

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

91ST LEGISLATIVE DAY

THURSDAY, APRIL 25, 2002

10:30 O'CLOCK A.M.

No. 91
[Apr. 25, 2002]

The Senate met pursuant to adjournment.
 Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
 Prayer by Father John Ossola, Cathedral of the Immaculate
 Conception, Springfield, Illinois.
 Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, April 24, 2002, was being read when on motion of Senator W. Jones further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORTS FROM STANDING COMMITTEES

Senator Lauzen, Chairperson of the Committee on Commerce and Industry to which was referred House Bills numbered 5145 and 5996 reported the same back with the recommendation that the bills do pass.

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

Senator Klemm, Chairperson of the Committee on Executive to which was referred House Bills numbered 822, 2765, 2828, 3606, 3653, 3714, 4066, 4078, 4159, 4214, 4335, 4411, 4444, 4462, 4580, 4680, 4938, 4956, 5236, 5334, 5450, 5593, 5606, 5627 and 5686 reported the same back with the recommendation that the bills do pass.

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

Senator Klemm, Chairperson of the Committee on Executive to which was referred House Bills numbered 207, 909, 3212, 4023, 4090, 4103, 4453, 5000, 5530, 5592, 5652 and 5823 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred House Bills numbered 3993, 4696 and 4916 reported the same back with the recommendation that the bills do pass.

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

Senator Burzynski, Chairperson of the Committee on Licensed Activities to which was referred House Bills numbered 2271, 2463, 3999, 4004, 4118, 4255, 4879, 5278, 5281 and 5906 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Peterson, Chairperson of the Committee on Revenue to which was referred House Bills numbered 4337, 5631 and 5779 reported the same back with the recommendation that the bills do pass.

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

Senator Peterson, Chairperson of the Committee on Revenue to which was referred House Bills numbered 1975, 4082 and 6012 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Bomke, Chairperson of the Committee on State Government

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Operations to which was referred House Bills numbered 811, 4116 and 5911 reported the same back with the recommendation that the bills do pass.

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

Senator Bomke, Chairperson of the Committee on State Government Operations to which was referred House Bill No. 1033 reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

At the hour of 11:03 o'clock a.m., Senator Watson presiding.

PRESENTATION OF RESOLUTIONS

Senator Senator James "Pate" Philip, President of the Senate and all Senators, offered the following Senate Resolution:

SENATE RESOLUTION NO. 405

WHEREAS, It is occasionally necessary and appropriate for this body to appoint a committee of escort to wait upon distinguished persons whom the Senate seeks to honor; and

WHEREAS, Such a committee should be named to attend our esteemed colleague Senator John W. Maitland, Jr., of the Forty-fourth Legislative District, who is retiring from the General Assembly after representing the citizens of central Illinois since 1979; and

WHEREAS, Appointment to a committee of escort for Senator Maitland would be a privilege, for all members aspire to such a productive tenure that has encompassed the sponsorship of influential legislation, dynamic committee participation, and political acumen as an Assistant Senate Majority Leader since 1993; and

WHEREAS, This chamber takes particular pride in forming a committee of escort for Senator Maitland, because his statesmanship and willingness to listen to opposing views have earned the respect of members from both sides of the aisle and have conveyed to the public the dignity and deliberation of the legislative process; and

WHEREAS, Senator Maitland, a grain farmer from rural Bloomington, Illinois, has developed an expertise in agricultural and educational issues for which he is nationally recognized and which affords him a stature as deserving of a committee of escort as any previous figure so honored; and

WHEREAS, During a life marked by professional accomplishments, civic commitment, and numerous awards, Senator Maitland retains a personal warmth and integrity reflective of the Midwestern character that the members of a committee of escort wish to commemorate; and

WHEREAS, Senator Maitland's service to this body and to his country as a proud United States Marine warrants our appreciation and respect; and

WHEREAS, Although Senator Maitland's absence from this chamber will be keenly felt, it is reassuring that the committee of escort will usher him into the love and support of the family he shares with his wife, Joanne, and their children and grandchildren; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that, upon the retirement from this chamber of Senator John W. Maitland, Jr., and in tribute to his legacy of public service to the citizens of this State, a committee of escort consisting of the following members is appointed to wait upon Senator Maitland:

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Senator Stanley B. Weaver
 Senator Laura Kent Donahue
 Senator Kirk W. Dillard
 Senator Vince Demuzio
 Senator William L. O'Daniel; and be it further
 RESOLVED, That a suitable copy of this resolution be presented to
 Senator John W. Maitland, Jr.

Senator Philip, having asked and obtained unanimous consent to suspend the rules for the immediate consideration of the foregoing resolution, moved its adoption.

The motion prevailed.

And the resolution was adopted.

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

SENATE RESOLUTION NO. 406

WHEREAS, The Community Integrated Living Arrangement ("CILA") is a small residential model that houses no more than eight individuals and offers supports designed to address the individual needs of persons with disabilities; and

WHEREAS, CILA is the recommended option for individuals who are discharged from State-operated developmental centers; and

WHEREAS, Today more than 7,400 Illinois residents with developmental disabilities live in CILAs; and

WHEREAS, The United States Supreme Court in *Olmstead v. L.C. Ex rel. Zimring*, 119 S.Ct. 2176 (1999), held that the unjustifiable institutionalization of a person with a disability who is capable of living in the community with proper supports, and wishes to do so, constitutes unlawful discrimination in violation of the Americans with Disabilities Act (ADA); and

WHEREAS, Availability of CILA placements for individuals with disabilities advances the State's efforts to comply with the ADA and the Court's holding in *Olmstead*; and

WHEREAS, The Illinois Department of Human Services ("Department") has converted many of its grant-in-aid CILA programs to a fee-for-service model beginning in State Fiscal Year 2002; and

WHEREAS, The CILA rate model and the CILA payment methodology utilized by the Department affects the type and availability of CILA placements for Illinois residents with developmental disabilities; and

WHEREAS, The CILA rate model and CILA payment methodology must be analyzed in the broader context of the current fiscal condition of the State; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Secretary of Human Services is directed to:

(1) Meet and work with agencies providing CILAs in the State of Illinois and associations representing those agencies to review the current CILA rate model and payment methodology, with particular attention paid to whether 100% of the actual costs of delivering CILA services are being met, including staff compensation, benefits, staffing levels, workers compensation, physical plant maintenance and repairs, and delivering services to individuals with challenging behaviors or extraordinary medical needs;

(2) Determine the impact of the current CILA rate model and payment methodology on the ability of the State to implement the "most integrated setting" requirements of the ADA and the holding in *Olmstead*; and

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(3) File a written report with the House of Representatives and the Senate on or before December 1, 2002, that includes a summary of the actions taken pursuant to this Resolution and specific recommendations as to whether and how the CILA rate model and payment methodology should be updated; and be it further

RESOLVED, That a copy of this Resolution be sent to the Secretary of Human Services.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO. 1571

A bill for AN ACT in relation to water reclamation districts.

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

House Amendment No. 1 to SENATE BILL NO. 1571

Passed the House, as amended, April 24, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1571

AMENDMENT NO. 1. Amend Senate Bill 1571 on page 1, in line 5, by changing "4.7 and 4.11" to "4.7, 4.11, and 9.6a"; and on page 5, below line 2, by inserting the following:

"(70 ILCS 2605/9.6a) (from Ch. 42, par. 328.6a)

Sec. 9.6a. The corporate authorities of a sanitary district, in order to provide funds required for the replacing, remodeling, completing, altering, constructing and enlarging of sewage treatment works or flood control facilities, and additions therefor, pumping stations, tunnels, conduits, intercepting sewers and outlet sewers, together with the equipment, including air pollution equipment, and appurtenances thereto, to acquire property, real, personal or mixed, necessary for said purposes, for costs and expenses for the acquisition of the sites and rights-of-way necessary thereto, and for engineering expenses for designing and supervising the construction of such works, may issue on or before December 31, ~~2016~~ 2006, in addition to all other obligations heretofore or herein authorized, bonds, notes or other evidences of indebtedness for such purposes in an aggregate amount at any one time outstanding not to exceed 3.35% of the equalized assessed valuation of all taxable property within the sanitary district, to be ascertained by the last assessment for State and local taxes previous to the issuance of any such obligations. Such obligations shall be issued without submitting the question of such issuance to the legal voters of such sanitary district for approval.

The corporate authorities may sell such obligations at private or public sale and enter into any contract or agreement necessary, appropriate or incidental to the exercise of the powers granted by this Act, including, without limitation, contracts or agreements for the sale and purchase of such obligations and the payment of costs and expenses incident thereto. The corporate authorities may pay such costs and expenses, in whole or in part, from the corporate

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fund.

Such obligations shall be issued from time to time only in amounts as may be required for such purposes but the amount of such obligations issued during any one budget year shall not exceed \$100,000,000 plus the amount of any obligations authorized by this Act to be issued during the 3 budget years next preceding the year of issuance but which were not issued, provided, however, that this limitation shall not be applicable to the issuance of obligations to refund bonds, notes or other evidences of indebtedness, nor to obligations issued to provide for the repayment of money received from the Water Pollution Control Revolving Fund for the construction or repair of wastewater treatment works. Each ordinance authorizing the issuance of the obligations shall state the general purpose or purposes for which they are to be issued, and the corporate authorities may at any time thereafter pass supplemental appropriations ordinances appropriating the proceeds from the sale of such obligations for such purposes.

The corporate authorities may issue bonds, notes or other evidences of indebtedness in an amount necessary to provide funds to refund outstanding obligations issued pursuant to this Section, including interest accrued or to accrue thereon.
(Source: P.A. 90-510, eff. 1-1-98.)".

Under the rules, the foregoing Senate Bill No. 1571, with House Amendment No. 1, was referred to the Secretary's Desk.

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

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

SENATE BILL NO. 1646

A bill for AN ACT in relation to criminal law.

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

House Amendment No. 1 to SENATE BILL NO. 1646

Passed the House, as amended, April 24, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1646

AMENDMENT NO. 1. Amend Senate Bill 1646 as follows:
on page 1, line 5, by replacing "and 16-21" with "16-21, and 24-3.5";
and

on page 10, by inserting between lines 1 and 2 the following:

"(720 ILCS 5/24-3.5)

Sec. 24-3.5. Unlawful purchase of a firearm.

(a) For purposes of this Section, "firearms transaction record form" means a form:

(1) executed by a transferee of a firearm stating: (i) the transferee's name and address (including county or similar political subdivision); (ii) whether the transferee is a citizen of the United States; (iii) the transferee's State of residence; and (iv) the date and place of birth, height, weight, and race of the transferee; and

(2) on which the transferee certifies that he or she is not prohibited by federal law from transporting or shipping a firearm

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in interstate or foreign commerce or receiving a firearm that has been shipped or transported in interstate or foreign commerce or possessing a firearm in or affecting commerce.

(b) A person commits the offense of unlawful purchase of a firearm who knowingly purchases or attempts to purchase a firearm with the intent to deliver that firearm to another person who is prohibited by federal or State law from possessing a firearm.

(c) A person commits the offense of unlawful purchase of a firearm when he or she, in purchasing or attempting to purchase a firearm, intentionally provides false or misleading information on a United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms firearms transaction record form.

(d) Exemption. It is not a violation of subsection (b) of this Section for a person to make a gift or loan of a firearm to a person who is not prohibited by federal or State law from possessing a firearm if the transfer of the firearm is made in accordance with Section 3 of the Firearm Owners Identification Card Act.

(e) Sentence.

(1) A person who commits the offense of unlawful purchase of a firearm by purchasing a firearm with intent to deliver the firearm in violation of subsection (b) or by purchasing or attempting to purchase a firearm in violation of subsection (c):

(A) is guilty of a Class 4 felony for purchasing or attempting to purchase one firearm;

(B) is guilty of a Class 3 felony for purchasing or attempting to purchase not less than 2 firearms and not more than 5 firearms at the same time or within a one year period;

(C) is guilty of a Class 2 felony for purchasing or attempting to purchase not less than 6 firearms and not more than 10 firearms at the same time or within a 2 year period;

(D) is guilty of a Class 1 felony for purchasing or attempting to purchase not less than 11 firearms and not more than 20 firearms at the same time or within a 3 year period;

(E) is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 30 years for purchasing or attempting to purchase not less than 21 firearms and not more than 30 firearms at the same time or within a 4 year period;

(F) is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 40 years for purchasing or attempting to purchase not less than 31 firearms and not more than 40 firearms at the same time or within a 5 year period;

(G) is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 50 years for purchasing or attempting to purchase more than 40 firearms at the same time or within a 6 year period.

(2) In addition to any other penalty that may be imposed for a violation of this Section, the court may sentence a person convicted of a violation of subsection (c) of this Section to a fine not to exceed \$250,000 for each violation.

