



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-THIRD GENERAL ASSEMBLY**

**61ST LEGISLATIVE DAY**

**WEDNESDAY, NOVEMBER 5, 2003**

**1:35 O'CLOCK P.M.**

[November 5, 2003]



**SENATE**  
**Daily Journal Index**  
**61st Legislative Day**

<b>Action</b>	<b>Page(s)</b>
Committee Meeting Announcement .....	26
Introduction of Senate Bill No. 2117 .....	4
Introduction of Senate Bills No'd. 2118-2119 .....	17
Legislative Measures Filed .....	4
Motion in Writing .....	5
Presentation of Senate Resolution No. 303-304 .....	4
Report from Rules Committee .....	5, 17

<b>Bill Number</b>	<b>Legislative Action</b>	<b>Page(s)</b>
SB 0067	Recalled – Amendments .....	24
SB 0067	Second Reading .....	6
SB 0083	Motion Filed to Override Veto .....	11, 12
SB 0212	Motion Filed to Override Veto .....	14
SB 0216	Motion Filed to Override Veto .....	15
SB 0272	Motion Filed to Override Veto .....	16
SB 0408	Motion Filed to Override Veto .....	17
SB 0472	Motion Filed to Override Veto .....	16
SB 1085	Motion Filed to Override Veto .....	13
SB 1881	Motion Filed to Override Veto .....	13
SJR 0040	Adopted .....	25
SR 0274	Adopted .....	26
HB 0576	Recalled – Amendments .....	18
HB 0576	Third Reading .....	24
HJR 0036	Adopted .....	25
SB 1239	Motion to Restore Item Reduction .....	14

The Senate met pursuant to adjournment.  
 Senator James DeLeo, Chicago, Illinois presiding.  
 Prayer by Reverend Brandon Boyd, Loami Christian Church of Christ.  
 Senator Halvorson led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, November 4, 2003, was being read when on motion of Senator Hunter further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

### **LEGISLATIVE MEASURES FILED**

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

Senate Floor Amendment No. 1 to Senate Joint Resolution 39

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

Senate Floor Amendment No. 3 to Senate Bill 67

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

Senate Floor Amendment No. 2 to House Bill 576  
 Senate Floor Amendment No. 1 to House Bill 610  
 Senate Floor Amendment No. 5 to House Bill 700

### **REPORTS FROM STANDING COMMITTEE**

Senator Hendon, Vice-Chairperson of the Committee on Environment and Energy to which was referred the following Senate floor amendment reported that the Committee recommends that it be adopted:

Senate Amendment No. 2 to House Bill 2200

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

### **PRESENTATION OF RESOLUTIONS**

#### **SENATE RESOLUTION 303**

Offered by Senator J. Sullivan and all Senators:  
 Mourns the death of United States Army Specialist Ryan G. Carlock of Macomb.

#### **SENATE RESOLUTION 304**

Offered by Senators Shadid - Risinger and all Senators:  
 Mourns the death of Corinne Michel of Washington D.C.

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

### **INTRODUCTION OF BILLS**

**SENATE BILL NO. 2117.** Introduced by Senator Radogno, a bill for AN ACT concerning State Finance.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

[November 5, 2003]

### MOTIONS IN WRITING

Senator Link submitted the following Motion in Writing:

I move that **Senate Bill No. 563** do pass, notwithstanding the specific recommendations of the Governor.

Date: November 5, 2003

Terry Link  
Senator

Senator Jacobs submitted the following Motion in Writing:

I move that **Senate Bill No. 639** do pass, notwithstanding the specific recommendations of the Governor.

Date: November 5, 2003

Denny Jacobs  
Senator

### EXCUSED FROM ATTENDANCE

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

### MOTIONS IN WRITING

Senator Sieben submitted the following Motion in Writing:

I move that **Senate Bill No. 318** do pass, notwithstanding the veto of the Governor.

Date: November 5, 2003

Todd Sieben  
Senator

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

At the hour of 2:05 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 2:30 o'clock p.m., the Senate resumed consideration of business.  
Senator DeLeo, presiding.

### REPORT FROM RULES COMMITTEE

Senator Demuzio, Chairperson of the Committee on Rules, during its November 5, 2003 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Appropriations I: **Senate Floor Amendment No. 2 to House Bill 2696.**

Senator Demuzio, Chairperson of the Committee on Rules, to which was referred **House Bills Numbered 610 and 700** on July 1, 2003, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

[November 5, 2003]

The report of the Committee was concurred in.  
And **House Bills Numbered 610 and 700** were returned to the order of third reading.

### READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator del Valle, **Senate Bill No. 67** recalled from the order of third reading to the order of second reading.

Senator del Valle offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2

AMENDMENT NO. 2 \_\_\_\_\_. Amend Senate Bill 67, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5.

The State Finance Act is amended by adding Section 5.595 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Secretary of State Immigrant License Fund.

Section 10.

The Illinois Vehicle Code is amended by changing Sections 2-119, 6-106, and 6-118 as follows:

(625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

Sec. 2-119. Disposition of fees and taxes. (a) All moneys received from Salvage Certificates shall be deposited in the Common School Fund in the State Treasury.

(b) Beginning January 1, 1990 and concluding December 31, 1994, of the money collected for each certificate of title, duplicate certificate of title and corrected certificate of title, \$0.50 shall be deposited into the Used Tire Management Fund. Beginning January 1, 1990 and concluding December 31, 1994, of the money collected for each certificate of title, duplicate certificate of title and corrected certificate of title, \$1.50 shall be deposited in the Park and Conservation Fund.

Beginning January 1, 1995, of the money collected for each certificate of title, duplicate certificate of title and corrected certificate of title, \$2 shall be deposited in the Park and Conservation Fund. The moneys deposited in the Park and Conservation Fund pursuant to this Section shall be used for the acquisition and development of bike paths as provided for in Section 805-420 of the Department of Natural Resources (Conservation) Law (20 ILCS 805/805-420).

Beginning January 1, 2000, of the moneys collected for each certificate of title, duplicate certificate of title, and corrected certificate of title, \$48 shall be deposited into the Road Fund and \$4 shall be deposited into the Motor Vehicle License Plate Fund, except that if the balance in the Motor Vehicle License Plate Fund exceeds \$40,000,000 on the last day of a calendar month, then during the next calendar month the \$4 shall instead be deposited into the Road Fund.

Except as otherwise provided in this Code, all remaining moneys collected for certificates of title, and all moneys collected for filing of security interests, shall be placed in the General Revenue Fund in the State Treasury.

(c) All moneys collected for that portion of a driver's license fee designated for driver education under Section 6-118 shall be placed in the Driver Education Fund in the State Treasury.

(d) Beginning January 1, 1999, of the monies collected as a registration fee for each motorcycle, motor driven cycle and motorized pedalcycle, 27% of each annual registration fee for such vehicle and 27% of each semiannual registration fee for such vehicle is deposited in the Cycle Rider Safety Training Fund.

