present value of projected contributions and trust income plus assets;

(C) the reserve required by subsection (b)(3)(ii); and

(D) an assessment of whether the actuarial present value of projected benefits expected to be paid to current and future retirees and their dependents and survivors exceeds or is less than the actuarial present value of projected contributions and trust income plus assets in excess of the reserve required by subsection (b)(3)(ii).

If the actuarial present value of projected benefits expected to be paid to current and future retirees and their dependents and survivors exceeds the actuarial present value of projected contributions and trust income plus assets in excess of the reserve required by subsection (b)(3)(ii), then the report shall provide a plan, to be implemented over a period of not more than 10 years from each valuation date, which would make the actuarial present value of projected contributions and trust income plus assets equal to or exceed the actuarial present value of projected benefits expected to be paid to current and future retirees and their dependents and survivors. The plan may consist of increases in employee, retiree, dependent, or survivor contribution levels, decreases in benefit levels, or other plan changes or any combination thereof both, which is projected to cure the shortfall over a period of not more than 10 years. If the actuarial present value of projected benefits expected to be paid to current and future retirees and their dependents and survivors is less than the actuarial present value of projected contributions and trust income plus assets in excess of the reserve required by subsection (b)(3)(ii), then the report may provide a plan of decreases in employee, retiree, dependent, or survivor contribution levels, increases in benefit levels, or other plan changes, or any combination thereof both, to the extent of the surplus.

(iv) The Auditor General shall review the report and plan provided in subsection (b)(3)(iii) and issue a determination within 90 days after receiving the report and plan, with a copy of such determination provided to the General Assembly and the Regional Transportation Authority, as follows:

(A) In the event of a projected shortfall, if the Auditor General determines that the assumptions stated in the report are not unreasonable in the aggregate and that the plan of increases in employee, retiree, dependent, or survivor contribution levels, decreases in benefit levels, or other plan changes, or any combination thereof, to be implemented over a period of not more than 10 years from each valuation date both, is reasonably projected to make the actuarial present value of projected contributions and trust income plus assets equal to or in excess of the

actuarial present value of projected benefits expected to be paid to current and future retirees and their dependents and survivors ~~ure the shortfall over a period of not more than 10 years~~, then the Board of Trustees shall implement the plan. If the Auditor General determines that the assumptions stated in the report are unreasonable in the aggregate, or that the plan of increases in employee, retiree, dependent, or survivor contribution levels, decreases in benefit levels, or other plan changes to be implemented over a period of not more than 10 years from each valuation date ~~both~~, is not reasonably projected to make the actuarial present value of projected contributions and trust income plus assets equal to or in excess of the actuarial present value of projected benefits expected to be paid to current and future retirees and their dependents and survivors ~~ure the shortfall over a period of not more than 10 years~~, then the Board of Trustees shall not implement the plan, the Auditor General shall explain the basis for such determination to the Board of Trustees, and the Auditor General may make recommendations as to an alternative report and plan.

(B) In the event of a projected surplus, if the Auditor General determines that the assumptions stated in the report are not unreasonable in the aggregate and that the plan of decreases in employee, retiree, dependent, or survivor contribution levels, increases in benefit levels, or both, is not unreasonable in the aggregate, then the Board of Trustees shall implement the plan. If the Auditor General determines that the assumptions stated in the report are unreasonable in the aggregate, or that the plan of decreases in employee, retiree, dependent, or survivor contribution levels, increases in benefit levels, or both, is unreasonable in the aggregate, then the Board of Trustees shall not implement the plan, the Auditor General shall explain the basis for such determination to the Board of Trustees, and the Auditor General may make recommendations as to an alternative report and plan.

(C) The Board of Trustees shall submit an alternative report and plan within 45 days after receiving a rejection determination by the Auditor General. A determination by the Auditor General on any alternative report and plan submitted by the Board of Trustees shall be made within 90 days after receiving the alternative report and plan, and shall be accepted or rejected according to the requirements of this subsection (b)(3)(iv). The Board of Trustees shall continue to submit alternative reports and plans to the Auditor General, as necessary, until a favorable determination is made by the Auditor General.

(4) For any retiree who first retires effective on or after January 18, 2008, to be eligible for retiree health care benefits upon retirement, the retiree must be at least 55 years of age, retire with 10 or more years of continuous service and satisfy the preconditions established by Public Act 95-708 in addition to any rules or regulations promulgated by the Board of Trustees. Notwithstanding the foregoing, any retiree hired on or before September 5, 2001 who ~~retires~~ retired prior to the effective date of this amendatory Act with 25 years or more of continuous service, or who retires within 90 days after the effective date of this amendatory Act or by January 1, 2009, whichever is later, with 25 years or more of continuous service, shall be eligible for retiree health care benefits upon retirement in accordance with any rules or regulations adopted by the Board of Trustees. This paragraph (4) shall not apply to a disability allowance.

(5) Effective January 1, 2009, the aggregate amount of retiree, dependent and survivor contributions to the cost of their health care benefits shall not exceed more than 45% of the total cost of such benefits. The Board of Trustees shall have the discretion to provide different contribution levels for retirees, dependents and survivors based on their years of service, level of coverage or Medicare eligibility, provided that the total contribution from all retirees, dependents, and survivors shall be not more than 45% of the total cost of such benefits. The term "total cost of such benefits" for purposes of this subsection shall be the total amount expended by the retiree health benefit program in the prior plan year, as calculated and certified in writing by the Retiree Health Care Trust's enrolled actuary to be appointed and paid for by the Board of Trustees.

(6) Effective January 18, 2008, all employees of the Authority shall contribute to the Retiree Health Care Trust in an amount not less than 3% of compensation. The Board of Trustees may adopt rules and regulations providing for the refund of the total contributions made by employees who are not eligible for retiree health care benefits or who elect to waive retiree health care benefits.

(7) No earlier than January 1, 2009 and no later than July 1, 2009 as the Retiree Health Care Trust becomes solely responsible for providing health care benefits to eligible retirees and their dependents and survivors in accordance with subsection (b) of this Section 22-101B, the Authority shall not have any obligation to provide health care to current or future retirees and their dependents or survivors. Employees, retirees, dependents, and survivors who are required to make contributions to the

Retiree Health Care Trust shall make contributions at the level set by the Board of Trustees pursuant to the requirements of this Section 22-101B.

(Source: P.A. 95-708, eff. 1-18-08; 95-906, eff. 8-26-08.)

Section 90. The State Mandates Act is amended by adding Section 8.32 as follows:

(30 ILCS 805/8.32 new)

Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 95th General Assembly.

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

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

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Miller, SENATE BILL 1383 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: 71, Yeas; 42, Nays; 0, Answering Present.

(ROLL CALL 9)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

SENATE BILL ON SECOND READING

SENATE BILL 381. Having been read by title a second time on January 8, 2009, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Human Services, adopted and reproduced.

AMENDMENT NO. 1. Amend Senate Bill 381 by replacing everything after the enacting clause with the following:

"Section 5. The Children and Family Services Act is amended by changing Section 34.11 as follows:

(20 ILCS 505/34.11)

Sec. 34.11. Lou Jones Grandparent Child Care Program ~~Grandparent child care program~~.

(a) The General Assembly finds and declares the following:

(1) An increasing number of children under the age of 18, including many children who would otherwise be at risk of abuse or neglect, are in the care of a grandparent or other nonparent relative.

(2) The principal causes of this increase include parental substance abuse, child abuse, mental illness, poverty, and death, as well as concerted efforts by families and by the child welfare service system to keep children with relatives whenever possible.

(3) Grandparents and older relatives providing primary care for at-risk children may experience unique resultant problems, such as financial stress due to limited incomes, emotional difficulties dealing with the loss of the child's parents or the child's unique behaviors, and decreased physical stamina coupled with a much higher incidence of chronic illness.

(4) Many children being raised by nonparent relatives experience one or a combination of emotional, behavioral, psychological, academic, or medical problems, especially those born to a substance-abusing mother or at risk of child abuse, neglect, or abandonment.

(5) Grandparents and other relatives providing primary care for children lack appropriate information about the issues of kinship care, the special needs (both physical and psychological) of children born to a substance-abusing mother or at risk of child abuse, neglect, or

abandonment, and the support resources currently available to them.

(6) An increasing number of grandparents and other relatives age 60 or older are adopting or becoming the subsidized guardians of children placed in their care by the Department. Some of these children will experience the death of their adoptive parent or guardian before reaching the age of 18. For most of these children, no legal plan has been made for the child's future care and custody in the event of the caregiver's death or incapacity.

(7) Grandparents and other relatives providing primary care for children lack appropriate information about future care and custody planning for children in their care. They also lack access to resources that may assist them in developing future legal care and custody plans for children in their legal custody.

(b) The Department may establish an informational and educational program for grandparents and other relatives who provide primary care for children who are at risk of child abuse, neglect, or abandonment or who were born to substance-abusing mothers. As a part of the program, the Department may develop, publish, and distribute an informational brochure for grandparents and other relatives who provide primary care for children who are at risk of child abuse, neglect, or abandonment or who were born to substance-abusing mothers. The information provided under the program authorized by this Section may include, but is not limited to the following:

- (1) The most prevalent causes of kinship care, especially the risk of substance exposure or child abuse, neglect, or abandonment.
- (2) The problems experienced by children being raised by nonparent caregivers.
- (3) The problems experienced by grandparents and other nonparent relatives providing primary care for children who have special needs.
- (4) The legal system as it relates to children and their nonparent primary caregivers.
- (5) The benefits available to children and their nonparent primary caregivers.
- (6) A list of support groups and resources located throughout the State.

The brochure may be distributed through hospitals, public health nurses, child protective services, medical professional offices, elementary and secondary schools, senior citizen centers, public libraries, community action agencies selected by the Department, and the Department of Human Services.

(c) In addition to other provisions of this Section, the Department shall establish a program of information, social work services, and legal services for any person age 60 or over and any other person who may be in need of a future legal care and custody plan who adopt, have adopted, take guardianship of, or have taken guardianship of children previously in the Department's custody. This program shall also assist families of deceased adoptive parents and guardians. As part of the program, the Department shall:

(1) Develop a protocol for identification of persons age 60 or over and others who may be in need of future care and custody plans, including ill caregivers, who are adoptive parents, prospective adoptive parents, guardians, or prospective guardians of children who are or have been in Department custody.

(2) Provide outreach to caregivers before and after adoption and guardianship, and to the families of deceased caregivers, regarding Illinois legal options for future care and custody of children.

(3) Provide training for Department and private agency staff on methods of assisting caregivers before and after adoption and guardianship, and the families of older and ill caregivers, who wish to make future care and custody plans for children who have been wards of the Department and who are or will be adopted by or are or will become wards of those caregivers.

(4) Ensure that all caregivers age 60 or over who will adopt or will become guardians of children previously in Department custody have specifically designated future caregivers for children in their care. The Department shall document this designation, and the Department shall also document acceptance of this responsibility by any future caregiver. Documentation of future care designation shall be included in each child's case file and adoption or guardianship subsidy files as applicable to the child.

(5) Ensure that any designated future caregiver and the family of a deceased caregiver have information on the financial needs of the child and future resources that may be available to support the child, including any adoption assistance and subsidized guardianship for which the child is or may be eligible.

(6) With respect to programs of social work and legal services:

(i) Provide contracted social work services to older and ill caregivers, and the families of deceased caregivers, including those who will or have adopted or will take or have taken guardianship of children previously in Department custody. Social work services to caregivers will have the goal of securing a future care and custody plan for children in their care. Such services will include providing information to the caregivers and families on standby guardianship, guardianship, standby adoption, and adoption. The Department will assist the caregiver in developing a plan for the child if the caregiver becomes

incapacitated or terminally ill, or dies while the child is a minor. The Department shall develop a form to document the information given to caregivers and to document plans for future custody, in addition to the documentation described in subsection (b) (4). This form shall be included in each child's case file and adoption or guardianship subsidy files as applicable to the child.

(ii) Through a program of contracted legal services, assist older and ill caregivers, and the families of deceased caregivers, with the goal of securing court-ordered future care and custody plans for children in their care. Court-ordered future care and custody plans may include: standby guardianship, successor guardianship, standby adoption, and successor adoption. The program will also study ways in which to provide timely and cost-effective legal services to older and ill caregivers, and to families of deceased caregivers in order to ensure permanency for children in their care.

(7) Ensure that future caregivers designated by adoptive parents or guardians, and the families of deceased caregivers, understand their rights and potential responsibilities and shall be able to provide adequate support and education for children who may become their legal responsibility.

(8) Ensure that future caregivers designated by adoptive parents and guardians, and the families of deceased caregivers, understand the problems of children who have experienced multiple caregivers and who may have experienced abuse, neglect, or abandonment or may have been born to substance-abusing mothers.

(9) Ensure that future caregivers designated by adoptive parents and guardians, and the families of deceased caregivers, understand the problems experienced by older and ill caregivers of children, including children with special needs, such as financial stress due to limited income and increased financial responsibility, emotional difficulties associated with the loss of a child's parent or the child's unique behaviors, the special needs of a child who may come into their custody or whose parent or guardian is already deceased, and decreased physical stamina and a higher rate of chronic illness and other health concerns.

(10) Provide additional services as needed to families in which a designated caregiver appointed by the court or a caregiver designated in a will or other legal document cannot or will not fulfill the responsibilities as adoptive parent, guardian, or legal custodian of the child.

(d) The Department shall consult with the Department on Aging and any other agency it deems appropriate as the Department develops the program required by subsection (c).

(e) Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

(Source: P.A. 88-229; 88-670, eff. 12-2-94; 89-507, eff. 7-1-97.)