(Source: P.A. 91-265, eff. 1-1-00.)"; and on page 10, by inserting below line 7 the following:

"Section 99. Effective date. This Section and the changes to Section 24-3.5 of the Criminal Code of 1961 take effect upon becoming

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law.".

Under the rules, the foregoing Senate Bill No. 1646, with House Amendment No. 1, was referred to the Secretary's Desk.

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

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

SENATE BILL NO. 1686

A bill for AN ACT concerning the regulation of professions.

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

House Amendment No. 1 to SENATE BILL NO. 1686

Passed the House, as amended, April 24, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1686

AMENDMENT NO. 1. Amend Senate Bill 1686, on page 1, immediately below line 21, by inserting the following:

"Section 10. The Professional Counselor and Clinical Professional Counselor Licensing Act is amended by changing Sections 10, 15, 20, 30, 45, 60, and 80 and adding Section 21 as follows:

(225 ILCS 107/10)

(Section scheduled to be repealed on December 31, 2002)

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

"Department" means the Department of Professional Regulation.

"Director" means the Director of Professional Regulation.

"Board" means the Professional Counselor Licensing and Disciplinary Board as appointed by the Director.

"Person" means an individual, association, partnership, or corporation.

"Professional counseling" means the provision of services to individuals, couples, groups, families, and organizations in any one or more of the fields of professional counseling. Professional counseling includes, but is not limited to:

(1) social, emotional, educational, and career testing and evaluation;

(2) a professional relationship between a counselor and a client in which the counselor provides assistance in coping with life issues that include relationships, conflicts, problem solving, decision making, and developmental concerns; and

(3) research.

Professional counseling may also include clinical professional counseling as long as it is not conducted in independent private practice as defined in this Act.

"Clinical professional counseling" means the provision of professional counseling and mental health services, which includes, but is not limited to, the application of clinical counseling theory and techniques to prevent and alleviate mental and emotional disorders and psychopathology and to promote optimal mental health, rehabilitation, treatment, testing, assessment, and evaluation. It also includes clinical counseling and psychotherapy in a professional relationship to assist individuals, couples, families, groups, and organizations to alleviate emotional disorders, to understand

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conscious and unconscious motivation, to resolve emotional, relationship, and attitudinal conflicts, and to modify behaviors that interfere with effective emotional, social, adaptive, and intellectual functioning.

"Licensed professional counselor" and "professional counselor" means a person who holds a license authorizing the practice of professional counseling as defined in this Act.

"Licensed clinical professional counselor" and "clinical professional counselor" means a person who holds a license authorizing the independent practice of clinical professional counseling in private practice as defined in this Act.

"Independent private practice of clinical professional counseling" means the application of clinical professional counseling knowledge and skills by a licensed clinical professional counselor who (i) regulates and is responsible for her or his own practice or treatment procedures and (ii) is self-employed or works in a group practice or setting not qualified under Internal Revenue Service regulations as a not-for-profit business.

"Clinical supervision" or "supervision" means review of aspects of counseling and case management in a face-to-face meeting with the person under supervision.

"Qualified supervisor" or "qualified clinical supervisor" means any person who is a licensed clinical professional counselor, licensed clinical social worker, licensed clinical psychologist, psychiatrist as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code, or other supervisor as defined by rule. A qualified supervisor may be provided at the applicant's place of work, or may be hired by the applicant to provide supervision.

"License" means that which is required to practice professional counseling or clinical professional counseling as defined in this Act.

(Source: P.A. 87-1011; 87-1269.)

(225 ILCS 107/15)

(Section scheduled to be repealed on December 31, 2002)

Sec. 15. Exemptions.

(a) This Act does not prohibit any persons legally regulated in this State by any other Act from engaging in the practice for which they are authorized as long as they do not represent themselves by the title of "professional counselor", "licensed professional counselor", "clinical professional counselor", or "licensed clinical professional counselor". This Act does not prohibit the practice of nonregulated professions whose practitioners are engaged in the delivery of human services as long as these practitioners do not represent themselves as or use the title of "professional counselor", "licensed professional counselor", "clinical professional counselor", or "licensed clinical professional counselor".

(b) Nothing in this Act shall be construed to limit the activities and services of a student, intern, or resident in professional counseling or clinical professional counseling seeking to fulfill educational requirements in order to qualify for a license under this Act if these activities and services constitute a part of the student's supervised course of study, or an individual seeking to fulfill the post-degree experience requirements in order to qualify for licensing under this Act, as long as the activities and services are not conducted in an independent practice, as defined in this Act, if the activities and services are supervised as specified in this Act, and that the student, intern, or resident is designated by a title "intern" or "resident" or other designation of trainee status. Nothing contained in this Section shall be construed to permit students, interns, or residents to offer their services as

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professional counselors or clinical professional counselors to any other person and to accept remuneration for such professional counseling or clinical professional counseling services other than as specifically excepted in this Section, unless they have been licensed under this Act.

(c) Corporations, partnerships, and associations may employ practicum students, interns, or post-degree candidates seeking to fulfill educational requirements or the professional experience requirements needed to qualify for a license under this Act if their activities and services constitute a part of the student's supervised course of study or post-degree professional experience requirements. Nothing in this paragraph shall prohibit a corporation, partnership, or association from contracting with a licensed health care professional to provide services that they are licensed to provide.

(d) Nothing in this Act shall prevent the employment, by a professional counselor or clinical professional counselor, person, association, partnership, or a corporation furnishing professional counseling or clinical professional counseling services for remuneration, of persons not licensed as professional counselors or clinical professional counselors under this Act to perform services in various capacities as needed if these persons are not in any manner held out to the public or do not hold themselves out to the public by any title or designation stating or implying that they are professional counselors or clinical professional counselors.

(e) Nothing in this Act shall be construed to limit the services of a person, not licensed under the provisions of this Act, in the employ of a federal, State, county, or municipal agency or other political subdivision or not-for-profit corporation providing human services if (1) the services are a part of the duties in his or her salaried position, (2) the services are performed solely on behalf of his or her employer, and (3) that person does not in any manner represent himself or herself as or use the title of "professional counselor", "licensed professional counselor", "clinical professional counselor", or "licensed clinical professional counselor".

(f) Duly recognized members of any religious organization shall not be restricted from functioning in their ministerial capacity provided they do not represent themselves as being professional counselors or clinical professional counselors, or as providing "professional counseling" or "clinical professional counseling". This Act shall not apply or be construed so as to apply to the employees or agents of a church or religious organization or an organization owned, controlled, or affiliated with a church or religious organization, unless the church, religious organization, or owned, controlled, or affiliated organization designates or holds these employees or agents out to the public as professional counselors or clinical professional counselors or holds out their services as being "professional counseling" or "clinical professional counseling".

(g) Nothing in this Act shall prohibit individuals not licensed under the provisions of this Act who work in self-help groups or programs or not-for-profit organizations from providing services in those groups, programs, or organizations, as long as those persons are not in any manner held out to the public as practicing professional counseling or clinical professional counseling, or do not hold themselves out to the public by any title or designation stating or implying that they are professional counselors or clinical professional counselors.

(h) Nothing in this Act shall be construed to limit the activities and use of the official title of "professional counselor" or "clinical professional counselor" on the part of a person not licensed under this Act who is an academic employee of a duly

chartered institution of higher education and who holds educational and professional qualifications equivalent to those required for licensing under this Act, insofar as such activities are performed in the person's role as an academic employee, or insofar as such person engages in public speaking with or without remuneration.

(i) Nothing in this Act shall be construed to require licensure under this Act or limit the services of a school counselor certified by the State Teacher Certification Board and employed as authorized by Section 10-22-24a or any other provision of the School Code as long as that person is not in any manner held out to the public as a "professional counselor" or "clinical professional counselor" or does not hold out his or her services as being "professional counseling" or "clinical professional counseling".

(j) Nothing in this Act shall be construed to require any hospital, clinic, home health agency, hospice, or other entity that provides health care to employ or to contract with a person licensed under this Act to provide professional counseling or clinical professional counseling services. These persons may not hold themselves out or represent themselves to the public as being licensed under this Act.

(k) Nothing in this Act shall be construed to require licensure under this Act or limit the services of a person employed by a private elementary or secondary school who provides counseling within the scope of his or her employment as long as that person is not in any manner held out to the public as a "professional counselor" or "clinical professional counselor" or does not hold out his or her services as being "professional counseling" or "clinical professional counseling".

(l) Nothing in this Act shall be construed to require licensure under this Act or limit the services of a rape crisis counselor who is an employee or volunteer of a rape crisis organization as defined in Section 8-802.1 of the Code of Civil Procedure as long as that person is not in any manner held out to the public as a "professional counselor" or "clinical professional counselor" or does not hold out his or her services as being "professional counseling" or "clinical professional counseling".

(m) Nothing in this Act shall be construed to prevent any licensed social worker, licensed clinical social worker, or licensed clinical psychologist from practicing professional counseling as long as that person is not in any manner held out to the public as a "professional counselor" or "clinical professional counselor" or does not hold out his or her services as being "professional counseling" or "clinical professional counseling".

(n) Nothing in this Act shall be construed to limit the activities and use of the official title of "professional counselor" or "clinical professional counselor" on the part of a person not licensed under this Act who is a physician licensed to practice medicine in all of its branches under the Medical Practice Act of 1987.

(o) Nothing in this Act shall be construed to require licensure under this Act or limit the services of a domestic violence counselor who is an employee or volunteer of a domestic violence program as defined in Section 227 of the Illinois Domestic Violence Act of 1986. (Source: P.A. 87-1011; 87-1212; 87-1269; 88-45; 88-424; 88-670, eff. 12-2-94.)

(225 ILCS 107/20)

(Section scheduled to be repealed on December 31, 2002)

Sec. 20. Restrictions and limitations.

(a) No person shall, without a valid license as a professional counselor issued by the Department: (i) in any manner hold himself or

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herself out to the public as a professional counselor under this Act; (ii) attach the title "professional counselor" or "licensed professional counselor"; or (iii) offer to render or render to individuals, corporations, or the public professional counseling services if the words "professional counselor" or "licensed professional counselor" are used to describe the person offering to render or rendering them, or "professional counseling" is used to describe the services rendered or offered to be rendered.

(b) No person shall, without a valid license as a clinical professional counselor issued by the Department: (i) in any manner hold himself or herself out to the public as a clinical professional counselor or licensed clinical professional counselor under this Act; (ii) attach the title "clinical professional counselor" or "licensed clinical professional counselor"; or (iii) offer to render to individuals, corporations, or the public clinical professional counseling services if ~~the words "licensed clinical professional counselor" are used to describe the person to render or rendering them, or "clinical professional counseling" is used to describe the services rendered or offered to be rendered.~~

(c) Licensed professional counselors may not engage in independent private practice as defined in this Act without a clinical professional counseling license. In an independent private practice, a licensed professional counselor must practice at all times under the order, control, and full professional responsibility of a licensed clinical professional counselor, a licensed clinical social worker, a licensed clinical psychologist, or a psychiatrist, as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code.

(d) No association or partnership shall practice clinical professional counseling or professional counseling ~~be granted a~~ license unless every member, partner, and employee of the association or partnership who practices professional counseling or clinical professional counseling, or who renders professional counseling or clinical professional counseling services, holds a currently valid license issued under this Act. No license shall be issued to a corporation, the stated purpose of which includes or which practices or which holds itself out as available to practice professional counseling or clinical professional counseling unless it is organized under the Professional Service Corporation Act.

(e) Nothing in this Act shall be construed as permitting persons licensed as professional counselors or clinical professional counselors to engage in any manner in the practice of medicine in all its branches as defined by law in this State.

(f) When, in the course of providing professional counseling or clinical professional counseling services to any person, a professional counselor or clinical professional counselor licensed under this Act finds indication of a disease or condition that in his or her professional judgment requires professional service outside the scope of practice as defined in this Act, he or she shall refer that person to a physician licensed to practice medicine in all of its branches or another appropriate health care practitioner.

(Source: P.A. 87-1011.)

(225 ILCS 107/21 new)

Sec. 21. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice as a clinical professional counselor or professional counselor without being licensed or exempt under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$5,000 for each offense, as determined by the

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Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department may investigate any actual, alleged, or suspected unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a final judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(225 ILCS 107/30) (from Ch. 111, par. 8451-30)

(Section scheduled to be repealed on December 31, 2002)

Sec. 30. Professional Counselor Examining and Disciplinary Board.