(e) Of the monies received by the Secretary of State as registration fees or taxes or as payment of any other fee, as provided in this Act, except fees received by the Secretary under paragraph (7) of subsection (b) of Section 5-101 and Section 5-109 of this Code, 37% shall be deposited into the State Construction Fund.

(f) Of the total money collected for a CDL instruction permit or original or renewal issuance of a commercial driver's license (CDL) pursuant to the Uniform Commercial Driver's License Act (UCDLA): (i) \$6 of the total fee for an original or renewal CDL, and \$6 of the total CDL instruction permit fee when such permit is issued to any person holding a valid Illinois driver's license, shall be paid into the CDLIS/AAMVAnet Trust Fund (Commercial Driver's License Information System/American Association of Motor Vehicle Administrators network Trust Fund) and shall be used for the purposes provided in Section 6z-23 of the State Finance Act and (ii) \$20 of the total fee for an original or renewal CDL or commercial driver instruction permit shall be paid into the Motor Carrier Safety Inspection Fund, which is hereby created as a special fund in the State Treasury, to be used by the Department of State Police, subject to appropriation, to hire additional officers to conduct motor carrier safety

[November 5, 2003]

inspections pursuant to Chapter 18b of this Code.

(g) All remaining moneys received by the Secretary of State as registration fees or taxes or as payment of any other fee, as provided in this Act, except fees received by the Secretary under paragraph (7)(A) of subsection (b) of Section 5-101 and Section 5-109 of this Code, shall be deposited in the Road Fund in the State Treasury. Moneys in the Road Fund shall be used for the purposes provided in Section 8.3 of the State Finance Act.

(h) (Blank).

(i) (Blank).

(j) (Blank).

(k) There is created in the State Treasury a special fund to be known as the Secretary of State Special License Plate Fund. Money deposited into the Fund shall, subject to appropriation, be used by the Office of the Secretary of State (i) to help defray plate manufacturing and plate processing costs for the issuance and, when applicable, renewal of any new or existing registration plates authorized under this Code and (ii) for grants made by the Secretary of State to benefit Illinois Veterans Home libraries.

On or before October 1, 1995, the Secretary of State shall direct the State Comptroller and State Treasurer to transfer any unexpended balance in the Special Environmental License Plate Fund, the Special Korean War Veteran License Plate Fund, and the Retired Congressional License Plate Fund to the Secretary of State Special License Plate Fund.

(l) The Motor Vehicle Review Board Fund is created as a special fund in the State Treasury. Moneys deposited into the Fund under paragraph (7) of subsection (b) of Section 5-101 and Section 5-109 shall, subject to appropriation, be used by the Office of the Secretary of State to administer the Motor Vehicle Review Board, including without limitation payment of compensation and all necessary expenses incurred in administering the Motor Vehicle Review Board under the Motor Vehicle Franchise Act.

(m) Effective July 1, 1996, there is created in the State Treasury a special fund to be known as the Family Responsibility Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Office of the Secretary of State for the purpose of enforcing the Family Financial Responsibility Law.

(n) The Illinois Fire Fighters' Memorial Fund is created as a special fund in the State Treasury. Moneys deposited into the Fund shall, subject to appropriation, be used by the Office of the State Fire Marshal for construction of the Illinois Fire Fighters' Memorial to be located at the State Capitol grounds in Springfield, Illinois. Upon the completion of the Memorial, moneys in the Fund shall be used in accordance with Section 3-634.

(o) Of the money collected for each certificate of title for all-terrain vehicles and off-highway motorcycles, \$17 shall be deposited into the Off-Highway Vehicle Trails Fund.

(p) For audits conducted on or after July 1, 2003 pursuant to Section 2-124(d) of this Code, 50% of the money collected as audit fees shall be deposited into the General Revenue Fund.

(q) The Secretary of State Immigrant License Fund is created as a special fund in the State treasury. Moneys deposited into the fund shall, subject to appropriation, be used by the Secretary of State to pay for the increase in the costs associated with additional immigrant applicants for drivers licenses and costs associated with specialized verification procedures regarding those applicants. (Source: P.A. 92-16, eff. 6-28-01; 93-32, eff. 7-1-03.)

(625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

Sec. 6-106. Application for license or instruction permit. (a) Every application for any permit or license authorized to be issued under this Act shall be made upon a form furnished by the Secretary of State. Every application shall be accompanied by the proper fee and payment of such fee shall entitle the applicant to not more than 3 attempts to pass the examination within a period of 1 year after the date of application.

(b) Every application shall state the name, social security number, zip code, date of birth, sex, and residence address of the applicant; briefly describe the applicant; state whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been cancelled, suspended, revoked or refused, and, if so, the date and reason for such cancellation, suspension, revocation or refusal; shall include an affirmation by the applicant that all information set forth is true and correct; and shall bear the applicant's signature. The application form may also require the statement of such additional relevant information as the Secretary of State shall deem necessary to determine the applicant's competency and eligibility.

The Secretary of State may in his discretion substitute a federal tax number in lieu of a social security number, or he may instead assign an additional distinctive number in lieu thereof, where an applicant is prohibited by bona fide religious convictions from applying or is exempt from applying for a social security number. The Secretary of State shall, however, determine which religious orders or sects have

such bona fide religious convictions. The Secretary of State shall issue a drivers license to an applicant who is an immigrant and ineligible for a social security number if the applicant has (i) provided the Secretary with an individual tax identification number; (ii) filed with the Secretary, at the time of application, an affidavit stating that the applicant is an immigrant and not eligible for a social security number and that the applicant will file an application to become a permanent resident of the United States at the earliest opportunity the applicant is eligible to do so; (iii) provided a current foreign passport and a foreign birth certificate; and (iv) surrendered all illegally obtained forms of drivers licenses or State identification cards issued to the applicant by the Secretary. Relinquishment of State issued identification shall be handled by the Secretary at his or her discretion. The Secretary may also require any combination of additional documents, as set forth by administrative rule, as sufficient proof of residency or identification. The foreign passport and foreign birth certificate and any additional documents required may be accepted only if: (i) the passport and birth certificate and any additional documents are difficult to duplicate and (ii) the passport and birth certificate and any additional documents are verifiable with the issuing agency. This amendatory Act of the 93rd General Assembly does not affect the issuance of any commercial driver's license or school bus driver's permit under the Illinois Vehicle Code or any State identification card under the Illinois Identification Card Act.

The Secretary of State may, in his discretion, by rule or regulation, provide that an application for a drivers license or permit may include a suitable photograph of the applicant in the form prescribed by the Secretary, and he may further provide that each drivers license shall include a photograph of the driver. The Secretary of State may utilize a photograph process or system most suitable to deter alteration or improper reproduction of a drivers license and to prevent substitution of another photo thereon.

(c) The application form shall include a notice to the applicant of the registration obligations of sex offenders under the Sex Offender Registration Act. The notice shall be provided in a form and manner prescribed by the Secretary of State. For purposes of this subsection (c), "sex offender" has the meaning ascribed to it in Section 2 of the Sex Offender Registration Act.