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

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

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Currie, SENATE BILL 381 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:

113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 10)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

SENATE BILLS ON SECOND READING

SENATE BILL 761. Having been read by title a second time on January 8, 2009, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Elections & Campaign Reform, adopted and reproduced.

AMENDMENT NO. 1. Amend Senate Bill 761 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Section 9-35 as follows:
(10 ILCS 5/9-35)

Sec. 9-35. Registration of business entities.

(a) This Section governs the procedures for the registration required under Section 20-160 of the Illinois Procurement Code.

For the purposes of this Section, the terms "officeholder", "State contract", "business entity", "State agency", "affiliated entity", and "affiliated person" have the meanings ascribed to those terms in Section 50-37 of the Illinois Procurement Code.

(b) Registration under Section 20-160 of the Illinois Procurement Code, and any changes to that registration, must be made electronically, ~~and the State Board of Elections by rule shall provide for electronic registration ; except that the State Board may adopt emergency rules providing for a temporary filing system, effective through August 1, 2009, under which business entities must file the required registration forms provided by the Board via e-mail attachment in a PDF file or via another type of mail service and must receive from the State Board registration certificates via e-mail or paper registration certificates. The State Board shall retain the registrations submitted by business entities via e-mail or another type of mail service for at least 6 months following the establishment of the electronic registration system required by this subsection.~~

Each registration ~~, which~~ must contain substantially the following:

- (1) The name and address of the business entity.
- (2) The name and address of any affiliated entity of the business entity, including a description of the affiliation.
- (3) The name and address of any affiliated person of the business entity, including a description of the affiliation.

(c) The Board shall provide a certificate of registration to the business entity. The certificate shall be electronic, except as otherwise provided in this Section, and accessible to the business entity through the State Board of Elections' website and protected by a password. Within 60 days after establishment of the electronic system, each business entity that submitted a registration via e-mail attachment or paper copy pursuant to this Section shall re-submit its registration electronically. At the time of re-submission, the State Board of Elections shall provide an electronic certificate of registration to that business entity.

(d) Any business entity required to register under Section 20-160 of the Illinois Procurement Code shall provide a copy of the registration certificate, by first class mail or hand delivery within 10 days after registration, to each affiliated entity or affiliated person whose identity is required to be disclosed. Failure to provide notice to an affiliated entity or affiliated person is a business offense for which the business entity is subject to a fine not to exceed \$1,001.

(e) In addition to any penalty under Section 20-160 of the Illinois Procurement Code, intentional, willful, or material failure to disclose information required for registration is subject to a civil penalty imposed by the State Board of Elections. The State Board shall impose a civil penalty of \$1,000 per business day for failure to update a registration.

(f) Any business entity required to register under Section 20-160 of the Illinois Procurement Code shall notify any political committee to which it makes a contribution, at the time of the contribution, that the business entity is registered with the State Board of Elections under Section 20-160 of the Illinois Procurement Code. Any affiliated entity or affiliated person of a business entity required to register under Section 20-160 of the Illinois Procurement Code shall notify any political committee to which it makes a contribution that it is affiliated with a business entity registered with the State Board of Elections under Section 20-160 of the Illinois Procurement Code.

(g) The State Board of Elections on its official website shall have a searchable database containing (i) all information required to be submitted to the Board under Section 20-160 of the Illinois Procurement Code and (ii) all reports filed under this Article with the State Board of Elections by all political committees. For

the purposes of databases maintained by the State Board of Elections, "searchable" means able to search by "political committee", as defined in this Article, and by "officeholder", "State agency", "business entity", "affiliated entity", and "affiliated person". The Board shall not place the name of a minor child on the website. However, the Board shall provide a link to all contributions made by anyone reporting the same residential address as any affiliated person. In addition, the State Board of Elections on its official website shall provide an electronic connection to any searchable database of State contracts maintained by the Comptroller, searchable by business entity.

(h) The State Board of Elections shall have rulemaking authority to implement this Section.

(Source: P.A. 95-971, eff. 1-1-09.)

Section 10. The Illinois Procurement Code is amended by changing Section 50-37 as follows:
(30 ILCS 500/50-37)

Sec. 50-37. Prohibition of political contributions.

(a) As used in this Section:

The terms "contract", "State contract", and "contract with a State agency" each mean any contract, as defined in this Code, between a business entity and a State agency let or awarded pursuant to this Code. The terms "contract", "State contract", and "contract with a State agency" do not include cost reimbursement contracts; purchase of care agreements as defined in Section 1-15.68 of this Code; contracts for projects eligible for full or partial federal-aid funding reimbursements authorized by the Federal Highway Administration; grants, including but are not limited to grants for job training or transportation; and grants, loans, or tax credit agreements for economic development purposes.

"Contribution" means a contribution as defined in Section 9-1.4 of the Election Code.

"Declared candidate" means a person who has filed a statement of candidacy and petition for nomination or election in the principal office of the State Board of Elections.

"State agency" means and includes all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the State, created by or in accordance with the Illinois Constitution or State statute, of the executive branch of State government and does include colleges, universities, public employee retirement systems, and institutions under the jurisdiction of the governing boards of the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governors State University, Northeastern Illinois University, and the Illinois Board of Higher Education.

"Officeholder" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, or Treasurer. The Governor shall be considered the officeholder responsible for awarding all contracts by all officers and employees of, and vendors and others doing business with, executive branch State agencies under the jurisdiction of the Executive Ethics Commission and not within the jurisdiction of the Attorney General, the Secretary of State, the Comptroller, or the Treasurer.

"Sponsoring entity" means a sponsoring entity as defined in Section 9-3 of the Election Code.

"Affiliated person" means (i) any person with any ownership interest or distributive share of the bidding or contracting business entity in excess of 7.5%, (ii) executive employees of the bidding or contracting business entity, and (iii) the spouse and minor children of any such persons.

"Affiliated entity" means (i) any subsidiary of the bidding or contracting business entity, (ii) any member of the same unitary business group, (iii) any organization recognized by the United States Internal Revenue Service as a tax-exempt organization described in Section 501(c) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law) established by the bidding or contracting business entity, any affiliated entity of that business entity, or any affiliated person of that business entity, or (iv) any political committee for which the bidding or contracting business entity, or any 501(c) organization described in item (iii) related to that business entity, is the sponsoring entity.

"Business entity" means any entity doing business for profit, whether organized as a corporation, partnership, sole proprietorship, limited liability company or partnership, or otherwise.

"Executive employee" means the President, Chairman, Chief Executive Officer, or other employee with executive decision-making authority over the long-term and day-to-day affairs of the entity employing the employee, or an employee whose compensation is determined directly, in whole or in part, by the award or payment of contracts by a State agency to the entity employing the employee.

(b) Any business entity whose contracts with State agencies, in the aggregate, annually total more than \$50,000, and any affiliated entities or affiliated persons of such business entity, are prohibited from making any contributions to any political committees established to promote the candidacy of (i) the officeholder responsible for awarding the contracts or (ii) any other declared

candidate for that office. This prohibition shall be effective for the duration of the term of office of the incumbent officeholder awarding the contracts or for a period of 2 years following the expiration or termination of the contracts, whichever is longer.

(c) Any business entity whose aggregate pending bids and proposals on State contracts total more than \$50,000, or whose aggregate pending bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed \$50,000, and any affiliated entities or affiliated persons of such business entity, are prohibited from making any contributions to any political committee established to promote the candidacy of the officeholder responsible for awarding the contract on which the business entity has submitted a bid or proposal during the period beginning on the date the invitation for bids or request for proposals is issued and ending on the day after the date the contract is awarded.

(d) All contracts between State agencies and a business entity that violate subsection (b) or (c) shall be voidable under Section 50-60. If a business entity violates subsection (b) 3 or more times within a 36-month period, then all contracts between State agencies and that business entity shall be void, and that business entity shall not bid or respond to any invitation to bid or request for proposals from any State agency or otherwise enter into any contract with any State agency for 3 years from the date of the last violation. A notice of each violation and the penalty imposed shall be published in both the Procurement Bulletin and the Illinois Register.

(e) Any political committee that has received a contribution in violation of subsection (b) or (c) shall pay an amount equal to the value of the contribution to the State no more than 30 days after notice of the violation concerning the contribution appears in the Illinois Register. Payments received by the State pursuant to this subsection shall be deposited into the general revenue fund.

(Source: P.A. 95-971, eff. 1-1-09.)

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

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

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Fritchey, SENATE BILL 761 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: 77, Yeas; 35, Nays; 0, Answering Present.

(ROLL CALL 11)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

SENATE BILL ON SECOND READING

SENATE BILL 2173. Having been read by title a second time on January 8, 2009, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Human Services, adopted and reproduced.

AMENDMENT NO. 1. Amend Senate Bill 2173 by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 6.11 as follows:

(5 ILCS 375/6.11)

(Text of Section before amendment by P.A. 95-958)

Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health

insurance under Section 356t of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Sections 356g.5, 356m, 356u, 356w, 356x, 356z.2, 356z.4, 356z.6, 356z.9, 356z.10, 356z.13 ~~356z.11~~, and 356z.14 of the Illinois Insurance Code. The program of health benefits must comply with Section 155.37 of the Illinois Insurance Code.

(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; 95-876, eff. 8-21-08; 95-978, eff. 1-1-09; 95-1005, eff. 12-12-08; revised 12-15-08.)

(Text of Section after amendment by P.A. 95-958)

Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Sections 356g.5, 356m, 356u, 356w, 356x, 356z.2, 356z.4, 356z.6, 356z.9, 356z.10, 356z.11, ~~and 356z.12~~ 356z.13 ~~356z.11~~, and 356z.14 of the Illinois Insurance Code. The program of health benefits must comply with Section 155.37 of the Illinois Insurance Code.

(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; 95-876, eff. 8-21-08; 95-958, eff. 6-1-09; 95-978, eff. 1-1-09; 95-1005, eff. 12-12-08; revised 12-15-08.)

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

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

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Lang, SENATE BILL 2173 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: 104, Yeas; 8, Nays; 0, Answering Present.

(ROLL CALL 12)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

SENATE BILL ON SECOND READING

SENATE BILL 2362. Having been read by title a second time on January 8, 2009, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Personnel and Pensions, adopted and reproduced.

AMENDMENT NO. 1. Amend Senate Bill 2362, on page 2, lines 20 through 22, by deleting "within 3 months after the effective date of this amendatory Act of the 95th General Assembly"; and on page 3, lines 1 and 2, by replacing "rate of 6% per year" with "actuarially assumed rate provided by the Department of Financial and Professional Regulation".

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

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Saviano, SENATE BILL 2362 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: 109, Yeas; 4, Nays; 0, Answering Present.

(ROLL CALL 13)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

SENATE BILL ON SECOND READING

SENATE BILL 243. Having been recalled on May 29, 2007, and held on the order of Second Reading, the same was again taken up.

Representative May offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend Senate Bill 243 by replacing everything after the enacting clause with the following:

"Section 5. The Comprehensive Health Insurance Plan Act is amended by changing Section 8 as follows: (215 ILCS 105/8) (from Ch. 73, par. 1308)

Sec. 8. Minimum benefits.

a. Availability. The Plan shall offer in an annually renewable policy major medical expense coverage to every eligible person who is not eligible for Medicare. Major medical expense coverage offered by the Plan shall pay an eligible person's covered expenses, subject to limit on the deductible and coinsurance payments authorized under paragraph (4) of subsection d of this Section, up to a lifetime benefit limit of \$2,000,000 until 3 years after the effective date of this amendatory Act of the 95th General Assembly, and \$1,500,000 in benefits 3 years or more after the effective date of this amendatory Act of the 95th General Assembly per covered individual. The maximum limit under this subsection shall not be altered by the Board, and no actuarial equivalent benefit may be substituted by the Board. Any person who otherwise would qualify for coverage under the Plan, but is excluded because he or she is eligible for Medicare, shall be eligible for any separate Medicare supplement policy or policies which the Board may offer.

b. Outline of benefits. Covered expenses shall be limited to the usual and customary charge, including negotiated fees, in the locality for the following services and articles when prescribed by a physician and determined by the Plan to be medically necessary for the following areas of services, subject to such separate deductibles, co-payments, exclusions, and other limitations on benefits as the Board shall establish and approve, and the other provisions of this Section:

(1) Hospital services, except that any services provided by a hospital that is located more than 75 miles outside the State of Illinois shall be covered only for a maximum of 45 days in any calendar year. With respect to covered expenses incurred during any calendar year ending on or after December 31, 1999, inpatient hospitalization of an eligible person for the treatment of mental illness at a hospital located within the State of Illinois shall be subject to the same terms and conditions as for any other illness.

(2) Professional services for the diagnosis or treatment of injuries, illnesses or conditions, other than dental and mental and nervous disorders as described in paragraph (17), which are rendered by a physician, or by other licensed professionals at the physician's direction. This includes reconstruction of the breast on which a mastectomy was performed; surgery and reconstruction of the other breast to produce a symmetrical appearance; and prostheses and treatment of physical complications at all stages of the mastectomy, including lymphedemas.

(2.5) Professional services provided by a physician to children under the age of 16 years for physical examinations and age appropriate immunizations ordered by a physician licensed to practice medicine in all its branches.

(3) (Blank).

(4) Outpatient prescription drugs that by law require a prescription written by a physician licensed to practice medicine in all its branches subject to such separate deductible, copayment, and other limitations or restrictions as the Board shall approve, including the use of a prescription drug card or any other program, or both.

(5) Skilled nursing services of a licensed skilled nursing facility for not more than

120 days during a policy year.

(6) Services of a home health agency in accord with a home health care plan, up to a maximum of 270 visits per year.

(7) Services of a licensed hospice for not more than 180 days during a policy year.

(8) Use of radium or other radioactive materials.

(9) Oxygen.

(10) Anesthetics.