(a) The Director shall appoint a Board which shall serve in an advisory capacity to the Director. The Board shall consist of 7 persons, 2 of whom are licensed solely as professional counselors, 3 of whom are licensed solely as clinical professional counselors, one full-time faculty member of an accredited college or university that is engaged in training professional counselors or clinical professional counselors who possesses the qualifications substantially equivalent to the education and experience requirements for a professional counselor or clinical professional counselor, and one member of the public who is not a licensed health care provider. In appointing members of the Board, the Director shall give due consideration to the adequate representation of the various fields of counseling. In appointing members of the Board, the Director shall give due consideration to recommendations by members of the professions of professional counseling and clinical professional counseling, the Statewide organizations representing the interests of professional counselors and clinical professional counselors, organizations representing the interests of academic programs, rehabilitation counseling programs, and approved counseling programs in the State of Illinois. ~~The initial appointees shall be licensed under this Act within one year after appointment to the Board. Failure on the part of an initial Board appointee to obtain a license within one year may be cause for removal from the Board.~~

(b) Members shall be appointed for and shall serve 4 year terms and until their successors are appointed and qualified, except that of the initial appointments 2 members shall be appointed to serve for 2 years, 2 shall be appointed to serve for 3 years, and the remaining shall be appointed to serve for 4 years and until their successors are appointed and qualified. No member shall be reappointed to the Board for a term that would cause continuous service on the Board to be longer than 8 years. Any appointment to fill a vacancy shall be for the unexpired portion of the term.

(c) The membership of the Board should reasonably reflect representation from different geographic areas of Illinois.

(d) Any member appointed to fill a vacancy shall be eligible for reappointment to only one full term.

(e) The Director may remove any member for cause at any time prior to the expiration of his or her term.

(f) The Board shall annually elect one of its members as chairperson.

(g) The members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses incurred in attending the meetings of the Board.

(h) The Board may make recommendations on matters relating to approving graduate counseling, rehabilitation counseling, psychology, and related programs.

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(i) The Board may make recommendations on matters relating to continuing education including the number of hours necessary for license renewal, waivers for those unable to meet such requirements, and acceptable course content. These recommendations shall not impose an undue burden on the Department or an unreasonable restriction on those seeking license renewal.

(j) The Director shall give due consideration to all recommendations of the Board.

(k) A majority of the Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to perform all of the duties of the Board.

(l) Members of the Board shall have no criminal, civil, or professional liability in an action based upon a disciplinary proceeding or other activity performed in good faith as a member of the Board, except for willful or wanton misconduct.

(Source: P.A. 87-1011; 87-1269; 88-424; 88-670, eff. 12-2-94.)

(225 ILCS 107/45)

(Section scheduled to be repealed on December 31, 2002)

Sec. 45. Qualifications for a license.

(a) Professional counselor. A person is qualified to be licensed as a licensed professional counselor, and the Department shall issue a license authorizing the practice of professional counseling to an applicant who:

(1) has applied in writing on the prescribed form and has paid the required fee;

(2) is at least 21 years of age and has not engaged in conduct or activities which would constitute grounds for discipline under this Act;

(3) is a graduate of:

(A) a master's or doctoral level program in the field of counseling, rehabilitation counseling, psychology, or similar degree program approved by the Department; or

(B) an approved baccalaureate program in human services or similar degree program approved by the Department and can document the equivalent of 5 years of full-time satisfactory supervised experience, as established by rule, under a qualified supervisor;

(4) has passed an examination for the practice of professional counseling as authorized by the Department; and

(5) has paid the fees required by this Act.

Any person who has received certification by any State or national organization whose standards are accepted by the Department as being substantially similar to the standards in this Act may apply for a professional counselor license and need not be examined further.

(b) Clinical professional counselor. A person is qualified to be licensed as a clinical professional counselor, and the Department shall issue a license authorizing the practice of clinical professional counseling to an applicant who:

(1) has applied in writing on the prescribed form and has paid the required fee;

(2) is at least 21 years of age and has not engaged in conduct or activities which would constitute grounds for discipline under this Act;

(3) is a graduate of:

(A) a master's level program in the field of counseling, rehabilitation counseling, psychology, or similar degree program approved by the Department and has completed the equivalent of 2 years full-time satisfactory

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supervised employment or experience working as a clinical professional counselor under the direction of a qualified supervisor subsequent to the degree; or

(B) a doctoral program in the field of counseling, rehabilitation counseling, psychology, or similar program approved by the Department and has completed the equivalent of 2 years full-time satisfactory supervised employment or experience working as a clinical professional counselor under the direction of a qualified supervisor, at least one year of which is subsequent to the degree;

(4) has passed the examination for the practice of clinical professional counseling as authorized by the Department; and

(5) has paid the fees required by this Act.

Any person who has received certification by any State or national organization whose standards are accepted by the Department as being substantially similar to the standards in this Act may apply for a clinical professional counselor license, and need not be examined further.

(c) Examination for applicants under this Act shall be held at the discretion of the Department from time to time but not less than once each year. The examination used shall be authorized by the Department.

(d) Upon application and payment of the required fee, an applicant who has an active license as a clinical psychologist or a clinical social worker licensed under the laws of this State may, without examination, be granted registration as a licensed clinical professional counselor by the Department.

(Source: P.A. 87-1011; 87-1269.)

(225 ILCS 107/60)

(Section scheduled to be repealed on December 31, 2002)

Sec. 60. Fees. The fees imposed under this Act shall be set by rule are-as-follows and are not refundable.:

(a)--The-fee-for-application-for-a-professional-counselor-or-clinical-professional-counselor-license-is-\$150.-

(b)--The-fee-for-application-for-a-temporary-professional-counselor-license-or-temporary-clinical-professional-counselor-license-is-\$150.-

(c)--Applicants-for-examination-shall-pay-either-to-the-Department-or-to-the-designated-testing-service,a-fee-covering-the-cost-of-providing-the-examination.-

(d)--The-fee-for-the-renewal-of-a-license-is-\$60-per-year.-

(e)--The-fee-for-the-reinstatement-of-a-license-which-has-been-expired-for-less-than-5-years-is-\$20,plus-payment-of-all-unpaid-fees-for-every-year-that-has-lapsed.-

(f)--The-fee-for-the-restoration-of-a-license-which-has-been-expired-for-more-than-5-years-is-\$300.-

(g)--The-fee-for-the-issuance-of-a-duplicate-license,the-issuance-of-a-replacement-for-a-license-that-has-been-lost-or-destroyed,or-the-issuance-of-a-license-with-a-change-of-name-or-address,other-than-during-the-renewal-period,is-\$20.No-fee-is-required-for-name-and-address-changes-on-Department-records-when-no-duplicate-license-is-issued.-

(h)--The-fee-for-the-certification-of-a-license-for-any-purpose-is-\$20.-

(i)--The-fee-for-rescoring-an-examination-is-the-cost-to-the-Department-of-rescoring-the-examination,plus-any-fees-charged-by-the-applicable-testing-service-to-have-the-examination-rescored.-

(j)--The-fee-for-copies-of-a-license-shall-be-the-actual-cost-of-producing-such-copies.-

(k)--The-fee-for-a-roster-of-persons-licensed-as-professional-

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~~counselors or clinical professional counselors is the actual cost of producing such a roster.~~

~~(l) The fee for application for a license by a professional counselor or clinical professional counselor registered or licensed under the laws of another jurisdiction is \$200.~~

~~(m) The fee for a sponsor of continuing education shall be set by rule.~~

All of the fees collected under this Act shall be deposited into the General Professions Dedicated Fund.

(Source: P.A. 87-1011; 87-1269; 88-683, eff. 1-24-95.)

(225 ILCS 107/80)

(Section scheduled to be repealed on December 31, 2002)

Sec. 80. Grounds for discipline.

(a) The Department may refuse to issue, renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary action as the Department deems appropriate, including the issuance of fines not to exceed \$1000 for each violation, with regard to any license for any one or more of the following:

(1) Material misstatement in furnishing information to the Department or to any other State agency.

(2) Violations or negligent or intentional disregard of this Act, or any of its rules.

(3) Conviction of any crime under the laws of the United States or any state or territory thereof that is a felony, or that is a misdemeanor, an essential element of which is dishonesty, or of any crime which is directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining a license, or violating any provision of this Act or its rules.

(5) Professional incompetence or gross negligence in the rendering of professional counseling or clinical professional counseling services.

(6) Malpractice.

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

(8) Failing to provide information within 60 days in response to a written request made by the Department.

(9) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public and violating the rules of professional conduct adopted by the Department.

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

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

(12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for any professional service not actually rendered.

(13) A finding by the Board that the licensee, after having the license placed on probationary status, has violated the terms of probation.

(14) Abandonment of a client.

(15) Willfully filing false reports relating to a licensee's practice, including but not limited to false records filed with federal or State agencies or departments.

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

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

(18) Physical or mental disability, including deterioration through the aging process or loss of abilities and skills which results in the inability to practice the profession with reasonable judgment, skill, or safety.

(19) Solicitation of professional services by using false or misleading advertising.

(20) Failure to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue or any successor agency or the Internal Revenue Service or any successor agency.

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

(22) Practicing or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.

(23) Gross overcharging for professional services including filing statements for collection of fees or monies for which services are not rendered.

(24) Rendering professional counseling or clinical professional counseling services without a license or practicing outside the scope of a license.

(25) Clinical supervisors failing to adequately and responsibly monitor supervisees.

(b) The Department shall deny, without hearing, any application or renewal for a license under this Act to any person who has defaulted on an educational loan guaranteed by the Illinois State Assistance Commission; however, the Department may issue a license or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

(c) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in an automatic suspension of his or her license. The suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Director that the licensee be allowed to resume professional practice.

(d) In enforcing this Section, the Board, upon a showing of a possible violation, may compel a licensee or applicant to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Board. The Board or the Department may order (i) the examining physician to present testimony concerning the mental or physical examination of a licensee or applicant or (ii) the examining clinical psychologist to present testimony concerning the mental examination of a licensee or applicant. No information shall be excluded by reason of any common

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law or statutory privilege relating to communications between a licensee or applicant and the examining physician or clinical psychologist. An individual to be examined may have, at his or her own expense, another physician or clinical psychologist of his or her choice present during all aspects of the examination. Failure of an individual to submit to a mental or physical examination, when directed, is grounds for suspension of his or her license. The license must remain suspended until the person submits to the examination or the Board finds, after notice and hearing, that the refusal to submit to the examination was with reasonable cause.

If the Board finds an individual unable to practice because of the reasons set forth in this Section, the Board must require the individual to submit to care, counseling, or treatment by a physician or clinical psychologist approved by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice. In lieu of care, counseling, or treatment, the Board may recommend that the Department file a complaint to immediately suspend or revoke the license of the individual or otherwise discipline the licensee.

Any individual whose license was granted, continued, reinstated, or renewed subject to conditions, terms, or restrictions, as provided for in this Section, or any individual who was disciplined or placed on supervision pursuant to this Section must be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.
(Source: P.A. 87-1011; 87-1269.)

(225 ILCS 107/55 rep.)

Section 15. The Professional Counselor and Clinical Professional Counselor Licensing Act is amended by repealing Section 55."

Under the rules, the foregoing Senate Bill No. 1686, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO. 1803

A bill for AN ACT concerning environmental protection.

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

House Amendment No. 1 to SENATE BILL NO. 1803

Passed the House, as amended, April 24, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1803

AMENDMENT NO. 1. Amend Senate Bill 1803 on page 11, by replacing lines 11 and 12 with "application fee must be made payable to the Department of Commerce and Community Affairs for deposit into the Workforce, Technology, and Economic Development Fund. These application fees shall be used by the Department for administrative expenses incurred under this subsection (B)."; and on page 17, line 20, by replacing "2001" with "2002".

Under the rules, the foregoing Senate Bill No. 1803, with House [Apr. 25, 2002]

Amendment No. 1, was referred to the Secretary's Desk.

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

SENATE BILL NO. 1854

A bill for AN ACT to revise the law by combining multiple enactments and making technical corrections.

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

House Amendment No. 1 to SENATE BILL NO. 1854

Passed the House, as amended, April 24, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1854

AMENDMENT NO. 1. Amend Senate Bill 1854 on page 244, in line 25, by deleting "11-167, "; and by deleting lines 4 through 33 on page 247 and lines 1 and 2 on page 248.

Under the rules, the foregoing Senate Bill No. 1854, with House Amendment No. 1, was referred to the Secretary's Desk.