(d) Any male United States citizen or immigrant who applies for any permit or license authorized to be issued under this Act or for a renewal of any permit or license, and who is at least 18 years of age but less than 26 years of age, must be registered in compliance with the requirements of the federal Military Selective Service Act. The Secretary of State must forward in an electronic format the necessary personal information regarding the applicants identified in this subsection (d) to the Selective Service System. The applicant's signature on the application serves as an indication that the applicant either has already registered with the Selective Service System or that he is authorizing the Secretary to forward to the Selective Service System the necessary information for registration. The Secretary must notify the applicant at the time of application that his signature constitutes consent to registration with the Selective Service System, if he is not already registered. (Source: P.A. 92-117, eff. 1-1-02.)

(625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)

Sec. 6-118. Fees. (a) The fee for licenses and permits under this Article is as follows:

Original driver's license <u>issued to a person who has provided the Secretary with his or her social security number or a person who has not provided a social security number for religious reasons or because he or she is exempt from applying for a social security number</u> .....	\$10
Original drivers license issued <u>to a person who has not provided the Secretary with a social security number because the person is an immigrant and is not eligible to receive a social security number</u> 60	
Original or renewal driver's license issued to 18, 19 and 20 year olds.....	5
All driver's licenses for persons age 69 through age 80.....	5
All driver's licenses for persons age 81 through age 86.....	2
All driver's licenses for persons age 87 or older.....	0



Renewal driver's license (except for applicants ages 18, 19 and 20 or age 69 and older).....10

Original instruction permit issued to persons (except those age 69 and older) who do not hold or have not previously held an Illinois instruction permit or driver's license.....20

Instruction permit issued to any person holding an Illinois driver's license who wishes a change in classifications, other than at the time of renewal.....5

Any instruction permit issued to a person age 69 and older.....5

Instruction permit issued to any person, under age 69, not currently holding a valid Illinois driver's license or instruction permit but who has previously been issued either document in Illinois..... 10

Restricted driving permit.....8

Duplicate or corrected driver's license or permit.....5

Duplicate or corrected restricted driving permit.....5

Original or renewal M or L endorsement.....5

**SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE**

The fees for commercial driver licenses and permits under Article V shall be as follows:

Commercial driver's license:  
 \$6 for the CDLIS/AAMVAnet Fund (Commercial Driver's License Information System/American Association of Motor Vehicle Administrators network Trust Fund);  
 \$20 for the Motor Carrier Safety Inspection Fund;  
 \$10 for the driver's license;  
 and \$24 for the CDL:.....\$60

Renewal commercial driver's license:  
 \$6 for the CDLIS/AAMVAnet Trust Fund;  
 \$20 for the Motor Carrier Safety Inspection Fund;  
 \$10 for the driver's license; and  
 \$24 for the CDL:.....\$60

Commercial driver instruction permit issued to any person holding a valid Illinois driver's license for the purpose of changing to a CDL classification: \$6 for the CDLIS/AAMVAnet Trust Fund; \$20 for the Motor Carrier Safety Inspection Fund; and \$24 for the CDL classification.....\$50

Commercial driver instruction permit issued to any person holding a valid Illinois CDL for the purpose of making a change in a classification, endorsement or restriction.....\$5

CDL duplicate or corrected license.....\$5

In order to ensure the proper implementation of the Uniform Commercial Driver License Act, Article V of this Chapter, the Secretary of State is empowered to pro-rate the \$24 fee for the commercial driver's license proportionate to the expiration date of the applicant's Illinois driver's license.

The fee for any duplicate license or permit shall be waived for any person age 60 or older who presents the Secretary of State's office with a police report showing that his license or permit was stolen.

No additional fee shall be charged for a driver's license, or for a commercial driver's license, when issued to the holder of an instruction permit for the same classification or type of license who becomes eligible for such license.

(b) Any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked under any provision of Chapter 6, Chapter 11, or Section 7-205, 7-303, or 7-702 of the Family Financial Responsibility Law of this Code, shall in addition to any other fees required by this Code, pay a reinstatement fee as follows:

Summary suspension under Section 11-501.1.....\$250    Other suspension\$70  
Revocation.....\$500

However, any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501 or 11-501.1 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 and each suspension or revocation was for a violation of Section 11-501 or 11-501.1 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 shall pay, in addition to any other fees required by this Code, a reinstatement fee as follows:

Summary suspension under Section 11-501.1.....\$500  
Revocation.....\$500

(c) All fees collected under the provisions of this Chapter 6 shall be paid into the Road Fund in the State Treasury except as follows:

1. The following amounts shall be paid into the Driver Education Fund:

- (A) \$16 of the \$20 fee for an original driver's instruction permit;
- (B) \$5 of the ~~\$20~~ fee for an original driver's license;
- (C) \$5 of the \$20 fee for a 4 year renewal driver's license; and
- (D) \$4 of the \$8 fee for a restricted driving permit.

2. \$30 of the \$250 fee for reinstatement of a license summarily suspended under Section 11-501.1 shall be deposited into the Drunk and Drugged Driving Prevention Fund. However, for a person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501 or 11-501.1 of this Code or Section 9-3 of the Criminal Code of 1961, \$190 of the \$500 fee for reinstatement of a license summarily suspended under Section 11-501.1, and \$190 of the \$500 fee for reinstatement of a revoked license shall be deposited into the Drunk and Drugged Driving Prevention Fund.

3. \$6 of such original or renewal fee for a commercial driver's license and \$6 of the commercial driver instruction permit fee when such permit is issued to any person holding a valid Illinois driver's license, shall be paid into the CDLIS/AAMVAnet Trust Fund.

4. \$30 of the \$70 fee for reinstatement of a license suspended under the Family Financial Responsibility Law shall be paid into the Family Responsibility Fund.

5. The \$5 fee for each original or renewal M or L endorsement shall be deposited into the Cycle Rider Safety Training Fund.

6. \$20 of any original or renewal fee for a commercial driver's license or commercial driver instruction permit shall be paid into the Motor Carrier Safety Inspection Fund.

7. The following amounts shall be paid into the General Revenue Fund:

- (A) \$190 of the \$250 reinstatement fee for a summary suspension under Section 11-501.1;
- (B) \$40 of the \$70 reinstatement fee for any other suspension provided in subsection (b) of this Section; and

(C) \$440 of the \$500 reinstatement fee for a first offense revocation and \$310 of the \$500 reinstatement fee for a second or subsequent revocation.

8. \$50 of any original fee for a driver's license issued to an immigrant ineligible to receive a social security number shall be deposited into the Secretary of State Immigrant License Fund.

(Source: P.A. 92-458, eff. 8-22-01; 93-32, eff. 1-1-04.)

Section 99. Effective date. This Act takes effect July 1, 2004."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

#### CONSIDERATION OF GOVERNOR'S VETO MESSAGE

[November 5, 2003]

Pursuant to the Motion in Writing filed on Thursday, October 30, 2003 and journalized Tuesday, November 4, 2003, Senator Link moved that **Senate Bill No. 83** do pass, the veto of the Governor to the contrary notwithstanding.

Senator Hendon requested a ruling from the Chair on the number of votes required to override the Governor's Veto on **Senate Bill No. 83**.