(11) Orthoses and prostheses other than dental.

(12) Rental or purchase in accordance with Board policies or procedures of durable medical equipment, other than eyeglasses or hearing aids, for which there is no personal use in the absence of the condition for which it is prescribed.

(13) Diagnostic x-rays and laboratory tests.

(14) Oral surgery (i) for excision of partially or completely unerupted impacted teeth when not performed in connection with the routine extraction or repair of teeth; (ii) for excision of tumors or cysts of the jaws, cheeks, lips, tongue, and roof and floor of the mouth; (iii) required for correction of cleft lip and palate and other craniofacial and maxillofacial birth defects; or (iv) for treatment of injuries to natural teeth or a fractured jaw due to an accident.

(15) Physical, speech, and functional occupational therapy as medically necessary and provided by appropriate licensed professionals.

(16) Emergency and other medically necessary transportation provided by a licensed ambulance service to the nearest health care facility qualified to treat a covered illness, injury, or condition, subject to the provisions of the Emergency Medical Systems (EMS) Act.

(17) Outpatient services for diagnosis and treatment of mental and nervous disorders provided that a covered person shall be required to make a copayment not to exceed 50% and that the Plan's payment shall not exceed such amounts as are established by the Board.

(18) Human organ or tissue transplants specified by the Board that are performed at a hospital designated by the Board as a participating transplant center for that specific organ or tissue transplant.

(19) Naprapathic services, as appropriate, provided by a licensed naprapathic practitioner.

(20) Coverage for benefits as required under Sections 356g, 356u, 356x, and 356z.4 of the Illinois Insurance Code.

Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.

c. Exclusions. Covered expenses of the Plan shall not include the following:

(1) Any charge for treatment for cosmetic purposes other than for reconstructive surgery when the service is incidental to or follows surgery resulting from injury, sickness or other diseases of the involved part or surgery for the repair or treatment of a congenital bodily defect to restore normal bodily functions.

(2) Any charge for care that is primarily for rest, custodial, educational, or domiciliary purposes.

(3) Any charge for services in a private room to the extent it is in excess of the institution's charge for its most common semiprivate room, unless a private room is prescribed as medically necessary by a physician.

(4) That part of any charge for room and board or for services rendered or articles prescribed by a physician, dentist, or other health care personnel that exceeds the reasonable and customary charge in the locality or for any services or supplies not medically necessary for the diagnosed injury or illness.

(5) Any charge for services or articles the provision of which is not within the scope of licensure of the institution or individual providing the services or articles.

(6) Any expense incurred prior to the effective date of coverage by the Plan for the person on whose behalf the expense is incurred.

(7) Dental care, dental surgery, dental treatment, any other dental procedure involving the teeth or periodontium, or any dental appliances, including crowns, bridges, implants, or partial or complete dentures, except as specifically provided in paragraph (14) of subsection b of this Section.

- (8) Eyeglasses, contact lenses, hearing aids or their fitting.
- (9) Illness or injury due to acts of war.
- (10) Services of blood donors and any fee for failure to replace the first 3 pints of blood provided to a covered person each policy year.
- (11) Personal supplies or services provided by a hospital or nursing home, or any other nonmedical or nonprescribed supply or service.
- (12) Routine maternity charges for a pregnancy, except where added as optional coverage with payment of an additional premium for pregnancy resulting from conception occurring after the effective date of the optional coverage.
- (13) (Blank).
- (14) Any expense or charge for services, drugs, or supplies that are: (i) not provided in accord with generally accepted standards of current medical practice; (ii) for procedures, treatments, equipment, transplants, or implants, any of which are investigational, experimental, or for research purposes; (iii) investigative and not proven safe and effective; or (iv) for, or resulting from, a gender transformation operation.
- (15) Any expense or charge for routine physical examinations or tests except as provided in ~~items item~~ (2.5) and (20) of subsection b of this Section.
- (16) Any expense for which a charge is not made in the absence of insurance or for which there is no legal obligation on the part of the patient to pay.
- (17) Any expense incurred for benefits provided under the laws of the United States and this State, including Medicare, Medicaid, and other medical assistance, maternal and child health services and any other program that is administered or funded by the Department of Human Services, Department of Healthcare and Family Services, or Department of Public Health, military service-connected disability payments, medical services provided for members of the armed forces and their dependents or employees of the armed forces of the United States, and medical services financed on behalf of all citizens by the United States.
- (18) Any expense or charge for in vitro fertilization, artificial insemination, or any other artificial means used to cause pregnancy.
- (19) ~~(Blank). Any expense or charge for oral contraceptives used for birth control or any other temporary birth control measures.~~
- (20) Any expense or charge for sterilization or sterilization reversals.
- (21) Any expense or charge for weight loss programs, exercise equipment, or treatment of obesity, except when certified by a physician as morbid obesity (at least 2 times normal body weight).
- (22) Any expense or charge for acupuncture treatment unless used as an anesthetic agent for a covered surgery.
- (23) Any expense or charge for or related to organ or tissue transplants other than those performed at a hospital with a Board approved organ transplant program that has been designated by the Board as a preferred or exclusive provider organization for that specific organ or tissue transplant.
- (24) Any expense or charge for procedures, treatments, equipment, or services that are provided in special settings for research purposes or in a controlled environment, are being studied for safety, efficiency, and effectiveness, and are awaiting endorsement by the appropriate national medical speciality college for general use within the medical community.

d. Deductibles and coinsurance.

The Plan coverage defined in Section 6 shall provide for a choice of deductibles per individual as authorized by the Board. If 2 individual members of the same family household, who are both covered persons under the Plan, satisfy the same applicable deductibles, no other member of that family who is also a covered person under the Plan shall be required to meet any deductibles for the balance of that calendar year. The deductibles must be applied first to the authorized amount of covered expenses incurred by the covered person. A mandatory coinsurance requirement shall be imposed at the rate authorized by the Board in excess of the mandatory deductible, the coinsurance in the aggregate not to exceed such amounts as are authorized by the Board per annum. At its discretion the Board may, however, offer catastrophic coverages or other policies that provide for larger deductibles with or without coinsurance requirements. The deductibles and coinsurance factors may be adjusted annually according to the Medical Component of the Consumer Price Index.

e. Scope of coverage.

- (1) In approving any of the benefit plans to be offered by the Plan, the Board shall establish such benefit levels, deductibles, coinsurance factors, exclusions, and limitations as it may deem

appropriate and that it believes to be generally reflective of and commensurate with health insurance coverage that is provided in the individual market in this State.

(2) The benefit plans approved by the Board may also provide for and employ various cost containment measures and other requirements including, but not limited to, preadmission certification, prior approval, second surgical opinions, concurrent utilization review programs, individual case management, preferred provider organizations, health maintenance organizations, and other cost effective arrangements for paying for covered expenses.

f. Preexisting conditions.

(1) Except for federally eligible individuals qualifying for Plan coverage under Section 15 of this Act or eligible persons who qualify for the waiver authorized in paragraph (3) of this subsection, plan coverage shall exclude charges or expenses incurred during the first 6 months following the effective date of coverage as to any condition for which medical advice, care or treatment was recommended or received during the 6 month period immediately preceding the effective date of coverage.

(2) (Blank).

(3) Waiver: The preexisting condition exclusions as set forth in paragraph (1) of this subsection shall be waived to the extent to which the eligible person (a) has satisfied similar exclusions under any prior individual health insurance policy that was involuntarily terminated because of the insolvency of the issuer of the policy and (b) has applied for Plan coverage within 90 days following the involuntary termination of that individual health insurance coverage.

g. Other sources primary; nonduplication of benefits.

(1) The Plan shall be the last payor of benefits whenever any other benefit or source of third party payment is available. Subject to the provisions of subsection e of Section 7, benefits otherwise payable under Plan coverage shall be reduced by all amounts paid or payable by Medicare or any other government program or through any health insurance coverage or group health plan, whether by insurance, reimbursement, or otherwise, or through any third party liability, settlement, judgment, or award, regardless of the date of the settlement, judgment, or award, whether the settlement, judgment, or award is in the form of a contract, agreement, or trust on behalf of a minor or otherwise and whether the settlement, judgment, or award is payable to the covered person, his or her dependent, estate, personal representative, or guardian in a lump sum or over time, and by all hospital or medical expense benefits paid or payable under any worker's compensation coverage, automobile medical payment, or liability insurance, whether provided on the basis of fault or nonfault, and by any hospital or medical benefits paid or payable under or provided pursuant to any State or federal law or program.

(2) The Plan shall have a cause of action against any covered person or any other person or entity for the recovery of any amount paid to the extent the amount was for treatment, services, or supplies not covered in this Section or in excess of benefits as set forth in this Section.

(3) Whenever benefits are due from the Plan because of sickness or an injury to a covered person resulting from a third party's wrongful act or negligence and the covered person has recovered or may recover damages from a third party or its insurer, the Plan shall have the right to reduce benefits or to refuse to pay benefits that otherwise may be payable by the amount of damages that the covered person has recovered or may recover regardless of the date of the sickness or injury or the date of any settlement, judgment, or award resulting from that sickness or injury.

During the pendency of any action or claim that is brought by or on behalf of a covered person against a third party or its insurer, any benefits that would otherwise be payable except for the provisions of this paragraph (3) shall be paid if payment by or for the third party has not yet been made and the covered person or, if incapable, that person's legal representative agrees in writing to pay back promptly the benefits paid as a result of the sickness or injury to the extent of any future payments made by or for the third party for the sickness or injury. This agreement is to apply whether or not liability for the payments is established or admitted by the third party or whether those payments are itemized.

Any amounts due the plan to repay benefits may be deducted from other benefits payable by the Plan after payments by or for the third party are made.

(4) Benefits due from the Plan may be reduced or refused as an offset against any amount otherwise recoverable under this Section.

h. Right of subrogation; recoveries.

(1) Whenever the Plan has paid benefits because of sickness or an injury to any covered person resulting from a third party's wrongful act or negligence, or for which an insurer is liable in accordance with the provisions of any policy of insurance, and the covered person has recovered or may

recover damages from a third party that is liable for the damages, the Plan shall have the right to recover the benefits it paid from any amounts that the covered person has received or may receive regardless of the date of the sickness or injury or the date of any settlement, judgment, or award resulting from that sickness or injury. The Plan shall be subrogated to any right of recovery the covered person may have under the terms of any private or public health care coverage or liability coverage, including coverage under the Workers' Compensation Act or the Workers' Occupational Diseases Act, without the necessity of assignment of claim or other authorization to secure the right of recovery. To enforce its subrogation right, the Plan may (i) intervene or join in an action or proceeding brought by the covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors, against any third party or the third party's insurer that may be liable or (ii) institute and prosecute legal proceedings against any third party or the third party's insurer that may be liable for the sickness or injury in an appropriate court either in the name of the Plan or in the name of the covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors.

(2) If any action or claim is brought by or on behalf of a covered person against a third party or the third party's insurer, the covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors, shall notify the Plan 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, filing proof thereof in the action or claim. The Plan may, at any time thereafter, join in the action or claim upon its motion so that all orders of court after hearing and judgment shall be made for its protection. No release or settlement of a claim for damages and no satisfaction of judgment in the action shall be valid without the written consent of the Plan to the extent of its interest in the settlement or judgment and of the covered person or his personal representative.

(3) In the event that the covered person or his personal representative fails to institute a proceeding against any appropriate third party before the fifth month before the action would be barred, the Plan may, in its own name or in the name of the covered person or personal representative, commence a proceeding against any appropriate third party for the recovery of damages on account of any sickness, injury, or death to the covered person. The covered person shall cooperate in doing what is reasonably necessary to assist the Plan in any recovery and shall not take any action that would prejudice the Plan's right to recovery. The Plan shall pay to the covered person or his personal representative all sums collected from any third party by judgment or otherwise in excess of amounts paid in benefits under the Plan and amounts paid or to be paid as costs, attorneys fees, and reasonable expenses incurred by the Plan in making the collection or enforcing the judgment.

(4) In the event that a covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors, recovers damages from a third party for sickness or injury caused to the covered person, the covered person or the personal representative shall pay to the Plan from the damages recovered the amount of benefits paid or to be paid on behalf of the covered person.

(5) When the action or claim is brought by the covered person alone and the covered person incurs a personal liability to pay attorney's fees and costs of litigation, the Plan's claim for reimbursement of the benefits provided to the covered person shall be the full amount of benefits paid to or on behalf of the covered person under this Act less a pro rata share that represents the Plan's reasonable share of attorney's fees paid by the covered person and that portion of the cost of litigation expenses determined by multiplying by the ratio of the full amount of the expenditures to the full amount of the judgement, award, or settlement.

(6) In the event of judgment or award in a suit or claim against a third party or insurer, the court shall first order paid from any judgement or award the reasonable litigation expenses incurred in preparation and prosecution of the action or claim, together with reasonable attorney's fees. After payment of those expenses and attorney's fees, the court shall apply out of the balance of the judgment or award an amount sufficient to reimburse the Plan the full amount of benefits paid on behalf of the covered person under this Act, provided the court may reduce and apportion the Plan's portion of the judgement proportionate to the recovery of the covered person. 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 the reduction. The court may consider the nature and extent of the injury, economic and non-economic loss, settlement offers, comparative negligence as it applies to the case at hand, hospital costs, physician costs, and all other appropriate costs. The Plan shall pay its pro rata share of the attorney fees based on the Plan's recovery as it compares to the total judgment. Any reimbursement rights of the Plan shall take priority over all

other liens and charges existing under the laws of this State with the exception of any attorney liens filed under the Attorneys Lien Act.