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

HOUSE JOINT RESOLUTION NO. 71

WHEREAS, The National Governors Association has adopted a transportation policy that calls for Congress to fully fund the nation's intercity passenger rail system and to also develop federal high-speed and regional rail policies and programs; and

WHEREAS, The National Council of State Governments has adopted a resolution calling on the U.S. government to fund a national intercity passenger rail network and infrastructure including connecting long-distant trains with high-speed rail corridors; and

WHEREAS, The United States Conference of Mayors has strongly urged President Bush and Congress to develop a national rail policy that directs greater and sustained investment in intercity passenger rail and a stronger federal commitment to the nations' intercity rail network as part of a balanced, multi-modal, shock-resistant, and secure transportation system; and

WHEREAS, The Illinois Municipal League at it's 85th Annual Conference adopted a resolution encouraging the federal government's continued support of passenger rail and recognizing its importance to communities such as Quincy, Macomb, Galesburg, Kewanee, Princeton, Joliet, Dwight, Pontiac, Bloomington, Lincoln, Springfield, Carlinville, Alton, Homewood, Kankakee, Gilman, Rantoul, Champaign, Mattoon, Effingham, Centralia, DuQuoin, Carbondale, and others in Illinois; and

WHEREAS, Several Councils of Government in Illinois, including

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Lake County Municipal League, Northwest Municipal Conference, DuPage Mayors and Managers Association, South Suburban Mayors and Managers Association, and others have all endorsed federal funding for the development and construction of a high-speed passenger rail network; and

WHEREAS, The business and labor community, including the Chicagoland Chamber of Commerce, Chicago Federation of Labor, Business Leaders for Transportation, the United Transportation Union, Chicago Metropolis 2020, the Brotherhood of Locomotive Engineers, Crain's Chicago Business, Bloomington Chamber of Commerce, and numerous other Business and Labor organizations throughout the nation, Midwest, and Illinois support federal funding for high-speed and intercity passenger rail; and

WHEREAS, Several national, regional, and local planning organizations and citizens' groups including the National Association of Railroad Passengers, National Corridors Initiative, Railway Progress Institute, Business and Professional People in the Public Interest, Sierra Club, Midwest Interstate Passenger Rail Commission, Midwest High Speed Rail Coalition, Environmental Law & Policy Center of the Midwest, Metropolitan Planning Council, Center for Neighborhood Technology, Chicagoland Transportation & Air Quality Commission, and others throughout the nation, Midwest, and Illinois echo similar support for federal funding for high-speed and intercity passenger rail; and

WHEREAS, The current federal formula for transportation funding is heavily skewed towards highways and airports with less than 1% directed at rail passenger service, creating highway and airport congestion and perpetuating an unbalanced transportation system that is vulnerable to emergencies, high traffic volumes, and temporary disruptions; and

WHEREAS, Intercity passenger rail currently serves over 500 communities across the country, provides energy-efficient mobility, uses 38% less energy per passenger mile than travel by commercial airlines, can reduce congestion which currently costs the U.S. economy \$100 billion annually, and can further reduce U.S. dependence on imported foreign oil; therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we urge the President and Congress of the United States to commit to a transportation policy that:

1. preserves a national intercity passenger system that maintains coast-to-coast interconnectivity and serves as a skeletal framework for high-speed rail corridors;

2. provides a source of predictable, reliable, and sustainable funding for national intercity passenger rail and the construction and operation of high-speed passenger rail corridors; and

3. charges the U.S. Department of Transportation or its designated agency to administer and manage federal passenger rail funding and oversight functions and work in partnership with the States' Departments of Transportation; and be it further

RESOLVED, That a copy of this Resolution be sent to the President of the United States, the U.S. Secretary of Transportation, the Federal Railroad Administrator, the President of Amtrak, the Chair and Ranking Member of the U.S. Senate Commerce, the Science and Transportation Committee, the Chair and Ranking Member of the U.S. Senate Subcommittee on Surface Transportation and Merchant Marine, the Chair and Ranking Member of the U.S. Senate Appropriations Committee, the Chair and Ranking Member of the U.S. Appropriations Subcommittee on Transportation, the Chair and Ranking Member of the U.S. House Transportation & Infrastructure Committee, the Chair and

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Ranking Member of the U.S. House Subcommittee on Railroads, the Chair and Ranking Member of the U.S. House Appropriations Committee, the Chair and Ranking Member of the U.S. House Appropriations Subcommittee on Transportation, and the members of the U.S. Illinois Congressional delegation.

Adopted by the House, April 24, 2002.

ANTHONY D. ROSSI, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 71, was referred to the Committee on Rules.

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO 1524

A bill for AN ACT concerning average daily attendance.

SENATE BILL NO 1537

A bill for AN ACT in relation to public safety.

SENATE BILL NO 1606

A bill for AN ACT in relation to taxes.

SENATE BILL NO 1645

A bill for AN ACT concerning energy efficiency.

SENATE BILL NO 1664

A bill for AN ACT concerning mental health and developmental disabilities.

SENATE BILL NO 1668

A bill for AN ACT concerning taxes.

SENATE BILL NO 1685

A bill for AN ACT concerning the regulation of professions.

SENATE BILL NO 1687

A bill for AN ACT concerning the regulation of professions.

SENATE BILL NO 1688

A bill for AN ACT concerning dietetic and nutrition services.

SENATE BILL NO 1726

A bill for AN ACT in relation to vehicles.

SENATE BILL NO 1734

A bill for AN ACT in relation to higher education.

SENATE BILL NO 1782

A bill for AN ACT concerning postpartum depression.

Passed the House, April 24, 2002.

ANTHONY D. ROSSI, Clerk of the House

EXCUSED FROM ATTENDANCE

On motion of Senator Demuzio, Senator Clayborne was excused from attendance due to illness.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 9, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

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House Bill No. 3149, sponsored by Senator Shaw was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3960, sponsored by Senator T. Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5611, sponsored by Senator Shaw was taken up, read by title a first time and referred to the Committee on Rules.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Silverstein, House Bill No. 136 having been printed, was taken up and read by title a second time.

Committee Amendment No. 1 was tabled in the Committee on Judiciary.

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 136 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Sections 12-7.1 and 21-1.2 and adding Section 8-2.1 as follows:

(720 ILCS 5/8-2.1 new)

Sec. 8-2.1. Conspiracy against civil rights.

(a) Offense. A person commits conspiracy against civil rights when, without legal justification, he or she, with the intent to interfere with the free exercise of any right or privilege secured by the Constitution of the United States, the Constitution of the State of Illinois, the laws of the United States, or the laws of the State of Illinois by any person or persons, agrees with another to inflict physical harm on any other person or the threat of physical harm on any other person and either the accused or a co-conspirator has committed any act in furtherance of that agreement.

(b) Co-conspirators. It shall not be a defense to conspiracy against civil rights that a person or persons with whom the accused is alleged to have conspired:

- (1) has not been prosecuted or convicted; or
- (2) has been convicted of a different offense; or
- (3) is not amenable to justice; or
- (4) has been acquitted; or
- (5) lacked the capacity to commit an offense.

(c) Sentence. Conspiracy against civil rights is a Class 4 felony for a first offense and a Class 2 felony for a second or subsequent offense.

(720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

Sec. 12-7.1. Hate crime.

(a) A person commits hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he commits assault, battery, aggravated assault, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action or disorderly conduct as these crimes are defined in Sections 12-1, 12-2, 12-3, 16-1, 19-4, 21-1, 21-2, 21-3, 25-1, and 26-1 of this Code, respectively, or harassment by telephone as defined in Section 1-1 of the Harassing and Obscene Communications Act ~~against-a~~

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~~victim who is: (i) the other individual; (ii) a member of the group of individuals; (iii) a person who has an association with, is married to, or has a friendship with the other individual or a member of the group of individuals; or (iv) a relative (by blood or marriage) of a person described in clause (i), (ii), or (iii).~~

~~(b) Except as provided in subsection (b-5), hate crime is a Class 4 felony for a first offense and a Class 2 felony for a second or subsequent offense. Any order of probation or conditional discharge entered following a conviction for an offense under this Section shall include, as a condition that the offender perform public or community service of no less than 200 hours if that service is established in the county where the offender was convicted of hate crime. In addition the court may impose any other condition of probation or conditional discharge under this Section.~~

(b-5) Hate crime is a Class 3 felony for a first offense and a Class 2 felony for a second or subsequent offense if committed:

(1) in a church, synagogue, mosque, or other building, structure, or place used for religious worship or other religious purpose;

(2) in a cemetery, mortuary, or other facility used for the purpose of burial or memorializing the dead;

(3) in a school or other educational facility;

(4) in a public park or an ethnic or religious community center;

(5) on the real property comprising any location specified in clauses (1) through (4) of this subsection (b-5); or

(6) on a public way within 1,000 feet of the real property comprising any location specified in clauses (1) through (4) of this subsection (b-5).

(b-10) Upon imposition of any sentence, the trial court shall also either order restitution paid to the victim or impose a fine up to \$1,000. In addition, any order of probation or conditional discharge entered following a conviction or an adjudication of delinquency shall include a condition that the offender perform public or community service of no less than 200 hours if that service is established in the county where the offender was convicted of hate crime. The court may also impose any other condition of probation or conditional discharge under this Section.

(c) Independent of any criminal prosecution or the result thereof, any person suffering injury to his person or damage to his property as a result of hate crime may bring a civil action for damages, injunction or other appropriate relief. The court may award actual damages, including damages for emotional distress, or punitive damages. A judgment may include attorney's fees and costs. The parents or legal guardians, other than guardians appointed pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987, of an unemancipated minor shall be liable for the amount of any judgment for actual damages rendered against such minor under this subsection (c) in any amount not exceeding the amount provided under Section 5 of the Parental Responsibility Law.

(d) "Sexual orientation" means heterosexuality, homosexuality, or bisexuality.

(Source: P.A. 89-689, eff. 12-31-96; 90-578, eff. 6-1-98.)

(720 ILCS 5/21-1.2) (from Ch. 38, par. 21-1.2)

Sec. 21-1.2. Institutional vandalism.

(a) A person commits institutional vandalism when, by reason of the actual or perceived race, color, creed, religion or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he or she knowingly and without consent inflicts damage to any of the following

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properties:

(1) A church, synagogue, mosque, or other building, structure or place used for religious worship or other religious purpose;

(2) A cemetery, mortuary, or other facility used for the purpose of burial or memorializing the dead;

(3) A school, educational facility or community center;

(4) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in paragraphs (1), (2) or (3) of this subsection (a); or

(5) Any personal property contained in any institution, facility, building, structure or place described in paragraphs (1), (2) or (3) of this subsection (a).

(b) Institutional vandalism is a Class 3 felony if the damage to the property does not exceed \$300. Institutional vandalism is a Class 2 felony if the damage to the property exceeds \$300. Institutional vandalism is a Class 2 felony for any second or subsequent offense.

(b-5) Upon imposition of any sentence, the trial court shall also either order restitution paid to the victim or impose a fine up to \$1,000. In addition, any order of probation or conditional discharge entered following a conviction or an adjudication of delinquency shall include a condition that the offender perform public or community service of no less than 200 hours if that service is established in the county where the offender was convicted of institutional vandalism. The court may also impose any other condition of probation or conditional discharge under this Section.

(c) Independent of any criminal prosecution or the result of that prosecution, a person suffering damage to property or injury to his or her person as a result of institutional vandalism may bring a civil action for damages, injunction or other appropriate relief. The court may award actual damages, including damages for emotional distress, or punitive damages. A judgment may include attorney's fees and costs. The parents or legal guardians of an unemancipated minor, other than guardians appointed under the Juvenile Court Act or the Juvenile Court Act of 1987, shall be liable for the amount of any judgment for actual damages rendered against the minor under this subsection (c) in an amount not exceeding the amount provided under Section 5 of the Parental Responsibility Law.

(Source: P.A. 88-659.)".

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

On motion of Senator Cronin, House Bill No. 1436 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, House Bill No. 1535 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, House Bill No. 1536 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, House Bill No. 1918 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, House Bill No. 1961 having been printed, was taken up and read by title a second time.

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

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AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1961 as follows:
 on page 9, line 1, by inserting "if funding has been provided by federal, local or private entities" after "Corrections"; and
 on page 12, by replacing lines 12 through 15 with the following:
"(o) A county with more than 3,000,000 inhabitants is authorized to apply for funding from federal, local or private entities to create a Residential and Treatment Program for Women. This sentencing option may not go into effect until the funding is secured for the program and the program has been established."

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

On motion of Senator Luechtefeld, House Bill No. 2370 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hendon, House Bill No. 3662 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mahar, House Bill No. 3672 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Luechtefeld, House Bill No. 3713 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3713 on page 1, by replacing line 9 with "adding Section 3-654 as follows:"; and
 on page 2, by deleting lines 21 through 33; and
 by deleting page 3.

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

On motion of Senator Dillard, House Bill No. 3717 was taken up, read by title a second time and ordered to a third reading.

COMMITTEE MEETING ANNOUNCEMENT

Senator O'Malley, Chairperson of the Committee on Financial Institutions announced that the Financial Institutions Committee will reconvene in Room 400, Capitol Building, immediately upon recess.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Roskam, House Bill No. 3744 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, House Bill No. 3774 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3774 on page 1, lines 6 and 7,

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by replacing "19b-9, and 19b-10" with "and 19b-9"; and on page 5, line 4, by replacing "10 year" with "~~20-year~~ 10-year"; and on page 5, line 12, by replacing "10" with "~~20~~ 10"; and on page 5, line 21, by replacing "10" with "~~20~~ 10"; and on page 7, by replacing lines 19 through 32 with the following:

"(105 ILCS 5/19b-10 rep.)