The Chair ruled that a three-fifths majority vote is required.

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

Yeas 35; Nays 19; Present 2.

The following voted in the affirmative:

Clayborne	Geo-Karis	Link	Schoenberg
Collins	Haine	Maloney	Silverstein
Crotty	Halvorson	Martinez	Soden
Cullerton	Harmon	Meeks	Trotter
del Valle	Hendon	Munoz	Viverito
DeLeo	Hunter	Obama	Walsh
Demuzio	Jacobs	Risinger	Welch
Dillard	Jones, W.	Ronen	Mr. President
Garrett	Lightford	Sandoval	

The following voted in the negative:

Bomke	Lauzen	Rauschenberger	Sullivan, J.
Brady	Luechtefeld	Righter	Syverson
Burzynski	Peterson	Roskam	Watson
Cronin	Petka	Rutherford	Winkel
Forby	Radogno	Sieben	

The following voted present:

Jones, J.  
Wojcik

This roll call verified.

Following the verification of the roll call, the Chair directed that the name of Senator Althoff having voted in the affirmative, be removed, as that member was absent from the floor at the time of the verification.

The motion failed to receive the vote of three-fifths of the members elected.

Senator Link requested that the foregoing Motion in Writing be postponed.

#### PARLIAMENTARY INQUIRY

Senator Roskam requested a Parliamentary Ruling on when a Motion to Override the Total Veto of the Governor fails if the Rules provide for Consideration Postponed on such motion or whether a new motion must be filed.

The Chair ruled that the Motion to Override the Total Veto of the Governor can be placed on Consideration Postponed.

#### VOTE RECONSIDERED

Senator Forby moved to reconsider the vote by which the Motion to Override the Total Veto of the Governor on **Senate Bill 83** failed.

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

[November 5, 2003]

Yeas 33; Nays 19; Present 1.

The following voted in the affirmative:

Clayborne	Haine	Martinez	Sullivan, J.
Collins	Halvorson	Meeks	Trotter
Crotty	Harmon	Munoz	Viverito
Cullerton	Hendon	Obama	Walsh
del Valle	Hunter	Ronen	Welch
DeLeo	Jacobs	Sandoval	Mr. President
Demuzio	Lightford	Schoenberg	
Forby	Link	Silverstein	
Garrett	Maloney	Soden	

The following voted in the negative:

Althoff	Jones, J.	Radogno	Sieben
Bomke	Lauzen	Rauschenberger	Sullivan, D.
Brady	Luechtefeld	Righter	Watson
Burzynski	Peterson	Roskam	Winkel
Geo-Karis	Petka	Rutherford	

The following voted present:

Wojcik

The motion prevailed.

#### CONSIDERATION OF GOVERNOR'S VETO MESSAGES

Pursuant to the Motion in Writing filed on Thursday, October 30, 2003 and journalized Tuesday, November 4, 2003, Senator Link moved that **Senate Bill No. 83** do pass, the veto of the Governor to the contrary notwithstanding.

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

Yeas 36; Nays 20; Present 1.

The following voted in the affirmative:

Clayborne	Geo-Karis	Martinez	Syverson
Collins	Haine	Meeks	Trotter
Crotty	Halvorson	Munoz	Viverito
Cullerton	Harmon	Obama	Walsh
del Valle	Hendon	Risinger	Welch
DeLeo	Hunter	Ronen	Mr. President
Demuzio	Jacobs	Sandoval	
Dillard	Lightford	Schoenberg	
Forby	Link	Silverstein	
Garrett	Maloney	Soden	

The following voted in the negative:

Althoff	Lauzen	Righter	Watson
Bomke	Luechtefeld	Roskam	Winkel
Brady	Peterson	Rutherford	
Burzynski	Petka	Sieben	
Cronin	Radogno	Sullivan, D.	
Jones, J.	Rauschenberger	Sullivan, J.	

[November 5, 2003]

The following voted present:

Wojcik

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Pursuant to the Motion in Writing filed and journalized on Tuesday, November 4, 2003, Senator Winkel moved that **Senate Bill No. 1085** do pass, the veto of the Governor to the contrary notwithstanding.

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

Yeas 55; Nays None; Present 1.

The following voted in the affirmative:

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

The following voted present:

Sandoval

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Pursuant to the Motion in Writing filed and journalized on Tuesday, November 4, 2003, Senator Harmon moved that **Senate Bill No. 1881** do pass, the veto of the Governor to the contrary notwithstanding.

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

Yeas 38; Nays 17.

The following voted in the affirmative:

Clayborne	Halvorson	Meeks	Sullivan, D.
Collins	Harmon	Munoz	Sullivan, J.
Crotty	Hendon	Radogno	Trotter
Cullerton	Hunter	Risinger	Viverito
del Valle	Jacobs	Ronen	Walsh
DeLeo	Jones, W.	Sandoval	Welch

[November 5, 2003]

Demuzio	Lightford	Schoenberg	Wojcik
Garrett	Link	Sieben	Mr. President
Geo-Karis	Maloney	Silverstein	
Haine	Martinez	Soden	

The following voted in the negative:

Althoff	Forby	Petka	Watson
Bomke	Jones, J.	Rauschenberger	Winkel
Brady	Lauzen	Roskam	
Burzynski	Obama	Rutherford	
Cronin	Peterson	Syverson	

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Pursuant to the Motion in Writing filed and journalized on Tuesday, November 4, 2003, Senator Welch moved that the item on page 226, line 23 to **Senate Bill No. 1239** be restored, the item reduction of the Governor to the contrary notwithstanding.

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

Yeas 57; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of three-fifths of the members elected, was declared passed, the item veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Pursuant to the Motion in Writing filed and journalized on Tuesday, November 4, 2003, Senator Clayborne moved that **Senate Bill No. 212** do pass, the veto of the Governor to the contrary notwithstanding.

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

Yeas 43; Nays 10; Present 1.

The following voted in the affirmative:

Althoff	Haine	Meeks	Soden
Brady	Halvorson	Munoz	Sullivan, D.

[November 5, 2003]

Clayborne	Harmon	Obama	Trotter
Collins	Hendon	Peterson	Viverito
Crotty	Hunter	Risinger	Walsh
Cullerton	Jacobs	Roskam	Watson
del Valle	Jones, W.	Rutherford	Welch
DeLeo	Lightford	Sandoval	Winkel
Demuzio	Link	Schoenberg	Wojcik
Forby	Maloney	Sieben	Mr. President
Geo-Karis	Martinez	Silverstein	

The following voted in the negative:

Bomke	Jones, J.	Petka	Sullivan, J.
Burzynski	Lauzen	Rauschenberger	
Cronin	Luechtefeld	Righter	

The following voted present:

Dillard

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Pursuant to the Motion in Writing filed and journalized on Tuesday, November 4, 2003, Senator Clayborne moved that **Senate Bill No. 216** do pass, the specific recommendations of the Governor to the contrary notwithstanding.

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

Yeas 42; Nays 11.