(7) The Plan may compromise or settle and release any claim for benefits provided under this Act or waive any claims for benefits, in whole or in part, for the convenience of the Plan or if the Plan determines that collection would result in undue hardship upon the covered person. (Source: P.A. 94-737, eff. 5-3-06; 95-547, eff. 8-29-07.)".

The foregoing motion prevailed and the amendment was adopted.

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

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Osterman, SENATE BILL 243 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: 78, Yeas; 35, Nays; 0, Answering Present.

(ROLL CALL 14)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

SUSPEND POSTING REQUIREMENT

Pursuant to Rule 25, Representative Lang moved to suspend the posting requirements of Rule 21 in relation to HOUSE RESOLUTION 1678.

The motion prevailed.

RECESS

At the hour of 3:33 o'clock p.m., Representative Hannig moved that the House do now take a recess until the hour of 4:00 o'clock p.m.

The motion prevailed.

At the hour of 4:21 o'clock p.m., the House resumed its session.

Representative Hannig in the Chair.

DISTRIBUTION OF SUPPLEMENTAL CALENDAR

Supplemental Calendar No. 2 was distributed to the Members at 4:22 o'clock p.m.

RECALL

At the request of the principal sponsor, Representative Lyons, SENATE BILL 2513 was recalled from the order of Third Reading to the order of Second Reading.

SENATE BILL ON SECOND READING

SENATE BILL 2513. Having been recalled on January 12, 2009, the same was again taken up

Representative Lyons offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend Senate Bill 2513, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, on page 2, by inserting after line 9 the following:

"Section 7. The Home Equity Assurance Act is amended by changing Sections 3, 7, and 8 as follows:

(65 ILCS 95/3) (from Ch. 24, par. 1603)

Sec. 3. Definitions. For the purposes of this Act:

(a) "Bona fide offer" means an offer made in good faith and for a valuable consideration to purchase a qualified residence at a price that in the opinion of the governing commission is reasonable given current market conditions.

(b) "Certificate of participation" means the duly notarized document of membership in a program, signed by the qualified applicant and by an authorized representative of the governing commission, which specifies the location and description of the guaranteed residence, its guaranteed value, the registration date, and which has attached a program appraisal for the guaranteed residence.

(c) "Community organization" means a not-for-profit organization which has been registered with this State for at least 5 years as a not-for-profit organization, which qualifies for tax exempt status under Section 501 (c) (3) or 501 (c) (4) of the United States Internal Revenue Code of 1986, as now or hereafter amended, which continuously maintains an office or business location within the territory of a program together with a current listed telephone number, and whose members reside within the territory of a program.

(d) "Eligible applicant" means a natural person who is the owner of a qualified residence within the territory of a program who continuously occupies or has a family member who occupies such qualified residence as the principal place of residence.

(e) "Family member" means a spouse, child, stepchild, parent, grandparent, brother, sister, or any such relations of the spouse of the member.

(f) "Governing commission" means the 9 member (or 18 member in the case of a merged program) governing body which is authorized by voter approval of the creation of a home equity program (or merger of programs) as provided in this Act and which is appointed by the mayor of the municipality in which the program has been approved with the approval of the city council, 7 (or 14 in the case of a merged program) of whom shall be appointed from a list or lists of nominees submitted by a community organization or community organizations as defined in this Act.

(g) "Gross selling value" means the total consideration to be paid for the purchase of a guaranteed residence, and shall include any amount that the buyer or prospective buyer agrees to assume on behalf of a member, including broker commissions, points, legal fees, personal financing, or other items of value involved in the sale.

(h) "Guarantee fund" means the funds collected under the provisions of this Act for the purpose of guaranteeing the property values of members within the territory of a program.

(i) "Guaranteed residence" means a qualified residence for which a certificate of participation has been issued, which is occupied continuously as the place of legal residence by the member or a family member, which is described in the certificate of participation, and which is entitled to coverage under this Act.

(j) "Guaranteed value" means the appraised valuation based upon a standard of current fair market value as of the registration date on the qualified residence as determined by a program appraiser pursuant to accepted professional appraisal standards and which is authorized by the commission for the registration date. The guaranteed value shall be used solely by the commission for the purpose of administering the program and shall remain confidential.

(k) "Member" means the owner of a guaranteed residence.

(l) "Owner" means a natural person who is the legal titleholder or who is the beneficiary of a trust which is the legal titleholder.

(m) "Physical perils" means physical occurrences such as, but not limited to, fire, windstorm, hail, nuclear explosion or seepage, war, insurrection, wear and tear, cracking, settling, vermin, rodents, insects, vandalism, pollution or contamination, and all such related occurrences or acts of God.

(n) "Program" means the guaranteed home equity program governed by a specific home equity commission.

(o) "Program appraisal" means a real estate appraisal conducted by a program appraiser for the purpose of establishing the guaranteed value of a qualified residence under a program and providing a general description of the qualified residence. The program appraisal shall be used solely by the governing commission for the purpose of administering the program and shall remain confidential.

(p) "Program appraiser" means a real estate appraiser who meets the professional standards established by the American Institute of Real Estate Appraisers (AIREA), the National Association of Independent Fee Appraisers (NAIFA), the National Society of Real Estate Appraisers (NSREA) or the American Society of Appraisers (ASA) and whose name is submitted to the governing commission by the appraiser to conduct program appraisals under the provisions of a program.

(q) "Program guidelines" means those policies, rules, regulations, and bylaws established from time to time by the governing commission to explain, clarify, or modify the program in order to fulfill its goals and objectives.

(r) "Qualified residence" means a building: (1) located in the territory of a program having at least one, but not more than 6, dwelling units; (2) classified by county ordinance as residential and assessed for property tax purposes; and (3) with at least one dwelling unit continuously occupied as the principal legal residence of a member or family member.

(s) "Registration date" means the date of receipt by the governing commission of the registration fee and a completed application of a qualified applicant for participation in a program.

(t) "Registration fee" means the fee which is established by the governing commission to defray the cost of a program appraisal on a qualified residence.

(Source: P.A. 86-684.)

(65 ILCS 95/7) (from Ch. 24, par. 1607)

Sec. 7. Guarantee. A member or the estate of a member participating in a program created under the provisions of this Act shall be paid 100% of the difference between the guaranteed value as determined by the program and the gross selling value as determined in Section 8 of this Act if the guaranteed value is greater than the gross selling value. The guarantee provided by the program shall only apply to sales made 5 years or more after the date of issuance of the certificate of participation and shall be provided subject to all of the terms, conditions, and stipulations of the program. The guarantee provided by the program shall extend only to those who qualified as members at the time of their application, or to the estates of members; provided that the estate applies within 2 years of the member's death or immediately upon completion of the fifth year after the date of issuance of the certificate of participation, whichever is later. A member shall receive the guarantee provided by the program only if the member has accepted a bona fide offer and the sale of the guaranteed residence has closed. A member of a program agrees to abide by all conditions, stipulations, and provisions of a program and shall not be eligible for protection and shall not receive the guarantee unless all such conditions, stipulations and provisions have been met. Any member failing to abide by the conditions, stipulations and provisions of a program or who engages in fraud, misrepresentation, or concealment in any process involving a program forfeits both the registration fee and any claim to the guarantee.

(Source: P.A. 85-1044.)

(65 ILCS 95/8) (from Ch. 24, par. 1608)

Sec. 8. Procedures for obtaining benefits. (a) In order to be eligible for payment under a program created pursuant to this Act, a member must follow the program guidelines adopted by the governing commission as well as the procedures set forth in this Section.

(b) A member must file a "Notice of Intent to Sell" with the governing commission in accordance with program guidelines if and when the member intends to place the guaranteed residence on the market for sale. Upon receipt of a "Notice of Intent to Sell", the governing commission shall provide the member with a copy of this Section and a written description of the rights and responsibilities of both the member and the governing commission and the procedures for obtaining benefits; provided, however, that such information provided by the governing commission shall not restrict or advise the member with respect to the selection of a real estate broker or agent. The information shall be delivered to the member either in person or by registered mail. A member is not eligible to file "Notice of Intent to Sell" until 5 years after the member's registration date.

(c) A member is required to offer the guaranteed residence for sale according to the program guidelines, including the utilization of complete and proper methods for listing residential property, listing the guaranteed residence at a price which reasonably can be expected to attract buyers, and providing reasonable access for potential buyers to see the guaranteed residence.

(d) A member shall ~~may~~ list the guaranteed residence in accordance with program guidelines with a real estate broker of the member's choice, for up to 90 days following the date on which the member listed the residence.

(e) Within 60 days of receipt of a "Notice of Intent to Sell", the governing commission shall ~~has the right to~~ have the guaranteed residence inspected by a program appraiser, at the governing commission's expense,

in order to determine if the guaranteed residence is in substantially the same condition as described by the program appraisal attached to the certificate of participation. If the guaranteed residence fails to meet this standard, the following procedures shall be followed:

(1) The program appraiser shall determine the percentage depreciation of the guaranteed residence due to failure to maintain the premises or due to physical perils or other causes not covered by the program.

(2) This percentage figure shall be multiplied by the guaranteed value to determine the dollar depreciation.

(3) This dollar depreciation shall be subtracted from the guaranteed value to derive a lower guaranteed value to be used for the purpose of determining the amount of payment under the program.

(f) A member shall make the guaranteed residence available to a program appraiser within a reasonable time within this 60 day period after receipt of notice from the commission that an inspection under paragraph (e) of this Section is required, or the member's coverage under the program shall be null, void and of no further effect, and the member's registration fee shall be forfeited.

(g) Ninety days after listing the guaranteed residence, a member shall be eligible to file a "Notice of Intent to Claim" with the governing commission, in accordance with guidelines established by the governing commission, attesting to the fact that the member has followed program guidelines in offering the guaranteed residence for sale, that the member is unable to obtain an offer for purchase of the guaranteed residence for at least its guaranteed value, and that the member intends to file a claim against the program. Such notice shall include verifiable evidence of placement of the guaranteed residence on the market, the dates such placement took place, and shall list all reasonable offers to buy the property. Verifiable evidence may include a copy of advertisements for sale, a contract with a licensed real estate broker, or other evidence satisfactory to a majority of the governing commission.

(h) Upon receipt of the "Notice of Intent to Claim", the governing commission has 60 days during which it shall require the member to list the guaranteed residence at a price that the governing commission deems reasonable with a real estate broker of the member's choosing. The real estate broker chosen by the member shall advertise the guaranteed residence throughout the municipality which encompasses the territory of the program.

(i) During the 60 day period described in paragraph (h) of this Section, the member shall forward to the governing commission all offers of purchase by either personal delivery or registered mail. If the member receives an offer of purchase which can reasonably be expected to be consummated if accepted and whose gross selling value is greater than the guaranteed value of the guaranteed residence, then no benefits may be claimed under the program. If the member receives an offer to purchase at a gross selling value that is less than the guaranteed value, a majority of the Commission must determine if it is a bona fide offer. If the governing commission determines the offer is not bona fide, the offer shall be deemed rejected by the governing commission. The member shall have a right to request arbitration. If the offer is deemed bona fide, the governing commission shall, within 7 ~~3~~ working days of the receipt of such offer, either:

(1) approve the offer, in which case the governing commission shall authorize the payment of the amount afforded under this Act upon receipt of verifiable evidence of the sale of the guaranteed residence subject to the following conditions: (i) sales involving eminent domain shall be covered as set forth in paragraph (l) of this Section; (ii) sales subsequent to an insured property and casualty loss shall be guaranteed for the guaranteed value as determined according to paragraph (e) of this Section; (iii) contract sales shall be guaranteed as determined by the guaranteed value in paragraph (e) of this Section, however proceeds payable from the program shall be disbursed in equal annual installments over the life of the contract; or

(2) reject the offer, in which case the member shall continue showing the guaranteed residence until the termination of the 60 day period. Any offer that the governing commission deems not to be a bona fide offer shall be rejected by the governing commission.

Unless the member and the governing commission otherwise agree, the governing commission's failure to act upon an offer within 7 ~~3~~ working days shall be deemed to be a rejection of the offer.

If the member does not receive a bona fide offer within the 60 day period described in subsection (h), the Commission may order an appraisal, at the governing commission expense, of the property to determine the current fair market value. If the current fair market value is below the guaranteed value, the Commission may require the member to list the guaranteed residence at the fair market value price with a real estate broker of the member's choosing. If the member does not receive a bona fide offer within 90 days thereafter, the member may further reduce the price with the consent of the Commission. Every 90 days thereafter, the member may request, and the Commission may consent to, an reduced listing price.

(j) No guarantee is afforded by the program unless the member has accepted a bona fide offer and the sale of the guaranteed property has closed, and until 60 days after a member files a "Notice of Intent to

Claim". ~~The Furthermore, the~~ governing commission shall be required to make payments to a member only upon receipt of verifiable evidence of the actual sale of the guaranteed residence in accordance with the terms agreed upon between the member and the governing commission at the time the governing commission authorized payment. If a member rejects an offer for purchase which has been submitted to and approved by the governing commission, the governing commission or program shall not be liable for any future guarantee payment larger than that authorized for this proposed sale.

(k) Except as otherwise provided in this Act, payments under the program as provided in Section 7 of this Act shall not be made until the sale of the guaranteed residence has closed and title has passed or the beneficial interest has been transferred.

(l) When a guaranteed residence is to be acquired through the use of eminent domain by a condemning body, the following procedures shall apply:

(1) If the member rejects an offer from the condemning body equal to or greater than the guaranteed value, then no benefits may be claimed under the program.

(2) If the condemning body offers less than the guaranteed value, the governing commission may either: (i) pay 100% of the difference between the guaranteed value and the offered price if the member agrees to sell at the offered price; or (ii) advise the member that the offer is inadequate and should be refused. If the member refuses the offer and the final court determination of the value of the property is less than the guaranteed value, then the program shall pay 100% of the difference between the judgment and the guaranteed value.