Section 10. The School Code is amended by repealing Section 19b-10."; and on page 8, by deleting lines 1 through 5.

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

On motion of Senator Molaro, House Bill No. 3794 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shaw, House Bill No. 3938 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, House Bill No. 4037 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, House Bill No. 4074 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Parker, House Bill No. 4081 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4081 on page 3, by replacing lines 26 through 32 with the following:

"(a-5) A person commits stalking when he or she has previously been convicted of stalking another person and knowingly and without lawful justification on one occasion:

(1) follows that same person or places that same person under surveillance; and

(2) transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint; and

(3) the threat is directed towards that person or a family member of that person."

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

On motion of Senator Petka, House Bill No. 4129 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Madigan, House Bill No. 4208 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, House Bill No. 4245 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Parker, House Bill No. 4321 having been printed, was taken up and read by title a second time.

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

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AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4321 on page 1, line 25, by changing "victim" to "elderly person"; and on page 1, line 27, by changing "victim" to "elderly person".

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

On motion of Senator Shadid, House Bill No. 4344 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Roskam, House Bill No. 4353 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4353 on page 1, line 8, by inserting "for consideration" after "who".

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

On motion of Senator Jacobs, House Bill No. 4354 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4354 by replacing the title with the following:

"AN ACT in relation to local governmental employees."; and by replacing everything after the enacting clause with the following: "Section 5. The Counties Code is amended by changing Section 5-1002 as follows:

(55 ILCS 5/5-1002) (from Ch. 34, par. 5-1002)

Sec. 5-1002. Indemnity of sheriff or deputy. If any injury to the person or property of another is caused by a sheriff or any deputy sheriff, while the sheriff or deputy is engaged in the performance of his or her duties as such, and without the contributory negligence of the injured person or the owner of the injured property, or the agent or servant of the injured person or owner, the county shall indemnify the sheriff or deputy, as the case may be, for any judgment recovered against him or her as the result of that injury, except where the injury results from the wilful misconduct of the sheriff or deputy, as the case may be, to the extent of not to exceed \$1,000,000 \$500,000, including costs of action. Any sheriff or deputy, as the case may be, or any person who, at the time of performing such an act complained of, was a sheriff or deputy sheriff, who is made a party defendant to any such action shall, within 10 days of service of process upon him or her, notify the county, of the fact that the action has been instituted, and that he or she has been made a party defendant to the action. The notice must be in writing, and be filed in the office of the State's Attorney and also in the office of the county clerk, either by himself or herself, his or her agent or attorney. The notice shall state in substance, that the sheriff or deputy sheriff, as the case may be, (naming him or her), has been served with process and made a party defendant to an action wherein it is claimed that a person has suffered injury to his or her person or property caused by

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that sheriff or deputy sheriff stating the title and number of the case; the Court wherein the action is pending; and the date the sheriff or deputy sheriff was served with process in the action, and made a party defendant thereto. The county which is or may be liable to indemnify the sheriff or deputy sheriff, as the case may be, may intervene in the action against the sheriff or deputy sheriff, as the case may be, and shall be permitted to appear and defend. The duty of the county to indemnify any sheriff or deputy sheriff for any judgment recovered against him or her is conditioned upon receiving notice of the filing of any such action in the manner and form hereinabove described.

(Source: P.A. 86-962; 87-1141.)

Section 10. The Illinois Municipal Code is amended by changing Section 1-4-6 as follows:

(65 ILCS 5/1-4-6) (from Ch. 24, par. 1-4-6)

Sec. 1-4-6. In case any injury to the person or property of another is caused by a member of the police department of a municipality having a population of less than 500,000 while the member is engaged in the performance of his or her duties as a police officer, and without the contributory negligence of the injured person or the owner of the injured property, or the agent or servant of the injured person or owner, the municipality in whose behalf the member of the municipal police department is performing his or her duties as police officer shall indemnify the police officer for any judgment recovered against him or her as the result of such injury, except where the injury results from the wilful misconduct of the police officer, to the extent of not to exceed ~~\$1,000,000~~ \$500,000 including costs of the action. Any police officer, or any person who, at the time of performing such an act complained of, was a police officer, who is made a party defendant to any such action shall, within 10 days of service of process upon him or her, notify the municipality by whom he or she is or was employed, of the fact that the action has been instituted, and that he or she has been made a party defendant to the same. Such notice shall be in writing, and shall be filed in the office of the city attorney or corporation counsel, if there is a city attorney or corporation counsel, and also in the office of the municipal clerk, either by himself, his or her agent, or attorney. The notice shall state in substance, that such police officer, (naming him or her), has been served with process and made a party defendant to an action wherein it is claimed that a person has suffered injury to his or her person or property caused by such police officer; stating the title and number of the case; the court wherein the same is pending; and the date such police officer was served with process in such action, and made a party defendant thereto. The municipality which is or may be liable to indemnify the police officer shall have the right to intervene in the suit against the police officer, and shall be permitted to appear and defend. The duty of the city to indemnify any such policeman for any judgment recovered against him shall be conditioned upon receiving notice of the filing of any such action in the manner and form hereinabove described.

For the purposes of this Section, no civilian defense worker, nor any member of any agency engaged in any civilian defense activity, performing services as a part of any civilian defense program, shall be considered to be a member of a municipal police department.

If any person in obeying the command of any such policeman to assist in arresting or securing an offender is killed or injured, or his or her property or that of his or her employer is damaged, and such death, injury or damage arises out of and in the course of aiding such policeman in arresting, or endeavoring to arrest, a

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person or retaking or endeavoring to re-take a person who has escaped from legal custody, the person or employer so injured, or whose property is so damaged, or the personal representatives of the person so killed, shall have a cause of action to recover the amount of such damage or injury against the municipal corporation by which such police officer is employed at the time such command is obeyed.

If a police officer is acting within a municipality other than his or her employing municipality under an agreement pursuant to Section 11-1-2.1, the liability or obligation to indemnify imposed by this Section does not extend to both municipalities. Only that municipality designated by the agreement is subject to such liability or obligation to indemnify, but, if the agreement is silent as to such liability or obligation, then the municipality by which the police officer is employed is subject to such liability or obligation.

If a police officer is acting within a municipality other than his or her employing municipality under the provisions of Section 1-4-8, the liability or obligation to indemnify imposed by this Section shall be the liability or obligation of the requesting municipality only. The notice required in this Section 1-4-6 shall be given to the municipality in which he was acting if other than his employing municipality.

(Source: P.A. 86-470.)

Section 15. The Local Governmental and Governmental Employees Tort Immunity Act is amended by changing Sections 2-302 and 9-102 as follows:

(745 ILCS 10/2-302) (from Ch. 85, par. 2-302)

Sec. 2-302. If any claim or action is instituted against an employee of a local public entity based on an injury allegedly arising out of an act or omission occurring within the scope of his employment as such employee, the entity may elect to do any one or more of the following:

- (a) appear and defend against the claim or action;
- (b) indemnify the employee or former employee for his court costs or reasonable attorney's fees, or both, incurred in the defense of such claim or action;
- (c) pay, or indemnify the employee or former employee for a judgment based on such claim or action; or
- (d) pay, or indemnify the employee or former employee for, a compromise or settlement of such a claim or action.

It is hereby declared to be the public policy of this State, however, that no local public entity may elect to indemnify an employee for any portion of a judgment representing an award of punitive or exemplary damages.

(Source: P.A. 84-1431.)

(745 ILCS 10/9-102) (from Ch. 85, par. 9-102)

Sec. 9-102. A local public entity is empowered and directed to pay any tort judgment or settlement for compensatory damages (and may pay any associated attorney's fees and costs) for which it or an employee while acting within the scope of his employment is liable in the manner provided in this Article. All other provisions of this Article, including but not limited to the payment of judgments and settlements in installments, the issuance of bonds, the maintenance of rates and charges, and the levy of taxes shall be equally applicable to judgments or settlements relating to both a local public entity or an employee and those undertakings assumed by a local public entity in intergovernmental joint self-insurance contracts. A local public entity may make payments to settle or compromise a claim or action which has been or might be filed or instituted against it when the governing body or person vested by law

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or ordinance with authority to make over-all policy decisions for such entity considers it advisable to enter into such a settlement or compromise.

(Source: P.A. 84-1431.)

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

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

On motion of Senator Parker, House Bill No. 4365 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4365 on page 1, by replacing lines 5 and 6 with the following:

"changing Sections 6-130, 6-508, and 6-701.8 as follows:"; and on page 1, by deleting lines 22 through 26.

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

On motion of Senator Syverson, House Bill No. 4407 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4407 on page 3 by replacing lines 9, 10, and 11 with the following:

"except that ownership of (i) a vehicle that has incurred only hail damage that does not affect the operational safety of the vehicle or (ii) any vehicle 9 model".

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

On motion of Senator Burzynski, House Bill No. 4466 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Molaro, House Bill No. 4472 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, House Bill No. 4473 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, House Bill No. 4581 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, House Bill No. 4720 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4720 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Equipment Fair Dealership Law is

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amended by adding Section 4.5 as follows:

(815 ILCS 715/4.5 new)

Sec. 4.5. Warranty work. Retailers who do warranty repair work for a consumer under the provisions of a manufacturer's express warranty shall be reimbursed by the manufacturer for warranty work at an hourly rate that is the same as or greater than the hourly labor rate that the retailer charges consumers for non-warranty repair work.

The provisions of this Section shall not apply to a supplier or dealer where a written dealer agreement provides for compensation to a dealer for warranty labor costs either as part of the pricing of the equipment to the dealer or in the form of a lump sum payment, provided the payment is not less than 5% of the suggested retail price of the equipment."

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

On motion of Senator Sieben, House Bill No. 4889 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, House Bill No. 4890 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cronin, House Bill No. 4912 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, House Bill No. 4933 was taken up and read by title a second time.

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

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

On motion of Senator Parker, House Bill No. 4937 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, House Bill No. 4948 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4948 on page 9, by replacing line 31 with the following:

"(l) A person may not be criminally charged with or convicted of both a knowing failure to comply with this Section and a knowing failure to comply with any order, if both offenses involve the same record keeping violation.

(m) The Secretary shall adopt rules necessary for".

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

On motion of Senator Shadid, House Bill No. 4953 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 4953 by replacing everything

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after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 1-197.5, 6-205, 6-500, 6-506, 6-514, and 11-1201 as follows:

(625 ILCS 5/1-197.5) (from Ch. 95 1/2, par. 1-203.1)

Sec. 1-197.5. Statutory summary alcohol or other drug related suspension of driver's privileges. The withdrawal by the circuit court of a person's license or privilege to operate a motor vehicle on the public highways for the periods provided in Section 6-208.1. Reinstatement after the suspension period shall occur after all appropriate fees have been paid, unless the court notifies the Secretary of State that the person should be disqualified. The bases for this withdrawal of driving privileges shall be the individual's refusal to submit to or failure to complete a chemical test or tests following an arrest for the offense of driving under the influence of alcohol, ~~or other drugs, or intoxicating compounds, or any combination thereof, or both;~~ or submission to such a test or tests indicating an alcohol concentration of 0.08 or more as provided in Section 11-501.1 of this Code.

(Source: P.A. 90-89, eff. 1-1-98; incorporates 90-43, eff. 7-2-97; 90-655, eff. 7-30-98.)

(625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

Sec. 6-205. Mandatory revocation of license or permit; Hardship cases.

(a) Except as provided in this Section, the Secretary of State shall immediately revoke the license, ~~or permit, or driving privileges~~ of any driver upon receiving a report of the driver's conviction of any of the following offenses:

1. Reckless homicide resulting from the operation of a motor vehicle;
2. Violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof;
3. Any felony under the laws of any State or the federal government in the commission of which a motor vehicle was used;
4. Violation of Section 11-401 of this Code relating to the offense of leaving the scene of a traffic accident involving death or personal injury;
5. Perjury or the making of a false affidavit or statement under oath to the Secretary of State under this Code or under any other law relating to the ownership or operation of motor vehicles;
6. Conviction upon 3 charges of violation of Section 11-503 of this Code relating to the offense of reckless driving committed within a period of 12 months;
7. Conviction of ~~any~~ the offense of ~~automobile-theft~~ as defined in Section 4-102 of this Code;
8. Violation of Section 11-504 of this Code relating to the offense of drag racing;
9. Violation of Chapters 8 and 9 of this Code;
10. Violation of Section 12-5 of the Criminal Code of 1961 arising from the use of a motor vehicle;
11. Violation of Section 11-204.1 of this Code relating to aggravated fleeing or attempting to elude a police officer;
12. Violation of paragraph (1) of subsection (b) of Section 6-507, or a similar law of any other state, relating to the unlawful operation of a commercial motor vehicle;
13. Violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance if the driver

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has been previously convicted of a violation of that Section or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense.