The following voted in the affirmative:

Brady	Geo-Karis	Meeks	Soden
Clayborne	Haine	Munoz	Sullivan, D.
Collins	Harmon	Obama	Trotter
Cronin	Hendon	Risinger	Viverito
Crotty	Hunter	Ronen	Walsh
Cullerton	Jacobs	Roskam	Watson
del Valle	Jones, W.	Rutherford	Welch
DeLeo	Lightford	Sandoval	Winkel
Demuzio	Link	Schoenberg	Mr. President
Dillard	Maloney	Sieben	
Forby	Martinez	Silverstein	

The following voted in the negative:

Althoff	Jones, J.	Petka	Sullivan, J.
Bomke	Lauzen	Rauschenberger	Syverson
Burzynski	Peterson	Righter	

This bill, having received the vote of three-fifths of the members elected, was declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

[November 5, 2003]

Pursuant to the Motion in Writing filed and journalized on Tuesday, November 4, 2003, Senator Walsh moved that **Senate Bill No. 272** do pass, the specific recommendations of the Governor to the contrary notwithstanding.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

At the hour of 4:25 o'clock p.m., Senator Halvorson presiding.

Pursuant to the Motion in Writing filed on Tuesday, November 4, 2003 and journalized Tuesday, November 4, 2003, Senator Cullerton moved that **Senate Bill No. 472** do pass, the specific recommendations of the Governor to the contrary notwithstanding.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

This bill, having received the vote of three-fifths of the members elected, was declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

[November 5, 2003]



Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

### INTRODUCTION OF BILLS

**SENATE BILL NO. 2118.** Introduced by Senator Sieben, a bill for AN ACT concerning vehicles.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

**SENATE BILL NO. 2119.** Introduced by Senator Dillard, a bill for AN ACT concerning libraries.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

### CONSIDERATION OF GOVERNOR'S VETO MESSAGES

Pursuant to the Motion in Writing filed and journalized on Tuesday, November 4, 2003, Senator DeLeo moved that **Senate Bill No. 408** do pass, the veto of the Governor to the contrary notwithstanding.

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

Yeas 32; Nays 22.

The following voted in the affirmative:

Collins	Hunter	Radogno	Viverito
Crotty	Jacobs	Risinger	Walsh
Cullerton	Lightford	Ronen	Welch
del Valle	Link	Rutherford	Wojcik
DeLeo	Maloney	Sandoval	Mr. President
Demuzio	Martinez	Schoenberg	
Geo-Karis	Meeks	Silverstein	
Halvorson	Munoz	Sullivan, D.	
Harmon	Obama	Trotter	

The following voted in the negative:

Althoff	Garrett	Peterson	Sullivan, J.
Bomke	Haine	Petka	Syverson
Brady	Hendon	Rauschenberger	Watson
Burzynski	Jones, J.	Roskam	Winkel
Cronin	Lauzen	Sieben	
Forby	Luechtefeld	Soden	

The motion having failed to receive the vote of three-fifths of the members elected was lost.

### REPORT FROM RULES COMMITTEE

Senator Demuzio, Chairperson of the Committee on Rules, during its November 5, 2003 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Insurance and Pensions: **Senate Floor Amendment No. 1 to House Bill 610.**

State Government: **Senate Floor Amendment No. 5 to House Bill 700.**

[November 5, 2003]

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

**Senate Floor Amendment No. 1 to Senate Joint Resolution 39**  
**Senate Floor Amendment No. 3 to Senate Bill 67**  
**Senate Floor Amendment No. 2 to House Bill 576**

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

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

**House Joint Resolution 36**  
**Senate Joint Resolution 40**  
**Senate Resolution 274**

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

#### HOUSE BILL RECALLED

On motion of Senator Cullerton, **House Bill No. 576** was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1

AMENDMENT NO. 1\_\_\_\_. Amend House Bill 576 by replacing the title with the following:

"AN ACT in relation to police officers."; and

by replacing everything after the enacting clause with the following:

"Section 5. If and only if Senate Bill 472 of the 93rd General Assembly becomes law by the override of the Governor's amendatory veto, the Illinois Police Training Act is amended by changing Section 6.1 as follows:

(50 ILCS 705/6.1)

Sec. 6.1. Decertification of full-time and part-time police officers. (a) The Board must review police officer conduct and records to ensure that no police officer is certified or provided a valid waiver if that police officer has been convicted of a felony offense under the laws of this State or any other state which if committed in this State would be punishable as a felony. The Board must also ensure that no police officer is certified or provided a valid waiver if that police officer has been convicted on or after the effective date of this amendatory Act of 1999 of any misdemeanor specified in this Section or if committed in any other state would be an offense similar to Section 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961 or to Section 5 or 5.2 of the Cannabis Control Act. The Board must appoint investigators to enforce the duties conferred upon the Board by this Act.

(b) It is the responsibility of the sheriff or the chief executive officer of every local law enforcement agency or department within this State to report to the Board any arrest or conviction of any officer for an offense identified in this Section.

(c) It is the duty and responsibility of every full-time and part-time police officer in this State to report to the Board within 30 days, and the officer's sheriff or chief executive officer, of his or her arrest or conviction for an offense identified in this Section. Any full-time or part-time police officer who knowingly makes, submits, causes to be submitted, or files a false or untruthful report to the Board must have his or her certificate or waiver immediately decertified or revoked.

(d) Any person, or a local or State agency, or the Board is immune from liability for submitting, disclosing, or releasing information of arrests or convictions in this Section as long as the information is submitted, disclosed, or released in good faith and without malice. The Board has qualified immunity for the release of the information.

(e) Any full-time or part-time police officer with a certificate or waiver issued by the Board who is convicted of any offense described in this Section immediately becomes decertified or no longer has a valid waiver. The decertification and invalidity of waivers occurs as a matter of law. Failure of a convicted person to report to the Board his or her conviction as described in this Section or any continued law enforcement practice after receiving a conviction is a Class 4 felony.

[November 5, 2003]

(f) The Board's investigators are peace officers and have all the powers possessed by policemen in cities and by sheriff's, provided that the investigators may exercise those powers anywhere in the State, only after contact and cooperation with the appropriate local law enforcement authorities.

(g) The Board must request and receive information and assistance from any federal, state, or local governmental agency as part of the authorized criminal background investigation. The Department of State Police must process, retain, and additionally provide and disseminate information to the Board concerning criminal charges, arrests, convictions, and their disposition, that have been filed before, on, or after the effective date of this amendatory Act of the 91st General Assembly against a basic academy applicant, law enforcement applicant, or law enforcement officer whose fingerprint identification cards are on file or maintained by the Department of State Police. The Federal Bureau of Investigation must provide the Board any criminal history record information contained in its files pertaining to law enforcement officers or any applicant to a Board certified basic law enforcement academy as described in this Act based on fingerprint identification. The Board must make payment of fees to the Department of State Police for each fingerprint card submission in conformance with the requirements of paragraph 22 of Section 55a of the Civil Administrative Code of Illinois.