(Source: P.A. 86-684.); and

on page 76, by inserting after line 2 the following:

"Section 35. The Code of Civil Procedure is amended by adding Section 15-1502.5 as follows:

(735 ILCS 5/15-1502.5 new)

Sec. 15-1502.5. Homeowner protection.

(a) As used in this Section:

"Approved counseling agency" means a housing counseling agency approved by the U.S. Department of Housing and Urban Development.

"Approved Housing Counseling" means in-person counseling provided by a counselor employed by an approved counseling agency to all borrowers, or documented telephone counseling where a hardship would be imposed on one or more borrowers. A hardship shall exist in instances in which the borrower is confined to his or her home due to medical conditions, as verified in writing by a physician or the borrower resides 50 miles or more from the nearest approved counseling agency. In instances of telephone counseling, the borrower must supply all necessary documents to the counselor at least 72 hours prior to the scheduled telephone counseling session.

"Delinquent" means past due with respect to a payment on a mortgage secured by residential real estate.

"Department" means the Department of Financial and Professional Regulation.

"Secretary" means the Secretary of Financial and Professional Regulation or other person authorized to act in the Secretary's stead.

"Sustainable loan workout plan" means a plan that the mortgagor and approved counseling agency believe shall enable the mortgagor to stay current on his or her mortgage payments for the foreseeable future when taking into account the mortgagor income and existing and foreseeable debts. A sustainable loan workout plan may include, but is not limited to, (1) a temporary suspension of payments, (2) a lengthened loan term, (3) a lowered or frozen interest rate, (4) a principal write down, (5) a repayment plan to pay the existing loan in full, (6) deferred payments, or (7) refinancing into a new affordable loan.

(b) Except in the circumstance in which a mortgagor has filed a petition for relief under the United States Bankruptcy Code, no mortgagee shall file a complaint to foreclose a mortgage secured by residential real estate until the requirements of this Section have been satisfied.

(c) Notwithstanding any other provision to the contrary, with respect to a particular mortgage secured by residential real estate, the procedures and forbearances described in this Section apply only once per subject mortgage.

Except for mortgages secured by residential real estate in which any mortgagor has filed for relief under the United States Bankruptcy Code, if a mortgage secured by residential real estate becomes delinquent by more than 30 days the mortgagee shall send via U.S. mail a notice advising the mortgagor that he or she may wish to seek approved housing counseling. Notwithstanding anything to the contrary in this Section, nothing shall preclude the mortgagor and mortgagee from communicating with each other during the initial 30 days of delinquency or reaching agreement on a sustainable loan workout plan, or both.

No foreclosure action under Part 15 of Article XV of the Code of Civil Procedure shall be instituted on a

mortgage secured by residential real estate before mailing the notice described in this subsection (c).

The notice required in this subsection (c) shall state the date on which the notice was mailed, shall be headed in bold 14-point type "GRACE PERIOD NOTICE", and shall state the following in 14-point type: "YOUR LOAN IS MORE THAN 30 DAYS PAST DUE. YOU MAY BE EXPERIENCING FINANCIAL DIFFICULTY. IT MAY BE IN YOUR BEST INTEREST TO SEEK APPROVED HOUSING COUNSELING. YOU HAVE A GRACE PERIOD OF 30 DAYS FROM THE DATE OF THIS NOTICE TO OBTAIN APPROVED HOUSING COUNSELING. DURING THE GRACE PERIOD, THE LAW PROHIBITS US FROM TAKING ANY LEGAL ACTION AGAINST YOU. YOU MAY BE ENTITLED TO AN ADDITIONAL 30 DAY GRACE PERIOD IF YOU OBTAIN HOUSING COUNSELING FROM AN APPROVED HOUSING COUNSELING AGENCY. A LIST OF APPROVED COUNSELING AGENCIES MAY BE OBTAINED FROM THE ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION."

The notice shall also list the Department's current consumer hotline, the Department's website, and the telephone number, fax number, and mailing address of the mortgagee. No language, other than language substantially similar to the language prescribed in this subsection (c), shall be included in the notice. Notwithstanding any other provision to the contrary, the grace period notice required by this subsection (c) may be combined with a counseling notification required under federal law.

The sending of the notice required under this subsection (c) means depositing or causing to be deposited into the United States mail an envelope with first-class postage prepaid that contains the document to be delivered. The envelope shall be addressed to the mortgagor at the common address of the residential real estate securing the mortgage.

(d) Until 30 days after mailing the notice provided for under subsection (c) of this Section, no legal action shall be instituted under Part 15 of Article XV of the Code of Civil Procedure.

(e) If, within the 30-day period provided under subsection (d) of this Section, an approved counseling agency provides written notice to the mortgagee that the mortgagor is seeking approved counseling services, then no legal action under Part 15 of Article XV of the Code of Civil Procedure shall be instituted for 30 days after the date of that notice. The date that such notice is sent shall be stated in the notice, and shall be sent to the address or fax number contained in the Grace Period Notice required under subsection (c) of this Section. During the 30-day period provided under this subsection (e), the mortgagor or counselor or both may prepare and proffer to the mortgagee a proposed sustainable loan workout plan. The mortgagee will then determine whether to accept the proposed sustainable loan workout plan. If the mortgagee and the mortgagor agree to a sustainable loan workout plan, then no legal action under Part 15 of Article XV of the Code of Civil Procedure shall be instituted for as long as the sustainable loan workout plan is complied with by the mortgagor.

The agreed sustainable loan workout plan and any modifications thereto must be in writing and signed by the mortgagee and the mortgagor.

Upon written notice to the mortgagee, the mortgagor may change approved counseling agencies, but such a change does not entitle the mortgagor to any additional period of forbearance.

(f) If the mortgagor fails to comply with the sustainable loan workout plan, then nothing in this Section shall be construed to impair the legal rights of the mortgagee to enforce the contract.

(g) A counselor employed by a housing counseling agency or the housing counseling agency that in good faith provides counseling shall not be liable to a mortgagee or mortgagor for civil damages, except for willful or wanton misconduct on the part of the counselor in providing the counseling.

(h) There shall be no waiver of any provision of this Section.

(i) It is the General Assembly's intent that compliance with this Section shall not prejudice a mortgagee in ratings of its bad debt collection or calculation standards or policies.

(j) This Section shall not apply, or shall cease to apply, to residential real estate that is not occupied as a principal residence by the mortgagor.

(k) This Section is repealed 2 years after the effective date of this amendatory Act of the 95th General Assembly.

Section 40. The Mortgage Rescue Fraud Act is amended by changing Sections 5 and 50 and by adding Sections 7 and 70 as follows:

(765 ILCS 940/5)

Sec. 5. Definitions. As used in this Act:

"Distressed property" means residential real property consisting of one to 6 family dwelling units that is in foreclosure or at risk of loss due to nonpayment of taxes, or whose owner is more than 30 ~~90~~ days delinquent on any loan that is secured by the property.

"Distressed property consultant" means any person who, directly or indirectly, for compensation from the owner, makes any solicitation, representation, or offer to perform or who, for compensation from the owner, performs any service that the person represents will in any manner do any of the following:

(1) stop or postpone the foreclosure sale or stop or postpone the loss of the home due to nonpayment of

taxes;

(2) obtain any forbearance from any beneficiary or mortgagee, or relief with respect to a tax sale of the property;

(3) assist the owner to exercise any right of reinstatement or right of redemption;

(4) obtain any extension of the period within which the owner may reinstate the owner's rights with respect to the property;

(5) obtain any waiver of an acceleration clause contained in any promissory note or contract secured by a mortgage on a distressed property or contained in the mortgage;

(6) assist the owner in foreclosure, loan default, or post-tax sale redemption period to obtain a loan or advance of funds;

(7) avoid or ameliorate the impairment of the owner's credit resulting from the recording of a notice of default or the conduct of a foreclosure sale or tax sale; or

(8) save the owner's residence from foreclosure or save the owner from loss of home due to nonpayment of

taxes.

A "distressed property consultant" does not include any of the following:

(1) a person or the person's authorized agent acting under the express authority or written approval of the Department of Housing and Urban Development;

(2) a person who holds or is owed an obligation secured by a lien on any distressed property, or a person acting under the express authorization or written approval of such person, when the person performs services in connection with the obligation or lien, if the obligation or lien did not arise as the result of or as part of a proposed distressed property conveyance;

(3) banks, savings banks, savings and loan associations, credit unions, and insurance companies organized, chartered, or holding a certificate of authority to do business under the laws of this State or any other state or under the laws of the United States;

(4) ~~licensed~~ attorneys licensed in Illinois engaged in the practice of law;

(5) a Department of Housing and Urban Development approved mortgagee and any subsidiary or affiliate of these persons or entities, and any agent or employee of these persons or entities, while engaged in the business of these persons or entities;

(6) a 501(c)(3) nonprofit agency or organization, doing business for no less than 5 years, that offers counseling or advice to an owner of a distressed property, if they do not contract for services with for-profit lenders or distressed property purchasers, or any person who structures or plans such a transaction;

(7) ~~(blank) licensees of the Residential Mortgage License Act of 1987;~~

(8) licensees of the Consumer Installment Loan Act who are authorized to make loans secured by real property; or

(9) licensees of the Real Estate License Act of 2000 when providing licensed activities.

"Distressed property purchaser" means any person who acquires any interest in fee in a distressed property or a beneficial interest in a trust holding title to a distressed property while allowing the owner to possess, occupy, or retain any present or future interest in fee in the property, or any person who participates in a joint venture or joint enterprise involving a distressed property conveyance.

"Distressed property purchaser" does not mean any person who acquires distressed property at a short sale or any person acting in participation with any person who acquires distressed property at a short sale, if that person does not promise to convey an interest in fee back to the owner or does not give the owner an option to purchase the property at a later date.

"Distressed property conveyance" means a transaction in which an owner of a distressed property transfers an interest in fee in the distressed property or in which the holder of all or some part of the beneficial interest in a trust holding title to a distressed property transfers that interest; the acquirer of the property allows the owner of the distressed property to occupy the property; and the acquirer of the property or a person acting in participation with the acquirer of the property conveys or promises to convey an interest in fee back to the owner or gives the owner an option to purchase the property at a later date.

"Person" means any individual, partnership, corporation, limited liability company, association, or other group or entity, however organized.

"Service" means, without limitation, any of the following:

- (1) debt, budget, or financial counseling of any type;
- (2) receiving money for the purpose of distributing it to creditors in payment or partial payment of any obligation secured by a lien on a distressed property;
- (3) contacting creditors on behalf of an owner of a residence that is distressed property;
- (4) arranging or attempting to arrange for an extension of the period within which the owner of a distressed property may cure the owner's default and reinstate his or her obligation;
- (5) arranging or attempting to arrange for any delay or postponement of the time of sale of the distressed property;
- (6) advising the filing of any document or assisting in any manner in the preparation of any document for filing with any court; or
- (7) giving any advice, explanation, or instruction to an owner of a distressed property that in any manner relates to the cure of a default or forfeiture or to the postponement or avoidance of sale of the distressed property.

(Source: P.A. 94-822, eff. 1-1-07; 95-691, eff. 6-1-08.)

(765 ILCS 940/7 new)

Sec. 7. Residential Mortgage License Act of 1987 licensees. Licensees of the Residential Mortgage License Act of 1987 are exempt from the requirements of Sections 10, 15, 20, 50(a)(4), 50(a)(5), 50(a)(6), and 50(a)(7). Licensees are also exempt from the requirements of Section 50(a)(2) and Section 70 for any transaction resulting in the origination of a new mortgage loan extinguishing the existing mortgage loan.

(765 ILCS 940/50)

Sec. 50. Violations.

(a) It is a violation for a distressed property consultant to:

- (1) claim, demand, charge, collect, or receive any compensation until after the distressed property consultant has fully performed each service the distressed property consultant contracted to perform or represented he or she would perform;
- (2) claim, demand, charge, collect, or receive any fee, interest, or any other compensation ~~for any reason that does not comport with Section 70 exceeds 2 monthly mortgage payments of principal and interest or the most recent tax installment on the distressed property, whichever is less;~~
- (3) take a wage assignment, a lien of any type on real or personal property, or other security to secure the payment of compensation. Any such security is void and unenforceable;
- (4) receive any consideration from any third party in connection with services rendered to an owner unless the consideration is first fully disclosed to the owner;
- (5) acquire any interest, directly or indirectly, or by means of a subsidiary or affiliate in a distressed property from an owner with whom the distressed property consultant has contracted;
- (6) take any power of attorney from an owner for any purpose, except to inspect documents as provided by law; or
- (7) induce or attempt to induce an owner to enter a contract that does not comply in all respects with Sections 10 and 15 of this Act.

(b) A distressed property purchaser, in the course of a distressed property conveyance, shall not:

- (1) enter into, or attempt to enter into, a distressed property conveyance unless the distressed property purchaser verifies and can demonstrate that the owner of the distressed property has a reasonable ability to pay for the subsequent conveyance of an interest back to the owner of the distressed property and to make monthly or any other required payments due prior to that time;
- (2) fail to make a payment to the owner of the distressed property at the time the title is conveyed so that the owner of the distressed property has received consideration in an amount of at least 82% of the property's fair market value, or, in the alternative, fail to pay the owner of the distressed property no more than the costs necessary to extinguish all of the existing obligations on the distressed property, as set forth in subdivision (b)(10) of Section 45, provided that the owner's costs to repurchase the distressed property pursuant to the terms of the distressed property conveyance contract do not exceed 125% of the distressed property purchaser's costs to purchase the property. If an owner is unable

to repurchase the property pursuant to the terms of the distressed property conveyance contract, the distressed property purchaser shall not fail to make a payment to the owner of the distressed property so that the owner of the distressed property has received consideration in an amount of at least 82% of the property's fair market value at the time of conveyance or at the expiration of the owner's option to repurchase.