(b) The Secretary of State shall also immediately revoke the license or permit of any driver in the following situations:

1. Of any minor upon receiving the notice provided for in Section 5-901 of the Juvenile Court Act of 1987 that the minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of this Code;

2. Of any person when any other law of this State requires either the revocation or suspension of a license or permit.

(c) Whenever a person is convicted of any of the offenses enumerated in this Section, the court may recommend and the Secretary of State in his discretion, without regard to whether the recommendation is made by the court may, upon application, issue to the person a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow transportation for the petitioner or a household member of the petitioner's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare; provided that the Secretary's discretion shall be limited to cases where undue hardship would result from a failure to issue the restricted driving permit.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed \$20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary of State may issue a restricted driving permit for a period he deems appropriate, except that the permit shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a

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similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination thereof, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program. However, if an individual's driving privileges have been revoked in accordance with paragraph 13 of subsection (a) of this Section, no restricted driving permit shall be issued until the individual has served 6 months of the revocation period.

(d) Whenever a person under the age of 21 is convicted under Section 11-501 of this Code or a similar provision of a local ordinance, the Secretary of State shall revoke the driving privileges of that person. One year after the date of revocation, and upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle only between the hours of 5 a.m. and 9 p.m. or as otherwise provided by this Section for a period of one year. After this one year period, and upon reapplication for a license as provided in Section 6-106, upon payment of the appropriate reinstatement fee provided under paragraph (b) of Section 6-118, the Secretary of State, in his discretion, may issue the applicant a license, or extend the restricted driving permit as many times as the Secretary of State deems appropriate, by additional periods of not more than 12 months each, until the applicant attains 21 years of age.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed \$20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. A

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restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The revocation periods contained in this subparagraph shall apply to similar out-of-state convictions.

(e) This Section is subject to the provisions of the Driver License Compact.

(f) Any revocation imposed upon any person under subsections 2 and 3 of paragraph (b) that is in effect on December 31, 1988 shall be converted to a suspension for a like period of time.

(g) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been revoked under any provisions of this Code.

(h) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense under Section 11-501 of this Code or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(i) The Secretary of State may not issue a restricted driving permit for a period of one year after a second or subsequent revocation of driving privileges under clause (a)(2) of this Section; however, one year after the date of a second or subsequent revocation of driving privileges under clause (a)(2) of this Section, the Secretary of State may, upon application, issue a restricted driving permit under the terms and conditions of subsection (c).

(Source: P.A. 91-357, eff. 7-29-99; 92-248, eff. 8-3-01; 92-418, eff. 8-17-01; revised 8-24-01.)

(625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

Sec. 6-500. Definitions of words and phrases. Notwithstanding the definitions set forth elsewhere in this Code, for purposes of the Uniform Commercial Driver's License Act (UCDLA), the words and phrases listed below shall have the meanings ascribed to them as follows:

(1) Alcohol. "Alcohol" means any substance containing any form of alcohol, including but not limited to+ ethanol, methanol, propanol, and isopropanol.

(2) Alcohol concentration. "Alcohol concentration" means:

(A) (a) the number of grams of alcohol per 210 liters of breath; or

(B) (b) the number of grams of alcohol per 100 milliliters of blood; or

(C) (c) the number of grams of alcohol per 67 milliliters of urine.

Alcohol tests administered within 2 hours of the driver being "stopped or detained" shall be considered that driver's "alcohol concentration" for the purposes of enforcing this UCDLA.

(3) (Blank).

(4) (Blank).

(5) (Blank).

(6) Commercial Motor Vehicle.

(A) "Commercial motor vehicle" means a motor vehicle, except those referred to in subdivision (B) paragraph--(d), designed to transport passengers or property if:

(i) (a) the vehicle has a GVWR of 26,001 pounds or more or such a lesser GVWR as subsequently determined by

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federal regulations or the Secretary of State; or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or

(ii) ~~(b)~~ the vehicle is designed to transport 16 or more persons; or

(iii) ~~(e)~~ the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, subpart F.

~~(B)~~ ~~(d)~~ Pursuant to the interpretation of the Commercial Motor Vehicle Safety Act of 1986 by the Federal Highway Administration, the definition of "commercial motor vehicle" does not include:

(i) recreational vehicles, when operated primarily for personal use;

(ii) United States Department of Defense vehicles being operated by non-civilian personnel. This includes any operator on active military duty; members of the Reserves; National Guard; personnel on part-time training; and National Guard military technicians (civilians who are required to wear military uniforms and are subject to the Code of Military Justice); or

(iii) firefighting and other emergency equipment with audible and visual signals, owned or operated by or for a governmental entity, which is necessary to the preservation of life or property or the execution of emergency governmental functions which are normally not subject to general traffic rules and regulations.

(7) Controlled Substance. "Controlled substance" shall have the same meaning as defined in Section 102 of the Illinois Controlled Substances Act, and shall also include cannabis as defined in Section 3 of the Cannabis Control Act.

(8) Conviction. "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

(9) (Blank).

(10) (Blank).

(11) (Blank).

(12) (Blank).

(13) Driver. "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle, or who is required to hold a CDL.

(14) Employee. "Employee" means a person who is employed as a commercial motor vehicle driver. A person who is self-employed as a commercial motor vehicle driver must comply with the requirements of this UCCLA pertaining to employees. An owner-operator on a long-term lease shall be considered an employee.

(15) Employer. "Employer" means a person (including the United States, a State or a local authority) who owns or leases a commercial motor vehicle or assigns employees to operate such a vehicle. A person who is self-employed as a commercial motor vehicle driver must comply with the requirements of this UCCLA.

(16) (Blank).

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(17) Foreign jurisdiction. "Foreign jurisdiction" means a sovereign jurisdiction that does not fall within the definition of "State".

(18) (Blank).

(19) (Blank).

(20) Hazardous Material. Upon a finding by the United States Secretary of Transportation, in his or her discretion, under 49 App. U.S.C. 5103(a), that the transportation of a particular quantity and form of material in commerce may pose an unreasonable risk to health and safety or property, he or she shall designate the quantity and form of material or group or class of the materials as a hazardous material. The materials so designated may include but are not limited to explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and compressed gases.

(21) Long-term lease. Long-term-lease. "Long-term lease" means a lease of a commercial motor vehicle by the owner-lessor to a lessee, for a period of more than 29 days.

(22) Motor Vehicle. "Motor vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheel chairs.

(23) Non-resident CDL. "Non-resident CDL" means a commercial driver's license issued by a state to an individual who is domiciled in a foreign jurisdiction.

(24) (Blank).

(25) (Blank).

(25.5) Railroad-Highway Grade Crossing Violation. "Railroad-highway grade crossing violation" means a violation, while operating a commercial motor vehicle, of any of the following:

(A) ~~Section 11-1201, 11-1202, or 11-1425 of this Code. (1) An offense listed in subsection (j) of Section 6-514 of this Code.~~

~~(2) Section 11-1201 of this Code.~~

~~(3) Section 11-1201.1 of this Code.~~

~~(4) Section 11-1202 of this Code.~~

~~(5) Section 11-1203 of this Code.~~

~~(6) 92--Illinois--Administrative--Code--392.10.~~

~~(7) 92--Illinois--Administrative--Code--392.11.~~

(B) (8) Any local ordinance that is other similar law or local ordinance of any state relating to railroad-highway grade crossing, to any of items (1) through (7).

(26) Serious Traffic Violation. "Serious traffic violation" means:

(A) (a) a conviction when operating a commercial motor vehicle of:

(i) a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or

(ii) a violation relating to reckless driving; or

(iii) a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; or

(iv) a violation of Section 6-501, relating to having multiple driver's licenses; or

(v) a violation of paragraph (a), of Section 6-507, relating to the requirement to have a valid CDL; or

(vi) a violation relating to improper or erratic

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traffic lane changes; or

(vii) a violation relating to following another vehicle too closely; or

(B) ~~(b)~~ any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines by administrative rule to be serious.

(27) State. "State" means a state of the United States, the District of Columbia and any province or territory of Canada.

(28) (Blank).

(29) (Blank).

(30) (Blank).

(31) (Blank).

(Source: P.A. 92-249, eff. 1-1-02; revised 9-19-01.)

(625 ILCS 5/6-506) (from Ch. 95 1/2, par. 6-506)

Sec. 6-506. Commercial motor vehicle driver - employer/owner responsibilities.

(a) No employer or commercial motor vehicle owner shall knowingly allow, permit, or authorize an employee to drive a commercial motor vehicle on the highways during any period in which such employee:

(1) has a driver's license suspended, revoked or cancelled by any state; or

(2) has lost the privilege to drive a commercial motor vehicle in any state; or

(3) has been disqualified from driving a commercial motor vehicle; or

(4) has more than one driver's license, except as provided by this UCDLA; or

(5) is subject to or in violation of an "out-of-service" order.

(b) No employer or commercial motor vehicle owner shall may knowingly allow, permit, authorize, or require a driver to operate a commercial motor vehicle in violation of any law or regulation pertaining to railroad-highway grade crossings.

(c) Any employer convicted of violating subsection (a) of this Section, whether individually or in connection with one or more other persons, or as principal agent, or accessory, shall be guilty of a Class A misdemeanor.

(Source: P.A. 92-249, eff. 1-1-02.)

(625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

Sec. 6-514. Commercial Driver's License (CDL) - Disqualifications.

(a) A person shall be disqualified from driving a commercial motor vehicle for a period of not less than 12 months for the first violation of:

(1) Refusing to submit to or failure to complete a test or tests to determine the driver's blood concentration of alcohol, other drug, or both, while driving a commercial motor vehicle; or

(2) Operating a commercial motor vehicle while the alcohol concentration of the person's blood, breath or urine is at least 0.04, or any amount of a drug, substance, or compound in the person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act as indicated by a police officer's sworn report or other verified evidence; or

(3) Conviction for a first violation of:

(i) Driving a commercial motor vehicle while under the influence of alcohol, or any other drug, or combination of

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drugs to a degree which renders such person incapable of safely driving; or

(ii) Knowingly and wilfully leaving the scene of an accident while operating a commercial motor vehicle; or

(iii) Driving a commercial motor vehicle while committing any felony.

If any of the above violations or refusals occurred while transporting hazardous material(s) required to be placarded, the person shall be disqualified for a period of not less than 3 years.

(b) A person is disqualified for life for a second conviction of any of the offenses specified in paragraph (a), or any combination of those offenses, arising from 2 or more separate incidents.

(c) A person is disqualified from driving a commercial motor vehicle for life who uses a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance.

(d) The Secretary of State may, when the United States Secretary of Transportation so authorizes, issue regulations in which a disqualification for life under paragraph (b) may be reduced to a period of not less than 10 years. If a reinstated driver is subsequently convicted of another disqualifying offense, as specified in subsection (a) of this Section, he or she shall be permanently disqualified for life and shall be ineligible to again apply for a reduction of the lifetime disqualification.

(e) A person is disqualified from driving a commercial motor vehicle for a period of not less than 2 months if convicted of 2 serious traffic violations, committed in a commercial motor vehicle, arising from separate incidents, occurring within a 3 year period. However, a person will be disqualified from driving a commercial motor vehicle for a period of not less than 4 months if convicted of 3 serious traffic violations, committed in a commercial motor vehicle, arising from separate incidents, occurring within a 3 year period.

(f) Notwithstanding any other provision of this Code, any driver disqualified from operating a commercial motor vehicle, pursuant to this UCCLA, shall not be eligible for restoration of commercial driving privileges during any such period of disqualification.

(g) After suspending, revoking, or cancelling a commercial driver's license, the Secretary of State must update the driver's records to reflect such action within 10 days. After suspending or revoking the driving privilege of any person who has been issued a CDL or commercial driver instruction permit from another jurisdiction, the Secretary shall originate notification to such issuing jurisdiction within 10 days.

(h) The "disqualifications" referred to in this Section shall not be imposed upon any commercial motor vehicle driver, by the Secretary of State, unless the prohibited action(s) occurred after March 31, 1992.

(i) A person is disqualified from driving a commercial motor vehicle in accordance with the following:

(1) For 6 months upon a first conviction of paragraph (2) of subsection (b) of Section 6-507 of this Code.

(2) For one year upon a second conviction of paragraph (2) of subsection (b) of Section 6-507 of this Code within a 10-year period.

(3) For 3 years upon a third or subsequent conviction of paragraph (2) of subsection (b) of Section 6-507 of this Code within a 10-year period.

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(4) For one year upon a first conviction of paragraph (3) of subsection (b) of Section 6-507 of this Code.

(5) For 3 years upon a second conviction of paragraph (3) of subsection (b) of Section 6-507 of this Code within a 10-year period.

(6) For 5 years upon a third or subsequent conviction of paragraph (3) of subsection (b) of Section 6-507 of this Code within a 10-year period.

(j) Disqualification for railroad-highway grade crossing violation.