(h) A police officer who has been certified or granted a valid waiver may also be decertified or have his or her waiver revoked upon a determination by the Illinois Labor Relations Board State Panel that he or she, while under oath, has knowingly and willfully made false statements as to a material fact going to an element of the offense of murder. If an appeal is filed, the determination shall be stayed.

(1) In the case of an acquittal on a charge of murder, a verified complaint may be filed:

(A) by the defendant; or

(B) by a police officer with personal knowledge of perjured testimony.

The complaint must allege that a police officer, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder. The verified complaint must be filed with the Executive Director of the Illinois Law Enforcement Training Standards Board within 2 years of the judgment of acquittal.

(2) Within 30 days, the Executive Director of the Illinois Law Enforcement Training Standards Board shall review the verified complaint and determine whether the verified complaint is frivolous and without merit, or whether further investigation is warranted. The Illinois Law Enforcement Training Standards Board shall notify the officer and the Executive Director of the Illinois Labor Relations Board State Panel of the filing of the complaint and any action taken thereon. If the Executive Director of the Illinois Law Enforcement Training Standards Board determines that the verified complaint is frivolous and without merit, it shall be dismissed. The Executive Director of the Illinois Law Enforcement Training Standards Board has sole discretion to make this determination and this decision is not subject to appeal.

(i) If the Executive Director of the Illinois Law Enforcement Training Standards Board determines that the verified complaint warrants further investigation, he or she shall refer the matter to a task force of investigators created for this purpose. This task force shall consist of 8 sworn police officers: 2 from the Illinois State Police, 2 from the City of Chicago Police Department, 2 from county police departments, and 2 from municipal police departments. These investigators shall have a minimum of 5 years of experience in conducting criminal investigations. The investigators shall be appointed by the Executive Director of the Illinois Law Enforcement Training Standards Board. Any officer or officers acting in this capacity pursuant to this statutory provision will have statewide police authority while acting in this investigative capacity. Their salaries and expenses for the time spent conducting investigations under this paragraph shall be reimbursed by the Illinois Law Enforcement Training Standards Board.

(j) If the Executive Director of the Illinois Law Enforcement Training Standards Board has determined that an investigation is warranted, the verified complaint shall be assigned to an investigator or investigators. The investigator or investigators shall conduct an investigation of the verified complaint and shall write a report of his or her findings. This report shall be submitted to the Executive Director of the Illinois Labor Relations Board State Panel.

Within 30 days, the Executive Director of the Illinois Labor Relations Board State Panel shall review the investigative report and determine whether sufficient evidence exists to conduct an evidentiary hearing on the verified complaint. If the Executive Director of the Illinois Labor Relations Board State Panel determines upon his or her review of the investigatory report that a hearing should not be conducted, the complaint shall be dismissed. This decision is in the Executive Director's sole discretion, and this dismissal may not be appealed.

If the Executive Director of the Illinois Labor Relations Board State Panel determines that there is sufficient evidence to warrant a hearing, a hearing shall be ordered on the verified complaint, to be

conducted by an administrative law judge employed by the Illinois Labor Relations Board State Panel. The Executive Director of the Illinois Labor Relations Board State Panel shall inform the Executive Director of the Illinois Law Enforcement Training Standards Board and the person who filed the complaint of either the dismissal of the complaint or the issuance of the complaint for hearing. The Executive Director shall assign the complaint to the administrative law judge within 30 days of the decision granting a hearing.

(k) In the case of a finding of guilt on the offense of murder, if a new trial is granted on direct appeal, or a state post-conviction evidentiary hearing is ordered, based on a claim that a police officer, under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder, the Illinois Labor Relations Board State Panel shall hold a hearing to determine whether the officer should be decertified if an interested party requests such a hearing within 2 years of the court's decision. The complaint shall be assigned to an administrative law judge within 30 days so that a hearing can be scheduled.

At the hearing, the accused officer shall be afforded the opportunity to:

(1) Be represented by counsel of his or her own choosing;

(2) Be heard in his or her own defense;

(3) Produce evidence in his or her defense;

(4) Request that the Illinois Labor Relations Board State Panel compel the attendance of witnesses and production of related documents including but not limited to court documents and records.

Once a case has been set for hearing, the verified complaint shall be referred to the Department of Professional Regulation. That office shall prosecute the verified complaint at the hearing before the administrative law judge. The Department of Professional Regulation shall have the opportunity to produce evidence to support the verified complaint and to request the Illinois Labor Relations Board State Panel to compel the attendance of witnesses and the production of related documents, including, but not limited to, court documents and records. The Illinois Labor Relations Board State Panel shall have the power to issue subpoenas requiring the attendance of and testimony of witnesses and the production of related documents including, but not limited to, court documents and records and shall have the power to administer oaths.

The administrative law judge shall have the responsibility of receiving into evidence relevant testimony and documents, including court records, to support or disprove the allegations made by the person filing the verified complaint and, at the close of the case, hear arguments. If the administrative law judge finds that there is not clear and convincing evidence to support the verified complaint that the police officer has, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder, the administrative law judge shall make a written recommendation of dismissal to the Illinois Labor Relations Board State Panel. If the administrative law judge finds that there is clear and convincing evidence that the police officer has, while under oath, knowingly and willfully made false statements as to a material fact that goes to an element of the offense of murder, the administrative law judge shall make a written recommendation so concluding to the Illinois Labor Relations Board State Panel. The hearings shall be transcribed. The Executive Director of the Illinois Law Enforcement Training Standards Board shall be informed of the administrative law judge's recommended findings and decision and the Illinois Labor Relations Board State Panel's subsequent review of the recommendation.

(l) An officer named in any complaint filed pursuant to this Act shall be indemnified for his or her reasonable attorney's fees and costs by his or her employer. These fees shall be paid in a regular and timely manner. The State, upon application by the public employer, shall reimburse the public employer for the accused officer's reasonable attorney's fees and costs. At no time and under no circumstances will the accused officer be required to pay his or her own reasonable attorney's fees or costs.

(m) The accused officer shall not be placed on unpaid status because of the filing or processing of the verified complaint until there is a final non-appealable order sustaining his or her guilt and his or her certification is revoked. Nothing in this Act, however, restricts the public employer from pursuing discipline against the officer in the normal course and under procedures then in place.

(n) The Illinois Labor Relations Board State Panel shall review the administrative law judge's recommended decision and order and determine by a majority vote whether or not there was clear and convincing evidence that the accused officer, while under oath, knowingly and willfully made false statements as to a material fact going to the offense of murder. Within 30 days of service of the administrative law judge's recommended decision and order, the parties may file exceptions to the recommended decision and order and briefs in support of their exceptions with the Illinois Labor Relations Board State Panel. The parties may file responses to the exceptions and briefs in support of the responses no later than 15 days after the service of the exceptions. If exceptions are filed by any of the

parties, the Illinois Labor Relations Board State Panel shall review the matter and make a finding to uphold, vacate, or modify the recommended decision and order. If the Illinois Labor Relations Board State Panel concludes that there is clear and convincing evidence that the accused officer, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense murder, the Illinois Labor Relations Board State Panel shall inform the Illinois Law Enforcement Training Standards Board and the Illinois Law Enforcement Training Standards Board shall revoke the accused officer's certification. If the accused officer appeals that determination to the Appellate Court, as provided by this Act, he or she may petition the Appellate Court to stay the revocation of his or her certification pending the court's review of the matter.