(3) enter into repurchase or lease terms as part of the subsequent conveyance that are unfair or commercially unreasonable, or engage in any other unfair conduct;

(4) represent, directly or indirectly, that the distressed property purchaser is acting as an advisor or a consultant, or in any other manner represent that the distressed property purchaser is acting on behalf of the homeowner, or the distressed property purchaser is assisting the owner of the distressed property to "save the house", "buy time", or do anything couched in substantially similar language;

(5) misrepresent the distressed property purchaser's status as to licensure or certification;

(6) do any of the following until after the time during which the owner of a distressed property may cancel the transaction:

(A) accept from the owner of the distressed property an execution of any instrument of conveyance of any interest in the distressed property;

(B) induce the owner of the distressed property to execute an instrument of conveyance of any interest in the distressed property; or

(C) record with the county recorder of deeds any document signed by the owner of the distressed property, including but not limited to any instrument of conveyance;

(7) fail to reconvey title to the distressed property when the terms of the conveyance contract have been fulfilled;

(8) induce the owner of the distressed property to execute a quit claim deed when entering into a distressed property conveyance;

(9) enter into a distressed property conveyance where any party to the transaction is represented by power of attorney;

(10) fail to extinguish all liens encumbering the distressed property, immediately following the conveyance of the distressed property, or fail to assume all liability with respect to the lien in foreclosure and prior liens that will not be extinguished by such foreclosure, which assumption shall be accomplished without violations of the terms and conditions of the lien being assumed. Nothing herein shall preclude a lender from enforcing any provision in a contract that is not otherwise prohibited by law;

(11) fail to complete a distressed property conveyance before a notary in the offices of a title company licensed by the Department of Financial and Professional Regulation, before an agent of such a title company, a notary in the office of a bank, or a licensed attorney where the notary is employed; or

(12) cause the property to be conveyed or encumbered without the knowledge or permission of the distressed property owner, or in any way frustrate the ability of the distressed property owner to complete the conveyance back to the distressed property owner.

(c) There is a rebuttable presumption that an appraisal by a person licensed or certified by an agency of this State or the federal government is an accurate determination of the fair market value of the property.

(d) "Consideration" in item (2) of subsection (b) means any payment or thing of value provided to the owner of the distressed property, including reasonable costs paid to independent third parties necessary to complete the distressed property conveyance or payment of money to satisfy a debt or legal obligation of the owner of the distressed property.

"Consideration" shall not include amounts imputed as a downpayment or fee to the distressed property purchaser, or a person acting in participation with the distressed property purchaser.

(e) An evaluation of "reasonable ability to pay" under subsection (b)(1) of this Section 50 shall include debt to income ratio, fair market value of the distressed property, and the distressed property owner's payment history. There is a rebuttable presumption that the distressed property purchaser has not verified reasonable payment ability if the distressed property purchaser has not obtained documents of assets, liabilities, and income, other than a statement by the owner of the distressed property.

(Source: P.A. 94-822, eff. 1-1-07.)

(765 ILCS 940/70 new)

Sec. 70. Distressed property consultant compensation. In transactions that reduce the existing payment on a homeowner's mortgage loan for a period of no less than 5 years, a distressed property consultant shall not claim, demand, charge, collect, or receive any fee, interest, or any other compensation that exceeds the lesser of the homeowner's:

(1) existing monthly principal and interest mortgage payment; or

(2) total net savings derived from the lowered monthly principal and interest mortgage payment over the succeeding 12 months.

For all other transactions, a distressed property consultant shall not claim, demand, charge, collect, or receive any fee, interest, or any other compensation for any reason that exceeds 50% of the owner's existing monthly principal and interest mortgage payments.

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

The foregoing motion prevailed and the amendment was adopted.

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

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Lyons, SENATE BILL 2513 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:

113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 15)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

RESOLUTIONS

Having been reported out of the Committee on Rules on January 12, 2009, HOUSE JOINT RESOLUTION 131 was taken up for consideration.

Representative Harris moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

Ordered that the Clerk inform the Senate and ask their concurrence.

Having been reported out of the Committee on State Government Administration on January 12, 2009, HOUSE RESOLUTION 1678 was taken up for consideration.

Representative Lang moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

SENATE RESOLUTION

Having been reported out of the Committee on Rules on January 12, 2009, SENATE JOINT RESOLUTION 109 was taken up for consideration.

Representative Smith offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend Senate Joint Resolution 109 on page 1, line 24, by replacing

"instruction; and be it" with "instruction."; and by deleting page 2.

The foregoing motion prevailed and the amendment was adopted.

Representative Smith moved the adoption of the resolution, as amended.

And on that motion, a vote was taken resulting as follows:

99, Yeas; 12, Nays; 0, Answering Present.

(ROLL CALL 16)

The motion prevailed and the Resolution was adopted, as amended.

Ordered that the Clerk inform the Senate.

RECALL

At the request of the principal sponsor, Representative Hannig, SENATE BILL 1132 was recalled from the order of Third Reading to the order of Second Reading.

SENATE BILL ON SECOND READING

SENATE BILL 1132. Having been recalled on January 12, 2009, the same was again taken up. Representative Hannig offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend Senate Bill 1132, AS AMENDED, by replacing everything after the enacting clause with the following:

“ARTICLE 1

Section 5. The sum of \$5,000,000, or so much thereof as may be necessary, is appropriated from the Digital Divide Elimination Infrastructure Fund for transfer into the FY09 Budget Relief Fund.

Section 10. The sum of \$2,000,000, or so much thereof as may be necessary, is appropriated from the FY09 Budget Relief Fund to the Department of Commerce and Economic Opportunity for the Illinois Rural HealthNet.

Section 15. The sum of \$3,000,000, or so much thereof as may be necessary, is appropriated from the FY09 Budget Relief Fund to the Department of Healthcare and Family Services for costs associated with a health information exchange initiative.

ARTICLE 2

Section 5. All of the appropriations in this Article are for State Fiscal Year 2009 and are in addition to any other appropriations in State Fiscal Year 2009 for these purposes.

Section 10. The amount of \$3,125,000, or so much thereof as may be necessary, respectively, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for grants, contracts, and administrative expenses associated with the Employment Opportunities Grant Program pursuant to 20 ILCS 605/605-812, including prior year costs.

Section 15. The amount of \$696,000, or so much thereof as may be necessary, respectively, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for grants, contracts, and administrative expenses pursuant to the Job Training and Economic Development Grant Program Act of 1997, as amended.

Section 20. The amount of \$35,000,000, or so much thereof as may be necessary, is appropriated from the Coal Development Bond Fund to the Department of Commerce and Economic Opportunity for the purpose of facility cost reports prepared pursuant to Section 1-75(d)(4) of the Illinois Power Agency Act.

ARTICLE 3

Section 5. The amount of \$11,300,000, or so much thereof as may be necessary, is appropriated from the FY09 Budget Relief Fund to the Office of the Secretary of State for the purposes of supplementing their ordinary and contingent expenses.

ARTICLE 4

Section 5. The amount of \$6,750,000, or so much thereof as may be necessary, is appropriated from the FY09 Budget Relief Fund to the Office of the Attorney General for the purposes of

supplementing their ordinary and contingent expenses.

ARTICLE 5

Section 5. The amount of \$1,079,000, or so much thereof as may be necessary, is appropriated from the FY09 Budget Relief Fund to the Office of the State Treasurer for the purposes of supplementing their ordinary and contingent expenses.

ARTICLE 6

Section 5. The sum of \$5,000,000 is appropriated from the FY09 Budget Relief Fund to the Wildlife and Fish Fund.

Section 10. The sum of \$500,000 is appropriated from the FY09 Budget Relief Fund to the Fish and Wildlife Endowment Fund.

Section 15. The sum of \$250,000 is appropriated from the FY09 Budget Relief Fund to the State Pheasant Fund.

Section 20. The sum of \$2,000,000 is appropriated from the FY09 Budget Relief Fund to the Illinois Habitat Endowment Trust Fund.

Section 25. The sum of \$1,000,000 is appropriated from the FY09 Budget Relief Fund to the Illinois Habitat Fund.

Section 30. The sum of \$500,000 is appropriated from the FY09 Budget Relief Fund to the State Migratory Waterfowl Stamp Fund.

ARTICLE 99

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

The foregoing motion prevailed and the amendment was adopted.

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

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Hannig, SENATE BILL 1132 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: 113, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 17)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

At the hour of 5:05 o'clock p.m., Representative Currie moved that the House do now adjourn until Tuesday, January 13, 2009, at 9:30 o'clock a.m., allowing perfunctory time for the Clerk.

The motion prevailed.

And the House stood adjourned.

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

January 12, 2009

0 YEAS

0 NAYS

113 PRESENT

P Acevedo	P Dugan	P Krause	P Reboletti
P Arroyo	P Dunkin	P Krupa	P Reis
P Bassi	P Dunn	P Lang	P Reitz
P Beaubien	P Durkin	P Leitch	P Riley
P Beiser	P Eddy	P Lindner	P Rita
P Bellock	P Feigenholtz (ADDED)	P Lyons	P Rose
P Berrios	P Flider	P Mathias	P Ryg
P Biggins	P Flowers	P Mautino	P Sacia
P Black	P Ford	P May	P Saviano
P Boland	P Fortner	P McAuliffe	P Schmitz
P Bost	P Franks	E McCarthy	P Scully
P Bradley, John	P Fritchey	P McGuire	P Smith
E Bradley, Richard	P Froehlich	P Mendoza	P Sommer
P Brady	P Golar	P Meyer	P Soto
P Brauer	P Gordon	P Miller	P Stephens
P Brosnahan	P Graham	P Mitchell, Bill	P Sullivan
P Burke	P Hamos	P Mitchell, Jerry	P Tracy
P Chapa LaVia	P Hannig	P Moffitt	P Tryon
P Coladipietro	P Harris	P Mulligan	P Turner
P Cole	P Hassert	P Munson	P Verschoore
E Collins	P Hernandez	P Myers	P Wait
P Colvin	P Hoffman	P Nekritz	P Washington
P Coulson	P Holbrook	P Osmond	P Watson
P Crespo	P Howard	P Osterman	P Wilzbach
P Cross	P Jackson	A Patterson	P Winters
P Cultra	P Jakobsson	P Phelps	P Yarbrough
P Currie	A Jefferies	P Pihos	P Zalewski
P D'Amico	P Jefferson	P Poe	P Mr. Speaker
P Davis, Monique	P Joyce	P Pritchard	
P Davis, William	P Kosel	P Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 5730
 TIF EXTEND-HOFFMAN ESTATES
 OVERRIDE TOTAL VETO MOTION
 PREVAILED

January 12, 2009

105 YEAS

5 NAYS

2 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Krupa	Y Reis
Y Bassi	Y Dunn	Y Lang	Y Reitz
Y Beaubien	Y Durkin	Y Leitch	Y Riley
Y Beiser	N Eddy	Y Lindner	Y Rita
Y Bellock	A Feigenholtz	Y Lyons	Y Rose
Y Berrios	Y Flider	Y Mathias	Y Ryg
Y Biggins	Y Flowers	Y Mautino	Y Sacia
Y Black	Y Ford	Y May	Y Saviano
Y Boland	Y Fortner	Y McAuliffe	Y Schmitz
Y Bost	Y Franks	E McCarthy	Y Scully
Y Bradley, John	Y Fritchey	Y McGuire	Y Smith
E Bradley, Richard	Y Froehlich	Y Mendoza	Y Sommer
Y Brady	Y Golar	Y Meyer	Y Soto
Y Brauer	Y Gordon	Y Miller	Y Stephens
Y Brosnahan	Y Graham	Y Mitchell, Bill	Y Sullivan
Y Burke	Y Hamos	Y Mitchell, Jerry	N Tracy
Y Chapa LaVia	Y Hannig	Y Moffitt	Y Tryon
Y Coladipietro	Y Harris	Y Mulligan	Y Turner
N Cole	Y Hassert	Y Munson	Y Verschoore
E Collins	Y Hernandez	Y Myers	Y Wait
Y Colvin	Y Hoffman	Y Nekritz	Y Washington
N Coulson	Y Holbrook	N Osmond	Y Watson
P Crespo	Y Howard	Y Osterman	Y Wilzbach
Y Cross	Y Jackson	A Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	A Jefferies	Y Pihos	Y Zalewski
Y D'Amico	Y Jefferson	Y Poe	P Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 5494
 IDOT-CONVEYANCES
 CONCUR IN SENATE AMENDMENTS NO. 1 & 2
 CONCURRED

January 12, 2009

111 YEAS

0 NAYS

1 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Krupa	Y Reis
Y Bassi	Y Dunn	Y Lang	Y Reitz
Y Beaubien	Y Durkin	Y Leitch	Y Riley
Y Beiser	Y Eddy	Y Lindner	Y Rita
Y Bellock	A Feigenholtz	Y Lyons	Y Rose
Y Berrios	Y Flider	Y Mathias	Y Ryg
Y Biggins	Y Flowers	Y Mautino	Y Sacia
Y Black	Y Ford	Y May	Y Saviano
Y Boland	Y Fortner	Y McAuliffe	Y Schmitz
Y Bost	Y Franks	E McCarthy	Y Scully
Y Bradley, John	Y Fritchey	Y McGuire	Y Smith
E Bradley, Richard	Y Froehlich	Y Mendoza	Y Sommer
Y Brady	Y Golar	Y Meyer	Y Soto
Y Brauer	Y Gordon	Y Miller	Y Stephens
Y Brosnahan	Y Graham	Y Mitchell, Bill	Y Sullivan
Y Burke	Y Hamos	Y Mitchell, Jerry	Y Tracy
Y Chapa LaVia	Y Hannig	Y Moffitt	Y Tryon
Y Coladipietro	Y Harris	Y Mulligan	Y Turner
Y Cole	Y Hassert	Y Munson	Y Verschoore
E Collins	Y Hernandez	Y Myers	Y Wait
Y Colvin	Y Hoffman	Y Nekritz	Y Washington
Y Coulson	Y Holbrook	Y Osmond	Y Watson
Y Crespo	Y Howard	Y Osterman	Y Wilzbach
Y Cross	Y Jackson	A Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	A Jefferies	Y Pihos	Y Zalewski
Y D'Amico	Y Jefferson	Y Poe	P Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 2513
 BANKING-FEES/FUND TRANSFERS
 MOTION TO RECONSIDER VOTE
 PREVAILED