(1) General rule. A driver who is convicted of a violation of a federal, State, or local law or regulation pertaining to one of the following 6 offenses at a railroad-highway grade crossing must be disqualified from operating a commercial motor vehicle for the period of time specified in paragraph (2) of this subsection (j) if the offense was committed while operating a commercial motor vehicle:

(i) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train, as described in subsection (a-5) of Section 11-1201 of this Code;

(ii) For drivers who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear, as described in subsection (a) of Section 11-1201 of this Code;

(iii) For drivers who are always required to stop, failing to stop before driving onto the crossing, as described in Section 11-1202 of this Code;

(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping, as described in subsection (b) of Section 11-1425 of this Code;

(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing, as described in subdivision (a)2 of Section 11-1201 of this Code;

(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance, as described in subsection (d-1) of Section 11-1201 of this Code.

(2) Duration of disqualification for railroad-highway grade crossing violation.

(i) First violation. A driver must be disqualified from operating a commercial motor vehicle for not less than 60 days if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had no convictions for a violation described in paragraph (1) of this subsection (j).

(ii) Second violation. A driver must be disqualified from operating a commercial motor vehicle for not less than 120 days if the driver is convicted of a violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had one other conviction for a violation described in paragraph (1) of this subsection (j) that was committed in a separate incident.

(iii) Third or subsequent violation. A driver must be disqualified from operating a commercial motor vehicle for not less than one year if the driver is convicted of a

violation described in paragraph (1) of this subsection (j) and, in the three-year period preceding the conviction, the driver had 2 or more other conviction for violations described in paragraph (1) of this subsection (j) that were committed in separate incidents.

~~(j)(1) A driver shall be disqualified for the applicable period specified in paragraph (2) for any violation of a federal, State, or local law or regulation pertaining to one of the following offenses at a railroad-highway grade crossing while operating a commercial motor vehicle:~~

~~(i) For drivers who are not always required to stop, failing to slow down and check that the tracks are clear of an approaching train.~~

~~(ii) For drivers who are not always required to stop, failing to stop before reaching the crossing, if the tracks are not clear.~~

~~(iii) For drivers who are always required to stop, failing to stop before driving onto the crossing.~~

~~(iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping.~~

~~(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing.~~

~~(vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage clearance.~~

~~(2) The length of the disqualification shall be:~~

~~(i) Not less than 60 days in the case of a conviction for any of the offenses described in paragraph (1) if the person had no convictions for any of the offenses described in paragraph (1) during the 3-year period immediately preceding the conviction.~~

~~(ii) Not less than 120 days in the case of a conviction for any of the offenses described in paragraph (1) if the person had one conviction for any of the offenses described in paragraph (1) during the 3-year period immediately preceding the conviction.~~

~~(iii) Not less than one year in the case of a conviction for any of the offenses described in paragraph (1) if the person had 2 or more convictions, based on separate incidents, for any of the offenses described in paragraph (1) during the 3-year period immediately preceding the conviction.~~

(Source: P.A. 92-249, eff. 1-1-02.)

(625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)

Sec. 11-1201. Obedience to signal indicating approach of train.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing where the driver is not always required to stop, the such person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until the tracks are clear and he or she can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

2. A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

3. A railroad train approaching a highway crossing emits a warning signal and such railroad train, by reason of its speed or

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nearness to such crossing, is an immediate hazard;

4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing;

5. A railroad train is approaching so closely that an immediate hazard is created.

(a-5) Whenever a person driving a vehicle approaches a railroad grade crossing where the driver is not always required to stop but must slow down, the person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall slow down within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he or she checks that the tracks are clear of an approaching train.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

(c) The Department, and local authorities with the approval of the Department, are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

(d) At any railroad grade crossing provided with railroad crossbuck signs, without automatic, electric, or mechanical signal devices, crossing gates, or a human flagman giving a signal of the approach or passage of a train, the driver of a vehicle shall in obedience to the railroad crossbuck sign, yield the right-of-way and slow down to a speed reasonable for the existing conditions and shall stop, if required for safety, at a clearly marked stopped line, or if no stop line, within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he or she can do so safely. If a driver is involved in a collision at a railroad crossing or interferes with the movement of a train after driving past the railroad crossbuck sign, the collision or interference is prima facie evidence of the driver's failure to yield right-of-way.

(d-1) No person shall, while driving a commercial motor vehicle, fail to negotiate a railroad-highway grade railroad crossing because of insufficient undercarriage clearance.

~~(d-5) (Blank). No person may drive any vehicle through a railroad crossing if there is insufficient space to drive completely through the crossing without stopping.~~

(e) It is unlawful to violate any part of this Section. A first conviction of a person for a violation of any part of this Section shall result in a mandatory fine of \$250; all subsequent convictions of that person for any violation of any part of this Section shall each result in a mandatory fine of \$500.

(f) Corporate authorities of municipal corporations regulating operators of vehicles that fail to obey signals indicating the presence, approach, passage, or departure of a train shall impose fines as established in subsection (e) of this Section.

(Source: P.A. 92-245, eff. 8-3-01; 92-249, eff. 1-1-02; revised 9-19-01)

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

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

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On motion of Senator Munoz, House Bill No. 4974 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, House Bill No. 4975 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cronin, House Bill No. 5002 was taken up and read by title a second time.

Committee Amendment No. 1 was tabled in the Committee on Judiciary.

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

On motion of Senator Parker, House Bill No. 5076 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 5076 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Section 2-202 as follows:

(735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

Sec. 2-202. Persons authorized to serve process; Place of service; Failure to make return.

(a) Process shall be served by a sheriff, or if the sheriff is disqualified, by a coroner of some county of the State. A sheriff of a county with a population of less than 1,000,000 may employ civilian personnel to serve process. In counties with a population of less than 1,000,000, and in counties with a population of 1,000,000 or more when process is to be served in a case in which a party is receiving child support enforcement services under Article X of the Illinois Public Aid Code, process may be served, without special appointment, by a person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 or by a registered employee of a private detective agency certified under that Act. A private detective or licensed employee must supply the sheriff of any county in which he serves process with a copy of his license or certificate; however, the failure of a person to supply the copy shall not in any way impair the validity of process served by the person. The court may, in its discretion upon motion, order service to be made by a private person over 18 years of age and not a party to the action. It is not necessary that service be made by a sheriff or coroner of the county in which service is made. If served or sought to be served by a sheriff or coroner, he or she shall endorse his or her return thereon, and if by a private person the return shall be by affidavit.

(a-5) Upon motion and in its discretion, the court may appoint as a special process server a private detective agency certified under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993. Under the appointment, any employee of the private detective agency who is registered under that Act may serve the process. The motion and the order of appointment must contain the number of the certificate issued to the private detective agency by the Department of Professional Regulation under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993.

(b) Summons may be served upon the defendants wherever they may be found in the State, by any person authorized to serve process. An

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officer may serve summons in his or her official capacity outside his or her county, but fees for mileage outside the county of the officer cannot be taxed as costs. The person serving the process in a foreign county may make return by mail.

(c) If any sheriff, coroner, or other person to whom any process is delivered, neglects or refuses to make return of the same, the plaintiff may petition the court to enter a rule requiring the sheriff, coroner, or other person, to make return of the process on a day to be fixed by the court, or to show cause on that day why that person should not be attached for contempt of the court. The plaintiff shall then cause a written notice of the rule to be served on the sheriff, coroner, or other person. If good and sufficient cause be not shown to excuse the officer or other person, the court shall adjudge him or her guilty of a contempt, and shall impose punishment as in other cases of contempt.

(d) If process is served by a sheriff or coroner, the court may tax the fee of the sheriff or coroner as costs in the proceeding. If process is served by a private person or entity, the court may establish a fee therefor and tax such fee as costs in the proceedings.

(e) In addition to the powers stated in Section 8.1a of the Housing Authorities Act, in counties with a population of 3,000,000 or more inhabitants, members of a housing authority police force may serve process for forcible entry and detainer actions commenced by that housing authority and may execute orders of possession for that housing authority.

(f) In counties with a population of 3,000,000 or more, process may be served, with special appointment by the court, by a private process server or a law enforcement agency other than the county sheriff in proceedings instituted under the Forcible Entry and Detainer Article of this Code as a result of a lessor or lessor's assignee declaring a lease void pursuant to Section 11 of the Controlled Substance and Cannabis Nuisance Act.

(Source: P.A. 90-557, eff. 6-1-98; 91-95, eff. 7-9-99.)

Section 99. Effective date. This Act takes effect on July 1, 2002."

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

On motion of Senator Dillard, House Bill No. 5240 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, House Bill No. 5351 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Luechtefeld, House Bill No. 5375 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 5375 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 8-11-1.2 as follows:

(65 ILCS 5/8-11-1.2) (from Ch. 24, par. 8-11-1.2)

Sec. 8-11-1.2. Definition. As used in Sections 8-11-1.3, 8-11-1.4 and 8-11-1.5 of this Act, "public infrastructure" means municipal roads and streets, access roads, bridges, and sidewalks;

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waste disposal systems; and water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities. In addition, "public infrastructure" means public school buildings if the voters of a municipality approved a referendum on March 19, 2002 allowing revenue received from the Municipal Retailer's Occupation Tax to be dedicated to the annual debt service of bonds issued for the construction of a new high school.

(Source: P.A. 91-51, eff. 6-30-99.)

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

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

On motion of Senator Rauschenberger, House Bill No. 5383 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cronin, House Bill No. 5514 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 5514 by replacing everything after the enacting clause with the following:

"Section 5. The Northeastern Illinois University Law is amended by changing Section 25-15 as follows:

(110 ILCS 680/25-15)

Sec. 25-15. Membership; terms; vacancies. The Board shall consist of 9 voting members who are residents of this State and are appointed by the Governor, by and with the advice and consent of the Senate, and one voting member who is a student at Northeastern Illinois University. The student member shall be elected by a campus-wide election of all students of the University. The student member shall serve a term of one year beginning on July 1 of each year, except that the student member initially selected under this amendatory Act of the 91st General Assembly shall serve a term beginning on the date of his or her selection and expiring on the next succeeding June 30. A student member may serve only for one term. To be eligible to remain as a student member of the Board, the student member must be a resident of this State, must have and maintain a grade point average that is equivalent to at least 2.5 on a 4.0 scale, and must be a full time undergraduate student enrolled at all times during his or her term of office except for that part of the term which follows the completion of the last full regular semester of an academic year and precedes the first full regular semester of the succeeding academic year at the university (sometimes commonly referred to as the summer session or summer school). If a student member serving on the Board fails to continue to meet or maintain the residency, minimum grade point average, or enrollment requirement established by this Section, his or her membership on the Board shall be deemed to have terminated by operation of law. If any member of the Board appointed by the Governor fails to continue to meet or maintain the residency requirement established by this Section, he or she shall resign membership on the Board within 30 days thereafter and, failing submission of this resignation, his or her membership on the Board shall be deemed to have terminated by operation of law. Of the members first appointed by the Governor, 4 shall be appointed for terms to expire on the third Monday in

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January, 1999 and until their successors are appointed and qualified, and 3 shall be appointed for terms to expire on the third Monday in January, 2001 and until their successors are appointed and qualified. The 2 additional members appointed by the Governor, by and with the advice and consent of the Senate, under this amendatory Act of the 91st General Assembly, shall not be from the same political party and shall be appointed for terms to expire on the third Monday in January, 2003 and until their successors are appointed and qualified. Any vacancy in membership existing on January 1, 1999 shall be filled by appointment by the Governor, with the advice and consent of the Senate, for a term to expire on the third Monday in January, 2003. If the Senate is not in session on the effective date of this Article, or if a vacancy in an appointive membership occurs at a time when the Senate is not in session, the Governor shall make temporary appointments to fill the vacancy. Members with these temporary appointments shall be deemed qualified to serve upon appointment and shall continue to serve until the next meeting of the Senate when the Governor shall appoint persons to fill such memberships, by and with the advice and consent of the Senate, for the remainder of their respective terms. No more than 5 of the members appointed by the Governor shall be affiliated with the same political party. Each member appointed by the Governor must be a resident of this State. A failure to meet or maintain this residency requirement constitutes a resignation from and creates a vacancy in the Board. Upon the expiration of the terms of members appointed by the Governor for other than temporary appointments, their respective successors shall be appointed, by and with the advice and consent of the Senate, for terms of 6 years from the third Monday in January of each odd-numbered year. Any members appointed to the Board shall continue to serve in such capacity until their successors are appointed and qualified.
(Source: P.A. 91-565, eff. 8-14-99; 91-778, eff. 1-1-01; 91-798, eff. 7-9-00; 92-16, eff. 6-28-01.)

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

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

On motion of Senator Dillard, House Bill No. 5557 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Karpiel, House Bill No. 5578 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 5578 as follows:
on page 1, by replacing lines 14 and 15 with the following:
"in which the DNA profile of the offender is obtained and entered into a DNA database within 10 years after the commission of the offense and the identity of the offender is unknown after a diligent investigation by law enforcement authorities, may be".