(o) None of the Illinois Labor Relations Board State Panel's findings or determinations shall set any precedent in any of its decisions decided pursuant to the Illinois Public Labor Relations Act by the Illinois Labor Relations Board State Panel or the courts.

(p) A party aggrieved by the final order of the Illinois Labor Relations Board State Panel may apply for and obtain judicial review of an order of the Illinois Labor Relations Board State Panel, in accordance with the provisions of the Administrative Review Law, except that such judicial review shall be afforded directly in the Appellate Court for the district in which the accused officer resides. Any direct appeal to the Appellate Court shall be filed within 35 days from the date that a copy of the decision sought to be reviewed was served upon the party affected by the decision.

(q) Interested parties. Only interested parties to the criminal prosecution in which the police officer allegedly, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder may file a verified complaint pursuant to this Section. For purposes of this Section, "interested parties" shall be limited to the defendant and any police officer who has personal knowledge that the police officer who is the subject of the complaint has, while under oath, knowingly and willfully made false states as to a material fact going to an element of the offense of murder.

(r) Semi-annual reports. The Executive Director of the Illinois Labor Relations Board shall submit semi-annual reports to the Governor, President, and Minority Leader of the Senate, and to the Speaker and Minority Leader of the House of Representatives beginning on June 30, 2004, indicating:

- (1) the number of verified complaints received since the date of the last report;
- (2) the number of investigations initiated since the date of the last report;
- (3) the number of investigations concluded since the date of the last report;
- (4) the number of investigations pending as of the reporting date;
- (5) the number of hearings held since the date of the last report; and
- (6) the number of officers decertified since the date of the last report.

(h) A police officer who has been certified or granted a valid waiver may also be decertified or have his or her waiver revoked upon a determination by the Board that he or she, while under oath, has knowingly and willfully made false statements as to a material fact during a homicide proceeding. A determination may be made only after an investigation and hearing upon a verified complaint filed with the Illinois Law Enforcement Training Standards Board. No action may be taken by the Board regarding a complaint unless a majority of the members of the Board are present at the meeting at which the action is taken.

(1) The Board shall adopt rules governing the investigation and hearing of a verified complaint to assure the police officer due process and to eliminate conflicts of interest within the Board itself.

(2) Upon receipt of the initial verified complaint, the Board must make a finding within 30 days of receipt of the complaint as to whether sufficient evidence exists to support the complaint. The Board is empowered to investigate and dismiss the complaint if it finds, by a vote of a majority of the members present, that there is insufficient evidence to support it. Upon the initial filing, the sheriff or police chief, or other employing agency, of the accused officer may suspend, with or without pay, the accused officer pending a decision of the Board. Upon a Board finding of insufficient evidence, the police officer shall be reinstated with back pay, benefits, and seniority status as appropriate. The sheriff or police chief, or employing agency, shall take such necessary action as is ordered by the Board.

(3) If the Board finds, by a vote of a majority of the members present, that sufficient evidence exists to support the complaint, it shall authorize a hearing before an administrative law judge within 45 days of the Board's finding, unless, based upon the complexity and extent of the allegations and charges, additional time is needed. In no event may a hearing before an administrative law judge take place later than 60 days after the Board's finding.

(i) The Board shall have the power and authority to appoint administrative law judges on a contractual basis. The Administrative law judges must be attorneys licensed to practice law in the State

of Illinois. The Board shall also adopt rules governing the appointment of administrative law judges and the conduct of hearings consistent with the requirements of this Section. The administrative law judge shall hear all evidence and prepare a written recommendation of his or her findings to the Board. At the hearing the accused police officer shall be afforded the opportunity to:

- (1) Be represented by counsel;
- (2) Be heard in his or her own defense;
- (3) Produce evidence in his or her defense;
- (4) Request that the Board compel the attendance of witnesses and production of court records and documents.

(j) Once a case has been set for hearing, the person who filed the verified complaint shall have the opportunity to produce evidence to support any charge against a police officer that he or she, while under oath, has knowingly and willfully made false statements as to a material fact during a homicide proceeding.

(1) The person who filed the verified complaint shall have the opportunity to be represented by counsel and shall produce evidence to support his or her charges;

(2) The person who filed the verified complaint may request the Board to compel the attendance of witnesses and production of court records and documents.

(k) The Board shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of court records and documents and shall have the power to administer oaths.

(l) The administrative law judge shall have the responsibility of receiving into evidence relevant testimony and documents, including court records, to support or disprove the allegations made by the person filing the verified complaint, and, at the close of the case, hear arguments. If the administrative law judge finds that there is not clear and convincing evidence to support the verified complaint that the police officer has, while under oath, knowingly and willfully made false statements as to a material fact during a homicide proceeding, the administrative law judge shall make a written recommendation of dismissal to the Board. If the administrative law judge finds that there is clear and convincing evidence to support the verified complaint that the police officer has, while under oath, knowingly and willfully made false statements as to a material fact during a homicide proceeding, the administrative law judge shall make a written recommendation of decertification to the Board.

(m) Any person, with the exception of the police officer who is the subject of the hearing, who is served by the Board with a subpoena to appear, testify or produce evidence and refuses to comply with the subpoena is guilty of a Class B misdemeanor. Any circuit court or judge, upon application by the Board, may compel compliance with a subpoena issued by the Board.

(n) Within 15 days of receiving the recommendation, the Board shall consider the recommendation of the administrative law judge and the record of the hearing at a Board meeting. If, by a two-thirds vote of the members present at the Board meeting, the Board finds that there is clear and convincing evidence that the police officer has, while under oath, knowingly and willfully made false statements as to a material fact during a homicide proceeding, the Board shall order that the police officer be decertified as a full-time or part-time police officer. If less than two-thirds of the members present vote to decertify the police officer, the Board shall dismiss the complaint.

(o) The provisions of the Administrative Review Law shall govern all proceedings for the judicial review of any order rendered by the Board. The moving party shall pay the reasonable costs of preparing and certifying the record for review. If the moving party is the police officer and he or she prevails, the court may award the police officer actual costs incurred in all proceedings, including reasonable attorney fees. If the court awards the police officer the actual costs incurred in a proceeding, including reasonable attorney fees, the costs and attorney fees shall be paid, subject to appropriation, from the Illinois Law Enforcement Training Standards Board Costs and Attorney Fees Fund, a special fund that is created in the State Treasury. The Fund shall consist of moneys appropriated or transferred into the Fund for the purpose of making payments of costs and attorney fees in accordance with this subsection (o). The Illinois Law Enforcement Training Standards Board shall administer the Fund and adopt rules for the administration of the Fund and for the submission and disposition of claims for costs and attorney fees in accordance with this subsection (o).

(p) If the police officer is decertified under subsection (h), the Board shall notify the defendant who was a party to the proceeding that resulted in the police officer's decertification and his or her attorney of the Board's decision. Notification shall be by certified mail, return receipt requested, sent to the party's last known address and to the party's attorney if any.