January 12, 2009

112 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Krupa	Y Reis
Y Bassi	Y Dunn	Y Lang	Y Reitz
Y Beaubien	Y Durkin	Y Leitch	Y Riley
Y Beiser	Y Eddy	Y Lindner	Y Rita
Y Bellock	A Feigenholtz	Y Lyons	Y Rose
Y Berrios	Y Flider	Y Mathias	Y Ryg
Y Biggins	Y Flowers	Y Mautino	Y Sacia
Y Black	Y Ford	Y May	Y Saviano
Y Boland	Y Fortner	Y McAuliffe	Y Schmitz
Y Bost	Y Franks	E McCarthy	Y Scully
Y Bradley, John	Y Fritchey	Y McGuire	Y Smith
E Bradley, Richard	Y Froehlich	Y Mendoza	Y Sommer
Y Brady	Y Golar	Y Meyer	Y Soto
Y Brauer	Y Gordon	Y Miller	Y Stephens
Y Brosnahan	Y Graham	Y Mitchell, Bill	Y Sullivan
Y Burke	Y Hamos	Y Mitchell, Jerry	Y Tracy
Y Chapa LaVia	Y Hannig	Y Moffitt	Y Tryon
Y Coladipietro	Y Harris	Y Mulligan	Y Turner
Y Cole	Y Hassert	Y Munson	Y Verschoore
E Collins	Y Hernandez	Y Myers	Y Wait
Y Colvin	Y Hoffman	Y Nekritz	Y Washington
Y Coulson	Y Holbrook	Y Osmond	Y Watson
Y Crespo	Y Howard	Y Osterman	Y Wilzbach
Y Cross	Y Jackson	A Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	A Jefferies	Y Pihos	Y Zalewski
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 1132
 STATE BOARD OF EDUCATION
 MOTION TO RECONSIDER VOTE
 PREVAILED

January 12, 2009

112 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Krupa	Y Reis
Y Bassi	Y Dunn	Y Lang	Y Reitz
Y Beaubien	Y Durkin	Y Leitch	Y Riley
Y Beiser	Y Eddy	Y Lindner	Y Rita
Y Bellock	A Feigenholtz	Y Lyons	Y Rose
Y Berrios	Y Flider	Y Mathias	Y Ryg
Y Biggins	Y Flowers	Y Mautino	Y Sacia
Y Black	Y Ford	Y May	Y Saviano
Y Boland	Y Fortner	Y McAuliffe	Y Schmitz
Y Bost	Y Franks	E McCarthy	Y Scully
Y Bradley, John	Y Fritchey	Y McGuire	Y Smith
E Bradley, Richard	Y Froehlich	Y Mendoza	Y Sommer
Y Brady	Y Golar	Y Meyer	Y Soto
Y Brauer	Y Gordon	Y Miller	Y Stephens
Y Brosnahan	Y Graham	Y Mitchell, Bill	Y Sullivan
Y Burke	Y Hamos	Y Mitchell, Jerry	Y Tracy
Y Chapa LaVia	Y Hannig	Y Moffitt	Y Tryon
Y Coladipietro	Y Harris	Y Mulligan	Y Turner
Y Cole	Y Hassert	Y Munson	Y Verschoore
E Collins	Y Hernandez	Y Myers	Y Wait
Y Colvin	Y Hoffman	Y Nekritz	Y Washington
Y Coulson	Y Holbrook	Y Osmond	Y Watson
Y Crespo	Y Howard	Y Osterman	Y Wilzbach
Y Cross	Y Jackson	A Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	A Jefferies	Y Pihos	Y Zalewski
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 2757
SMK FREE IL-EXEMPT-UNIV LAB
THIRD READING
PASSED

January 12, 2009

101 YEAS

12 NAYS

0 PRESENT

Y Acevedo	Y Dugan	N Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Krupa	N Reis
Y Bassi	Y Dunn	Y Lang	Y Reitz
Y Beaubien	N Durkin	Y Leitch	Y Riley
Y Beiser	N Eddy	Y Lindner	Y Rita
Y Bellock	Y Feigenholtz	Y Lyons	N Rose
Y Berrios	Y Flider	N Mathias	Y Ryg
Y Biggins	Y Flowers	Y Mautino	Y Sacia
Y Black	Y Ford	Y May	Y Saviano
Y Boland	Y Fortner	Y McAuliffe	N Schmitz
Y Bost	Y Franks	E McCarthy	Y Scully
Y Bradley, John	Y Fritchey	Y McGuire	Y Smith
E Bradley, Richard	Y Froehlich	Y Mendoza	N Sommer
Y Brady	Y Golar	Y Meyer	Y Soto
Y Brauer	Y Gordon	Y Miller	N Stephens
Y Brosnahan	Y Graham	Y Mitchell, Bill	Y Sullivan
Y Burke	Y Hamos	N Mitchell, Jerry	Y Tracy
Y Chapa LaVia	Y Hannig	Y Moffitt	Y Tryon
Y Coladipietro	Y Harris	Y Mulligan	Y Turner
Y Cole	Y Hassert	Y Munson	Y Verschoore
E Collins	Y Hernandez	Y Myers	Y Wait
Y Colvin	Y Hoffman	Y Nekritz	Y Washington
Y Coulson	Y Holbrook	Y Osmond	Y Watson
Y Crespo	Y Howard	Y Osterman	Y Wilzbach
Y Cross	Y Jackson	A Patterson	Y Winters
N Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	A Jefferies	Y Pihos	Y Zalewski
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	N Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 1985
 PEN CD-SERS-SOC SEC OFFSET
 THIRD READING
 PASSED

January 12, 2009

113 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Krupa	Y Reis
Y Bassi	Y Dunn	Y Lang	Y Reitz
Y Beaubien	Y Durkin	Y Leitch	Y Riley
Y Beiser	Y Eddy	Y Lindner	Y Rita
Y Bellock	Y Feigenholtz	Y Lyons	Y Rose
Y Berrios	Y Flider	Y Mathias	Y Ryg
Y Biggins	Y Flowers	Y Mautino	Y Sacia
Y Black	Y Ford	Y May	Y Saviano
Y Boland	Y Fortner	Y McAuliffe	Y Schmitz
Y Bost	Y Franks	E McCarthy	Y Scully
Y Bradley, John	Y Fritchey	Y McGuire	Y Smith
E Bradley, Richard	Y Froehlich	Y Mendoza	Y Sommer
Y Brady	Y Golar	Y Meyer	Y Soto
Y Brauer	Y Gordon	Y Miller	Y Stephens
Y Brosnahan	Y Graham	Y Mitchell, Bill	Y Sullivan
Y Burke	Y Hamos	Y Mitchell, Jerry	Y Tracy
Y Chapa LaVia	Y Hannig	Y Moffitt	Y Tryon
Y Coladipietro	Y Harris	Y Mulligan	Y Turner
Y Cole	Y Hassert	Y Munson	Y Verschoore
E Collins	Y Hernandez	Y Myers	Y Wait
Y Colvin	Y Hoffman	Y Nekritz	Y Washington
Y Coulson	Y Holbrook	Y Osmond	Y Watson
Y Crespo	Y Howard	Y Osterman	Y Wilzbach
Y Cross	Y Jackson	A Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	A Jefferies	Y Pihos	Y Zalewski
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 761
 ELECTIONS-TECH
 MOTION TO SUSTAIN THE CHAIR
 PREVAILED

January 12, 2009

62 YEAS

51 NAYS

0 PRESENT

Y Acevedo	Y Dugan	N Krause	N Reboletti
Y Arroyo	Y Dunkin	N Krupa	N Reis
N Bassi	N Dunn	Y Lang	Y Reitz
N Beaubien	N Durkin	N Leitch	Y Riley
Y Beiser	N Eddy	N Lindner	Y Rita
N Bellock	Y Feigenholtz	Y Lyons	N Rose
Y Berrios	Y Flider	N Mathias	Y Ryg
N Biggins	Y Flowers	Y Mautino	N Sacia
N Black	Y Ford	Y May	N Saviano
Y Boland	N Fortner	N McAuliffe	N Schmitz
N Bost	Y Franks	E McCarthy	Y Scully
Y Bradley, John	Y Fritchey	Y McGuire	Y Smith
E Bradley, Richard	Y Froehlich	Y Mendoza	N Sommer
N Brady	Y Golar	N Meyer	Y Soto
N Brauer	Y Gordon	Y Miller	N Stephens
Y Brosnahan	Y Graham	N Mitchell, Bill	N Sullivan
Y Burke	Y Hamos	N Mitchell, Jerry	N Tracy
Y Chapa LaVia	Y Hannig	N Moffitt	N Tryon
N Coladipietro	Y Harris	N Mulligan	Y Turner
N Cole	N Hassert	N Munson	Y Verschoore
E Collins	Y Hernandez	N Myers	N Wait
Y Colvin	Y Hoffman	Y Nekritz	Y Washington
N Coulson	Y Holbrook	N Osmond	N Watson
Y Crespo	Y Howard	Y Osterman	Y Wilzbach
N Cross	Y Jackson	A Patterson	N Winters
N Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	A Jefferies	N Pihos	Y Zalewski
Y D'Amico	Y Jefferson	N Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	N Pritchard	
Y Davis, William	N Kosel	N Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 1383
 PEN CD-IMRF-IL PARK & RECREATN
 THIRD READING
 PASSED

January 12, 2009

71 YEAS

42 NAYS

0 PRESENT

Y Acevedo	Y Dugan	N Krause	N Reboletti
Y Arroyo	Y Dunkin	N Krupa	N Reis
Y Bassi	N Dunn	Y Lang	Y Reitz
Y Beaubien	Y Durkin	N Leitch	Y Riley
Y Beiser	N Eddy	N Lindner	Y Rita
N Bellock	Y Feigenholtz	Y Lyons	N Rose
Y Berrios	Y Flider	Y Mathias	Y Ryg
N Biggins	Y Flowers	Y Mautino	Y Sacia
N Black	Y Ford	Y May	Y Saviano
Y Boland	Y Fortner	Y McAuliffe	N Schmitz
N Bost	N Franks	E McCarthy	Y Scully
Y Bradley, John	Y Fritchey	Y McGuire	Y Smith
E Bradley, Richard	Y Froehlich	Y Mendoza	N Sommer
N Brady	Y Golar	N Meyer	Y Soto
N Brauer	Y Gordon	Y Miller	N Stephens
Y Brosnahan	Y Graham	N Mitchell, Bill	N Sullivan
Y Burke	Y Hamos	N Mitchell, Jerry	N Tracy
N Chapa LaVia	Y Hannig	Y Moffitt	N Tryon
N Coladipietro	Y Harris	N Mulligan	Y Turner
N Cole	N Hassert	N Munson	Y Verschoore
E Collins	Y Hernandez	N Myers	N Wait
Y Colvin	Y Hoffman	Y Nekritz	Y Washington
N Coulson	Y Holbrook	N Osmond	N Watson
Y Crespo	Y Howard	Y Osterman	Y Wilzbach
N Cross	Y Jackson	A Patterson	N Winters
N Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	A Jefferies	Y Pihos	Y Zalewski
Y D'Amico	Y Jefferson	N Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	N Kosel	N Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 381
MHDD-REIMBURSEMENT
THIRD READING
PASSED

January 12, 2009

113 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Krupa	Y Reis
Y Bassi	Y Dunn	Y Lang	Y Reitz
Y Beaubien	Y Durkin	Y Leitch	Y Riley
Y Beiser	Y Eddy	Y Lindner	Y Rita
Y Bellock	Y Feigenholtz	Y Lyons	Y Rose
Y Berrios	Y Flider	Y Mathias	Y Ryg
Y Biggins	Y Flowers	Y Mautino	Y Sacia
Y Black	Y Ford	Y May	Y Saviano
Y Boland	Y Fortner	Y McAuliffe	Y Schmitz
Y Bost	Y Franks	E McCarthy	Y Scully
Y Bradley, John	Y Fritchey	Y McGuire	Y Smith
E Bradley, Richard	Y Froehlich	Y Mendoza	Y Sommer
Y Brady	Y Golar	Y Meyer	Y Soto
Y Brauer	Y Gordon	Y Miller	Y Stephens
Y Brosnahan	Y Graham	Y Mitchell, Bill	Y Sullivan
Y Burke	Y Hamos	Y Mitchell, Jerry	Y Tracy
Y Chapa LaVia	Y Hannig	Y Moffitt	Y Tryon
Y Coladipietro	Y Harris	Y Mulligan	Y Turner
Y Cole	Y Hassert	Y Munson	Y Verschoore
E Collins	Y Hernandez	Y Myers	Y Wait
Y Colvin	Y Hoffman	Y Nekritz	Y Washington
Y Coulson	Y Holbrook	Y Osmond	Y Watson
Y Crespo	Y Howard	Y Osterman	Y Wilzbach
Y Cross	Y Jackson	A Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	A Jefferies	Y Pihos	Y Zalewski
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 761
 ELECTIONS-TECH
 THIRD READING
 PASSED