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

On motion of Senator Shadid, House Bill No. 5615 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 5615 on page 2, below line 8, by inserting the following:

"Section 99. Effective date. This Act takes effect on July 1, 2003."

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

On motion of Senator Bowles, House Bill No. 5625 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 5625 on page 1, by replacing line 20 with the following:

"journalistic, artistic, or historical value; or involves rodeos, sanctioned livestock events, or normal husbandry practices."

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

On motion of Senator Petka, House Bill No. 5681 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, House Bill No. 5794 having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 5794 on page 1, by deleting lines 4 through 31; and by deleting all of pages 2 through 11; and on page 12, by deleting lines 1 through 12.

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

On motion of Senator Syverson, House Bill No. 5844 having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 5844 on page 2, by replacing line 18 with the following:

"Except when the federal or State statutes authorizing a program, or the federal regulations implementing a program, are to the contrary,"; and

on page 3, line 26, by replacing "adopt" with "develop standards or promulgate"; and

on page 4, line 7, after the period, by inserting the following: "The Department reserves the right to monitor a provider of mental health and substance abuse treatment services when the survey or inspection of an accrediting organization has established any

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deficiency in the accreditation standards and processes.".

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 5844 on page 2, by replacing lines 27 through 30 with the following:

"that is accredited under any of the following: the Comprehensive Accreditation Manual for Behavioral Health Care (Joint Commission on Accreditation of Healthcare Organizations (JCAHO)); the Comprehensive Accreditation Manual"; and

on page 2, line 31, by changing "For" to "for"; and

on page 2, line 33, by changing "(COA)" to "(Council on Accreditation for Children and Family Services (COA))"; and

on page 2, line 34, by changing "(CARF)" to "(the Rehabilitation Accreditation Commission (CARF))"; and

on page 3, by replacing lines 4 and 5 with the following:

"under any of the following: the"; and

on page 3, line 7, by replacing "Accreditation Manual For" with "Comprehensive Accreditation Manual for"; and

on page 3, by replacing lines 15 and 16 with the following:

"following: the Comprehensive Accreditation"; and

on page 3, line 17, after "the", by inserting "Comprehensive"; and

on page 3, line 18, by changing "For" to "for".

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

On motion of Senator Sullivan, House Bill No. 5851 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, House Bill No. 5860 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, House Bill No. 5934 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, House Bill No. 5939 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, House Bill No. 5961 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, House Bill No. 5965 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 5965 on page 1, line 5, by replacing "Section 97" with "Sections 20 and 97"; and on page 1, before line 6, by inserting the following:

"(215 ILCS 106/20)

(Section scheduled to be repealed on July 1, 2002)

Sec. 20. Eligibility.

(a) To be eligible for this Program, a person must be a person who has a child eligible under this Act and who is eligible under a waiver of federal requirements pursuant to an application made pursuant to subdivision (a)(1) of Section 40 of this Act or who is a child who:

- (1) is a child who is not eligible for medical assistance;
- (2) is a child whose annual household income, as determined

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by the Department, is above 133% of the federal poverty level and at or below 185% of the federal poverty level;

(2.5) is a child whose household assets, as determined by the Department, do not exceed \$10,000;

(3) is a resident of the State of Illinois; and

(4) is a child who is either a United States citizen or included in one of the following categories of non-citizens:

(A) unmarried dependent children of either a United States Veteran honorably discharged or a person on active military duty;

(B) refugees under Section 207 of the Immigration and Nationality Act;

(C) asylees under Section 208 of the Immigration and Nationality Act;

(D) persons for whom deportation has been withheld under Section 243(h) of the Immigration and Nationality Act;

(E) persons granted conditional entry under Section 203(a)(7) of the Immigration and Nationality Act as in effect prior to April 1, 1980;

(F) persons lawfully admitted for permanent residence under the Immigration and Nationality Act; and

(G) parolees, for at least one year, under Section 212(d)(5) of the Immigration and Nationality Act.

Those children who are in the categories set forth in subdivisions (4)(F) and (4)(G) of this subsection, who enter the United States on or after August 22, 1996, shall not be eligible for 5 years beginning on the date the child entered the United States.

(b) A child who is determined to be eligible for assistance shall remain eligible for 12 months, provided the child maintains his or her residence in the State, has not yet attained 19 years of age, and is not excluded pursuant to subsection (c). Eligibility shall be re-determined by the Department at least annually.

(c) A child shall not be eligible for coverage under this Program if:

(1) the premium required pursuant to Section 30 of this Act has not been paid. If the required premiums are not paid the liability of the Program shall be limited to benefits incurred under the Program for the time period for which premiums had been paid. If the required monthly premium is not paid, the child shall be ineligible for re-enrollment for a minimum period of 3 months. Re-enrollment shall be completed prior to the next covered medical visit and the first month's required premium shall be paid in advance of the next covered medical visit. The Department shall promulgate rules regarding grace periods, notice requirements, and hearing procedures pursuant to this subsection;

(2) the child is an inmate of a public institution or a patient in an institution for mental diseases; or

(3) the child is a member of a family that is eligible for health benefits covered under the State of Illinois health benefits plan on the basis of a member's employment with a public agency.

(Source: P.A. 90-736, eff. 8-12-98.)".

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

On motion of Senator Cronin, House Bill No. 6038 was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Syverson, House Bill No. 6041 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 6041, on page 1, line 5, after "8", by inserting "and adding Section 8.5"; and on page 6, immediately below line 14, by inserting the following:

"(210 ILCS 85/8.5 new)

Sec. 8.5. Waiver of compliance with rules or standards. Upon application by a hospital, the Department may grant or renew the waiver of the hospital's compliance with a rule or standard for a period not to exceed the duration of the current license or, in the case of an application for license renewal, the duration of the renewal period. The waiver may be conditioned upon the hospital taking action prescribed by the Department as a measure equivalent to compliance. In determining whether to grant or renew a waiver, the Department shall consider the duration and basis for any current waiver with respect to the same rule or standard and the validity and effect upon patient health and safety of extending it on the same basis, the effect upon the health and safety of patients, the quality of patient care, the hospital's history of compliance with the rules and standards of this Act, and the hospital's attempts to comply with the particular rule or standard in question. The Department may provide, by rule, for the automatic renewal of waivers concerning physical plant requirements upon the renewal of a license. The Department shall renew waivers relating to physical plant standards issued pursuant to this Section at the time of the indicated reviews, unless it can show why such waivers should not be extended for the following reasons:

(1) the condition of the physical plant has deteriorated or its use substantially changed so that the basis upon which the waiver was issued is materially different; or

(2) the hospital is renovated or substantially remodeled in such a way as to permit compliance with the applicable rules and standards without substantial increase in cost.

A copy of each waiver application and each waiver granted or renewed shall be on file with the Department and available for public inspection.

The Department shall advise hospitals of any applicable federal waivers for which the hospital may apply.

This Section shall apply to both new and existing construction."

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

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

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 51; Nays 2.

The following voted in the affirmative:

Bowles

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Burzynski
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpel
Klemm
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Shadid
Shaw
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

Bomke
Lauzen

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

Ordered that the Secretary inform the House of Representatives

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thereof.

On motion of Senator Parker, House Bill No. 5742 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito

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Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dillard, House Bill No. 5803 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Hawkinson
 Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan
 Mahar
 Maitland
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger

[Apr. 25, 2002]

Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

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

On motion of Senator Sullivan, House Bill No. 5829 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Hawkinson
 Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan
 Mahar

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Maitland
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sieben, House Bill No. 5842 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 55; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Hawkinson

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Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan
 Mahar
 Maitland
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Rauschenberger, House Bill No. 6001 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke

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Bowles
Burzynski
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

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

Ordered that the Secretary inform the House of Representatives

[Apr. 25, 2002]

thereof.

On motion of Senator Donahue, House Bill No. 3119 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito

[Apr. 25, 2002]

Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dudycz, House Bill No. 3729 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Hawkinson
 Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpier
 Klemm
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan
 Mahar
 Maitland
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger

[Apr. 25, 2002]

Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dillard, House Bill No. 3768 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 54; Nays None; Present 2.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Hawkinson
 Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Luechtefeld
 Mahar
 Maitland
 Molaro

[Apr. 25, 2002]

Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The following voted present:

Geo-Karis
Madigan

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dudycz, House Bill No. 3776 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 55; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue

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Dudyecz
 Geo-Karis
 Hawkinson
 Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan
 Mahar
 Maitland
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Noland, House Bill No. 4188 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

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The following voted in the affirmative:

Bomke
Bowles
Burzynski
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority

[Apr. 25, 2002]

of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Noland, House Bill No. 4339 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Burzynski
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan

[Apr. 25, 2002]

Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sullivan, House Bill No. 4371 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 55; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Hawkinson
 Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpier
 Klemm
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan
 Mahar
 Maitland
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka

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Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

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

On motion of Senator Rauschenberger, House Bill No. 4465 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Hawkinson
 Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Luechtefeld

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Madigan
 Mahar
 Maitland
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dillard, House Bill No. 4947 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Burzynski
 Cronin
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz

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Geo-Karis
 Hawkinson
 Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan
 Mahar
 Maitland
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator T. Walsh, House Bill No. 4952 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 56; Nays None.

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The following voted in the affirmative:

Bomke
Bowles
Burzynski
Cronin
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Maitland
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority

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of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 407

Offered by Senator Noland and all Senators:
Mourns the death of Edward C. Drobisch, Jr. of Decatur.

The foregoing resolution was referred to the Resolutions Consent Calendar.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 402

Offered by Senator Link and all Senators:
Mourns the death of Thomas G. August of Waukegan.

SENATE RESOLUTION NO. 403

Offered by Senator Link and all Senators:
Mourns the death of Irma M. Innocenzi of Highland Park.

SENATE RESOLUTION NO. 407

Offered by Senator Noland and all Senators:
Mourns the death of Edward C. Drobisch, Jr. of Decatur.

Senator Watson moved the adoption of the foregoing resolutions.
The motion prevailed.
And the resolutions were adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

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

HOUSE JOINT RESOLUTION NO. 74

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the House of Representatives adjourns on Thursday, April 25, 2002, it stands adjourned until Tuesday, April 30, 2002 at 1:00 o'clock p.m., and when it adjourns on that day, it stands adjourned until Wednesday, May 1, 2002, and when it adjourns on that day, it stands adjourned until Thursday, May 2, 2002, and when it adjourns on that day, it stands adjourned until Tuesday, May 7, 2002 at 1:00 p.m.; and when the Senate adjourns on Thursday, April 25, 2002, it stands adjourned until Monday, May 6, 2002 at 3:00 o'clock p.m., and when it adjourns of that day, it stands adjourned until Tuesday, May 7, 2002.

Adopted by the House, April 25, 2002.

ANTHONY D. ROSSI, Clerk of the House

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By unanimous consent, on motion of Senator Weaver, the foregoing message reporting House Joint Resolution No. 74 was taken up for immediate consideration.

Senator Weaver moved that the Senate concur with the House in the adoption of the resolution.

The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.

Ordered that the Secretary inform the House of Representatives thereof.

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO 2074

A bill for AN ACT in relation to criminal law.

SENATE BILL NO 2313

A bill for AN ACT concerning compensation of public officials.

Passed the House, April 25, 2002.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 63

Concurred in by the House, April 25, 2002.

ANTHONY D. ROSSI, Clerk of the House

LEGISLATIVE MEASURES FILED

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

Senate Amendment No. 2 to House Bill 1975

Senate Amendment No. 3 to House Bill 1975

Senate Amendment No. 1 to House Bill 4725

Senate Amendment No. 2 to House Bill 4926

At the hour of 12:46 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 1:27 o'clock p.m., the Senate resumed consideration of business.

REPORT FROM STANDING COMMITTEE

[Apr. 25, 2002]

Senator O'Malley, Chairperson of the Committee on Financial Institutions to which was referred House Bills numbered 4106, 5839 and 5822 reported the same back with the recommendation that the bills do pass.

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

Senator O'Malley, Chairperson of the Committee on Financial Institutions to which was referred House Bills numbered 3336, 4157, 4357 and 4409 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

PRESENTATION OF RESOLUTIONS

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

SENATE RESOLUTION NO. 408

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that copies of this resolution be presented to all members of the Illinois Senate.

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

RESOLUTION RESOLUTION NO. 409

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that copies of this resolution be presented to all members of the Illinois Senate.

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

SENATE RESOLUTION NO. 410

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that copies of this resolution be presented to all members of the Illinois Senate.

At the hour of 1:30 o'clock p.m., and in accordance therewith and pursuant to House Joint Resolution No. 74, the Senate stood adjourned until Monday, May 6, 2002 at 3:00 o'clock p.m.

[Apr. 25, 2002]