(q) Limitation of action.

(1) No complaint may be filed pursuant to this Section until after a verdict or other disposition is

~~rendered in the underlying case or the underlying case is dismissed in the trial court.~~

~~(2) A complaint pursuant to this Section may not be filed more than 2 years after the final resolution of the case. For purposes of this Section, final resolution is defined as the trial court's ruling on the State post conviction proceeding in the case in which it is alleged the police officer, while under oath, knowingly and willfully made false statements as to a material fact during a homicide proceeding. In the event a post conviction petition is not filed, an action pursuant to this Section may not be commenced more than 2 years after the denial of a petition for certiorari to the United States Supreme Court, or if no petition for certiorari is filed, 2 years after the date such a petition should have been filed. In the event of an acquittal, no proceeding may be commenced pursuant to this Section more than 6 years after the date upon which judgment on the verdict of acquittal was entered.~~

~~(r) Interested parties. Only interested parties to the criminal prosecution in which the police officer allegedly, while under oath, knowingly and willfully made false statements as to a material fact during a homicide proceeding may file a verified complaint pursuant to this Section. For purposes of this Section, "interested parties" include the defendant and any police officer who has personal knowledge that the police officer who is the subject of the complaint has, while under oath, knowingly and willfully made false statements as to a material fact during a homicide proceeding. (Source: 93SB472enr.)~~

Section 95. The amendatory changes to Section 6.1 of the Illinois Police Training Act made by this amendatory Act of the 93rd General Assembly supersede the amendatory changes made to Section 6.1 of the Illinois Police Training Act by Senate Bill 472 of the 93rd General Assembly, if Senate Bill 472 of the 93rd General Assembly becomes law.

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 2 \_\_\_\_\_. Amend House Bill 576, AS AMENDED, with reference to the page and line numbers on page 15 by inserting between lines 22 and 23 the following:

"Section 10.

If and only if Senate Bill 472 of the 93rd General Assembly becomes law by the override of the Governor's amendatory (725 ILCS 5/107A-10)

Sec. 107A-10. Pilot study on sequential lineup procedures. (a) Legislative intent. Because the goal of a police in

(b) Establishment of pilot jurisdictions. The Department of State Police shall select 3 police departments to participate in a pilot study on sequential lineup procedures. The pilot study shall be conducted in jurisdictions with a population of less than 500,000; and one such pilot jurisdiction shall be a police department in a municipality whose population is less than 50,000.

(c) Sequential lineup procedures in pilot jurisdictions. For any offense alleged to have been committed in a pilot jurisdiction, the following procedures shall apply:

(1) The witness shall be requested to state whether the individual shown is the perpetrator of the crime prior to viewing the lineup.

(2) The lineup administrator shall be someone who is not aware of which member of the lineup is the suspect in the case.

(3) Prior to presenting the lineup using the sequential method the lineup administrator shall:

(A) Inform the witness that the perpetrator may or may not be among those shown, and the witness should not identify anyone.

(B) Inform the witness that he or she will view individuals one at a time and will be requested to state whether he or she believes the individual shown is the perpetrator.

(C) Ask the witness to state in his or her own words how sure he or she is that the person identified is the actual perpetrator.

(d) Application. This Section applies to selected live lineups that are composed and presented at a police station and to sequential lineups.

(e) Selection of lineups. The participating jurisdictions shall develop a protocol for the selection and administration of lineups.

(f) Training and administrators. The Department of State Police shall offer training to police officers and any other personnel who will be involved in the pilot study.

(g) Report on the pilot study. The Department of State Police shall gather information from each of the participating jurisdictions and submit a report to the Department of State Police. (Source: 93SB472enr.)

on page 15, line 25, by inserting after "Assembly" the following:  
"and the provisions of Section 107A-10 of the Code of Criminal Procedure of 1963 made by this amendatory Act of the 93rd General Assembly, if Senate Bill 472 of the 93rd General Assembly becomes law,"

on page 15, line 26, by inserting after "Act" the following:  
"and the provisions of Section 107A-10 of the Code of Criminal Procedures of 1963 added".

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

**READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

[November 5, 2003]

On motion of Senator Cullerton, **House Bill No. 576**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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

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

#### **MOTION WITHDRAWN**

Senator Garrett asked and obtained unanimous consent to withdraw her Motion to Concur in Senate Amendment No. 3 to Senate Bill 759.

#### **SENATE BILL RECALLED**

On motion of Senator del Valle, **Senate Bill No. 67** was recalled from the order of third reading to the order of second reading.

Senator del Valle offered the following amendment and moved its adoption:

##### **AMENDMENT NO. 3**

AMENDMENT NO. 3. Amend Senate Bill 67, AS AMENDED, in the introductory clause of Section 10, by inserting after "6-118" the following:

"and by adding Sections 6-107.4 and 6-107.5"; and

by inserting after the last line of Sec. 6-106 of Section 10 the following:

"(625 ILCS 5/6-107.4 new)

Sec. 6-107.4. Visual difference; driver's licenses; social security numbers. The Secretary of State shall provide that there shall be a clear and distinct visual difference between driver's licenses issued to individuals without social security numbers and driver's licenses issued to individuals with social security numbers.

(625 ILCS 5/6-107.5 new)

Sec. 6-107.5. Ineligible applicants for Firearms Owner's Identification Cards. The Secretary of State shall, in conjunction with the Illinois State Police, establish administrative procedures for determining and identifying ineligible Firearm Owner's Identification Card applicants through information provided to the Secretary of State, through the driver's license application process, to ensure compliance with the Firearm Owners Identification Card Act."

The motion prevailed.

[November 5, 2003]



And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed; and the bill, as amended was ordered to a third reading.

### CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Jacobs moved that **House Joint Resolution No. 36**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Jacobs moved that House Joint Resolution No. 36 be adopted.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Hunter moved that **Senate Joint Resolution No. 40**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Hunter moved that Senate Joint Resolution No. 40 be adopted.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

Forby  
Garrett

Maloney  
Martinez

Schoenberg  
Sieben

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Senator Geo-Karis moved that **Senate Resolution No. 274**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Geo-Karis moved that Senate Resolution No. 274 be adopted.

The motion prevailed.

And the resolution was adopted.

#### **COMMITTEE MEETING ANNOUNCEMENTS**

Senator Trotter, Chairperson of the Committee on Appropriations I announced that the Appropriations I Committee will meet Thursday, November 6, 2003 in Room 212 Capitol Building, at 10:00 o'clock a.m.

Senator Jacobs, Chairperson of the Committee on Insurance and Pensions announced that the Insurance and Pensions Committee will meet Thursday, November 6, 2003 in Room 212 Capitol Building, at 9:30 o'clock a.m.

Senator Schoenberg, Chairperson of the Committee on State Government announced that the State Government Committee will meet Thursday, November 6, 2003 in Room A-1 Stratton Building, at 9:00 o'clock a.m.

At the hour of 5:20 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, November 6, 2003, at 11:00 o'clock a.m.