January 12, 2009

77 YEAS

35 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Krupa	N Reis
N Bassi	Y Dunn	Y Lang	Y Reitz
Y Beaubien	NV Durkin	N Leitch	Y Riley
N Beiser	N Eddy	Y Lindner	Y Rita
Y Bellock	Y Feigenholtz	Y Lyons	N Rose
Y Berrios	N Flider	N Mathias	Y Ryg
Y Biggins	Y Flowers	Y Mautino	Y Sacia
N Black	Y Ford	Y May	Y Saviano
Y Boland	Y Fortner	Y McAuliffe	Y Schmitz
N Bost	N Franks	E McCarthy	Y Scully
N Bradley, John	Y Fritchey	Y McGuire	N Smith
E Bradley, Richard	N Froehlich	Y Mendoza	N Sommer
N Brady	Y Golar	Y Meyer	Y Soto
Y Brauer	Y Gordon	Y Miller	N Stephens
Y Brosnahan	Y Graham	Y Mitchell, Bill	N Sullivan
Y Burke	Y Hamos	N Mitchell, Jerry	N Tracy
N Chapa LaVia	Y Hannig	Y Moffitt	N Tryon
Y Coladipietro	Y Harris	N Mulligan	Y Turner
N Cole	Y Hassert	N Munson	N Verschoore
E Collins	Y Hernandez	N Myers	Y Wait
Y Colvin	Y Hoffman	Y Nekritz	Y Washington
N Coulson	N Holbrook	Y Osmond	N Watson
N Crespo	Y Howard	Y Osterman	Y Wilzbach
Y Cross	N Jackson	A Patterson	Y Winters
N Cultra	Y Jakobsson	N Phelps	Y Yarbrough
Y Currie	A Jefferies	Y Pihos	Y Zalewski
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	N Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 2173
INSURANCE-FEE SCHEDULES
THIRD READING
PASSED

January 12, 2009

104 YEAS

8 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Krupa	N Reis
Y Bassi	Y Dunn	Y Lang	Y Reitz
Y Beaubien	Y Durkin	Y Leitch	Y Riley
Y Beiser	N Eddy	NV Lindner	Y Rita
Y Bellock	Y Feigenholtz	Y Lyons	N Rose
Y Berrios	Y Flider	Y Mathias	Y Ryg
Y Biggins	Y Flowers	Y Mautino	Y Sacia
Y Black	Y Ford	Y May	Y Saviano
Y Boland	Y Fortner	Y McAuliffe	N Schmitz
Y Bost	Y Franks	E McCarthy	Y Scully
Y Bradley, John	Y Fritchey	Y McGuire	Y Smith
E Bradley, Richard	Y Froehlich	Y Mendoza	Y Sommer
Y Brady	Y Golar	Y Meyer	Y Soto
Y Brauer	Y Gordon	Y Miller	N Stephens
Y Brosnahan	Y Graham	Y Mitchell, Bill	Y Sullivan
Y Burke	Y Hamos	Y Mitchell, Jerry	Y Tracy
Y Chapa LaVia	Y Hannig	Y Moffitt	Y Tryon
Y Coladipietro	Y Harris	N Mulligan	Y Turner
N Cole	Y Hassert	Y Munson	Y Verschoore
E Collins	Y Hernandez	Y Myers	Y Wait
Y Colvin	Y Hoffman	Y Nekritz	Y Washington
N Coulson	Y Holbrook	Y Osmond	Y Watson
Y Crespo	Y Howard	Y Osterman	Y Wilzbach
Y Cross	Y Jackson	A Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	A Jefferies	Y Pihos	Y Zalewski
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 2362
 PEN CD-ART 4-MILITARY SERVICE
 THIRD READING
 PASSED

January 12, 2009

109 YEAS

4 NAYS

0 PRESENT

Y Acevedo	Y Dugan	N Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Krupa	Y Reis
N Bassi	Y Dunn	Y Lang	Y Reitz
N Beaubien	Y Durkin	N Leitch	Y Riley
Y Beiser	Y Eddy	Y Lindner	Y Rita
Y Bellock	Y Feigenholtz	Y Lyons	Y Rose
Y Berrios	Y Flider	Y Mathias	Y Ryg
Y Biggins	Y Flowers	Y Mautino	Y Sacia
Y Black	Y Ford	Y May	Y Saviano
Y Boland	Y Fortner	Y McAuliffe	Y Schmitz
Y Bost	Y Franks	E McCarthy	Y Scully
Y Bradley, John	Y Fritchey	Y McGuire	Y Smith
E Bradley, Richard	Y Froehlich	Y Mendoza	Y Sommer
Y Brady	Y Golar	Y Meyer	Y Soto
Y Brauer	Y Gordon	Y Miller	Y Stephens
Y Brosnahan	Y Graham	Y Mitchell, Bill	Y Sullivan
Y Burke	Y Hamos	Y Mitchell, Jerry	Y Tracy
Y Chapa LaVia	Y Hannig	Y Moffitt	Y Tryon
Y Coladipietro	Y Harris	Y Mulligan	Y Turner
Y Cole	Y Hassert	Y Munson	Y Verschoore
E Collins	Y Hernandez	Y Myers	Y Wait
Y Colvin	Y Hoffman	Y Nekritz	Y Washington
Y Coulson	Y Holbrook	Y Osmond	Y Watson
Y Crespo	Y Howard	Y Osterman	Y Wilzbach
Y Cross	Y Jackson	A Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	A Jefferies	Y Pihos	Y Zalewski
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 243
AMBULAT SURG TREAT CNTR-LICENS
THIRD READING
PASSED

January 12, 2009

78 YEAS

35 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Krupa	N Reis
Y Bassi	Y Dunn	Y Lang	Y Reitz
Y Beaubien	N Durkin	Y Leitch	Y Riley
N Beiser	N Eddy	Y Lindner	Y Rita
N Bellock	Y Feigenholtz	Y Lyons	N Rose
Y Berrios	N Flider	Y Mathias	Y Ryg
N Biggins	Y Flowers	Y Mautino	N Sacia
Y Black	Y Ford	Y May	Y Saviano
Y Boland	N Fortner	N McAuliffe	N Schmitz
N Bost	Y Franks	E McCarthy	Y Scully
N Bradley, John	Y Fritchey	Y McGuire	Y Smith
E Bradley, Richard	N Froehlich	Y Mendoza	N Sommer
N Brady	Y Golar	N Meyer	Y Soto
N Brauer	Y Gordon	Y Miller	N Stephens
Y Brosnahan	Y Graham	N Mitchell, Bill	Y Sullivan
Y Burke	Y Hamos	Y Mitchell, Jerry	N Tracy
Y Chapa LaVia	Y Hannig	N Moffitt	N Tryon
N Coladipietro	Y Harris	Y Mulligan	Y Turner
Y Cole	Y Hassert	Y Munson	Y Verschoore
E Collins	Y Hernandez	N Myers	N Wait
Y Colvin	Y Hoffman	Y Nekritz	Y Washington
Y Coulson	N Holbrook	Y Osmond	N Watson
Y Crespo	Y Howard	Y Osterman	Y Wilzbach
Y Cross	Y Jackson	A Patterson	N Winters
N Cultra	Y Jakobsson	N Phelps	Y Yarbrough
Y Currie	A Jefferies	Y Pihos	Y Zalewski
Y D'Amico	Y Jefferson	N Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	N Kosel	N Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 2513
BANKING-FEES/FUND TRANSFERS
THIRD READING
PASSED

January 12, 2009

113 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Krupa	Y Reis
Y Bassi	Y Dunn	Y Lang	Y Reitz
Y Beaubien	Y Durkin	Y Leitch	Y Riley
Y Beiser	Y Eddy	Y Lindner	Y Rita
Y Bellock	Y Feigenholtz	Y Lyons	Y Rose
Y Berrios	Y Flider	Y Mathias	Y Ryg
Y Biggins	Y Flowers	Y Mautino	Y Sacia
Y Black	Y Ford	Y May	Y Saviano
Y Boland	Y Fortner	Y McAuliffe	Y Schmitz
Y Bost	Y Franks	E McCarthy	Y Scully
Y Bradley, John	Y Fritchey	Y McGuire	Y Smith
E Bradley, Richard	Y Froehlich	Y Mendoza	Y Sommer
Y Brady	Y Golar	Y Meyer	Y Soto
Y Brauer	Y Gordon	Y Miller	Y Stephens
Y Brosnahan	Y Graham	Y Mitchell, Bill	Y Sullivan
Y Burke	Y Hamos	Y Mitchell, Jerry	Y Tracy
Y Chapa LaVia	Y Hannig	Y Moffitt	Y Tryon
Y Coladipietro	Y Harris	Y Mulligan	Y Turner
Y Cole	Y Hassert	Y Munson	Y Verschoore
E Collins	Y Hernandez	Y Myers	Y Wait
Y Colvin	Y Hoffman	Y Nekritz	Y Washington
Y Coulson	Y Holbrook	Y Osmond	Y Watson
Y Crespo	Y Howard	Y Osterman	Y Wilzbach
Y Cross	Y Jackson	A Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	A Jefferies	Y Pihos	Y Zalewski
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE JOINT RESOLUTION 109
SCH CD MANDATE WAIVER REPORT
ADOPTED

January 12, 2009

99 YEAS

12 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	N Reboletti
Y Arroyo	Y Dunkin	Y Krupa	Y Reis
Y Bassi	Y Dunn	Y Lang	Y Reitz
Y Beaubien	Y Durkin	N Leitch	Y Riley
Y Beiser	Y Eddy	Y Lindner	Y Rita
Y Bellock	Y Feigenholtz	Y Lyons	N Rose
Y Berrios	Y Flider	Y Mathias	Y Ryg
Y Biggins	Y Flowers	Y Mautino	Y Sacia
Y Black	Y Ford	Y May	Y Saviano
Y Boland	Y Fortner	Y McAuliffe	Y Schmitz
N Bost	NV Franks	E McCarthy	Y Scully
Y Bradley, John	Y Fritchey	Y McGuire	Y Smith
E Bradley, Richard	Y Froehlich	Y Mendoza	N Sommer
Y Brady	Y Golar	Y Meyer	Y Soto
Y Brauer	Y Gordon	Y Miller	N Stephens
Y Brosnahan	Y Graham	N Mitchell, Bill	NV Sullivan
Y Burke	Y Hamos	Y Mitchell, Jerry	Y Tracy
Y Chapa LaVia	Y Hannig	Y Moffitt	Y Tryon
Y Coladipietro	Y Harris	Y Mulligan	Y Turner
Y Cole	Y Hassert	Y Munson	Y Verschoore
E Collins	Y Hernandez	Y Myers	N Wait
Y Colvin	Y Hoffman	Y Nekritz	Y Washington
N Coulson	Y Holbrook	Y Osmond	Y Watson
Y Crespo	Y Howard	Y Osterman	Y Wilzbach
Y Cross	Y Jackson	A Patterson	N Winters
N Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	A Jefferies	N Pihos	Y Zalewski
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FIFTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 1132
 STATE BOARD OF EDUCATION
 THIRD READING
 PASSED

January 12, 2009

113 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Reboletti
Y Arroyo	Y Dunkin	Y Krupa	Y Reis
Y Bassi	Y Dunn	Y Lang	Y Reitz
Y Beaubien	Y Durkin	Y Leitch	Y Riley
Y Beiser	Y Eddy	Y Lindner	Y Rita
Y Bellock	Y Feigenholtz	Y Lyons	Y Rose
Y Berrios	Y Flider	Y Mathias	Y Ryg
Y Biggins	Y Flowers	Y Mautino	Y Sacia
Y Black	Y Ford	Y May	Y Saviano
Y Boland	Y Fortner	Y McAuliffe	Y Schmitz
Y Bost	Y Franks	E McCarthy	Y Scully
Y Bradley, John	Y Fritchey	Y McGuire	Y Smith
E Bradley, Richard	Y Froehlich	Y Mendoza	Y Sommer
Y Brady	Y Golar	Y Meyer	Y Soto
Y Brauer	Y Gordon	Y Miller	Y Stephens
Y Brosnahan	Y Graham	Y Mitchell, Bill	Y Sullivan
Y Burke	Y Hamos	Y Mitchell, Jerry	Y Tracy
Y Chapa LaVia	Y Hannig	Y Moffitt	Y Tryon
Y Coladipietro	Y Harris	Y Mulligan	Y Turner
Y Cole	Y Hassert	Y Munson	Y Verschoore
E Collins	Y Hernandez	Y Myers	Y Wait
Y Colvin	Y Hoffman	Y Nekritz	Y Washington
Y Coulson	Y Holbrook	Y Osmond	Y Watson
Y Crespo	Y Howard	Y Osterman	Y Wilzbach
Y Cross	Y Jackson	A Patterson	Y Winters
Y Cultra	Y Jakobsson	Y Phelps	Y Yarbrough
Y Currie	A Jefferies	Y Pihos	Y Zalewski
Y D'Amico	Y Jefferson	Y Poe	Y Mr. Speaker
Y Davis, Monique	Y Joyce	Y Pritchard	
Y Davis, William	Y Kosel	Y Ramey	

E - Denotes Excused Absence

[January 12, 2009]

60

301ST LEGISLATIVE DAY

Perfunctory Session

MONDAY, JANUARY 12, 2009

At the hour of 5:12 o'clock p.m., the House convened perfunctory session.

INTRODUCTION AND FIRST READING OF BILL

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

HOUSE BILL 6734. Introduced by Representative Krupa, AN ACT concerning business.

At the hour of 5:12 o'clock p.m., the House Perfunctory Session adjourned.