



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FOURTH GENERAL ASSEMBLY

28TH LEGISLATIVE DAY

TUESDAY, APRIL 12, 2005

9:03 O'CLOCK A.M.

SENATE
Daily Journal Index
28th Legislative Day

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The Senate met pursuant to adjournment.
 Senator James A. DeLeo, Chicago, Illinois, presiding.
 Prayer by Pastor Dennis E. Hawthorne, Capitol City Church of God, Springfield, Illinois.
 Senator Maloney led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Monday, April 11, 2005, be postponed, pending arrival of the printed Journal.
 The motion prevailed.

LEGISLATIVE MEASURES FILED

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

Floor Amendment No. 2 to Senate Bill 14
 Floor Amendment No. 3 to Senate Bill 629
 Floor Amendment No. 2 to Senate Bill 1266
 Floor Amendment No. 2 to Senate Bill 1828
 Floor Amendment No. 1 to Senate Bill 1887

MESSAGE FROM THE HOUSE

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 58
 A bill for AN ACT regarding education.
 HOUSE BILL NO. 711
 A bill for AN ACT concerning business.
 HOUSE BILL NO. 829
 A bill for AN ACT concerning taxes.
 HOUSE BILL NO. 1272
 A bill for AN ACT concerning community revitalization.
 HOUSE BILL NO. 1310
 A bill for AN ACT concerning local government.
 HOUSE BILL NO. 1565
 A bill for AN ACT concerning transportation.
 HOUSE BILL NO. 2379
 A bill for AN ACT in relation to public employee benefits.
 HOUSE BILL NO. 2528
 A bill for AN ACT concerning finance.
 HOUSE BILL NO. 2900
 A bill for AN ACT concerning criminal law.
 HOUSE BILL NO. 3740
 A bill for AN ACT concerning public employee benefits.
 HOUSE BILL NO. 4052
 A bill for AN ACT concerning criminal law.
 Passed the House, April 11, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 58, 711, 829, 1272, 1310, 1565, 2379, 2528, 2900, 3740 and 4052** were taken up, ordered printed and placed on first reading.

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READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 3417, sponsored by Senator DeLeo was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3420, sponsored by Senator Sandoval, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3451, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3480, sponsored by Senators Radogno - Pankau was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3504, sponsored by Senators Righter - Burzynski was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3515, sponsored by Senator Hunter was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3564, sponsored by Senator Martinez was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3576, sponsored by Senator Demuzio was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3595, sponsored by Senator Cullerton was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3597, sponsored by Senator Haine was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3604, sponsored by Senator Lauzen was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3651, sponsored by Senator Roskam was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3680, sponsored by Senator Collins was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3738, sponsored by Senator Link was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3752, sponsored by Senator del Valle was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3755, sponsored by Senator Wilhelmi was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3757, sponsored by Senator Shadid was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3763, sponsored by Senator Hunter was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3812, sponsored by Senator Ronen was taken up, read by title a first time and referred to the Committee on Rules.

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House Bill No. 3821, sponsored by Senator Maloney, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3822, sponsored by Senators Raoul - D. Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3874, sponsored by Senators Silverstein - Sandoval was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3879, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4020, sponsored by Senator J. Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4032, sponsored by Senator Althoff was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4058, sponsored by Senator Halvorson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4067, sponsored by Senator Hunter was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 471, sponsored by Senator Righter was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2550, sponsored by Senator Risinger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3467, sponsored by Senator Collins was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3538, sponsored by Senator Harmon was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1403, sponsored by Senator Martinez was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 270, sponsored by Senator Demuzio was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 529, sponsored by Senator Hendon was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 612, sponsored by Senator Martinez was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1182, sponsored by Senator Jacobs was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1339, sponsored by Senator Jacobs was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1529, sponsored by Senator Pankau was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2416, sponsored by Senator Sandoval was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3785, sponsored by Senator J. Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 956, sponsored by Senator Munoz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1289, sponsored by Senator Munoz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1565, sponsored by Senator Munoz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3420, sponsored by Senator Sandoval was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2355, sponsored by Senator DeLeo was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3821, sponsored by Senator Maloney was taken up, read by title a first time and referred to the Committee on Rules.

REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, reported that the Committee recommends that **Floor Amendment No. 1 to Senate Bill No. 833** be re-referred from the Committee on Local Government to the Committee on Rules.

Senator Viverito, Chairperson of the Committee on Rules, during its April 12, 2005 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture & Conservation: **Senate Floor Amendment No. 2 to Senate Bill 1726.**

Appropriations III: **Senate Floor Amendment No. 3 to Senate Bill 662.**

Commerce & Economic Development: **Senate Floor Amendment No. 2 to Senate Bill 14; Senate Floor Amendment No. 1 to Senate Bill 16; Senate Floor Amendment No. 1 to Senate Bill 833; Senate Floor Amendment No. 1 to Senate Bill 1251; Senate Floor Amendment No. 2 to Senate Bill 1723; Senate Floor Amendment No. 1 to Senate Bill 2072.**

Education: **Senate Floor Amendments numbered 3 and 4 to Senate Bill 750; Senate Floor Amendment No. 1 to Senate Bill 767; Senate Floor Amendment No. 1 to Senate Bill 853; Senate Floor Amendment No. 1 to Senate Bill 1851; Senate Floor Amendment No. 2 to Senate Bill 1886; Senate Floor Amendment No. 1 to Senate Bill 1887; Senate Floor Amendment No. 2 to Senate Bill 1931.**

Environment & Energy: **Senate Floor Amendment No. 1 to Senate Bill 1447.**

Executive: **Senate Floor Amendment No. 2 to Senate Bill 314; Senate Floor Amendments numbered 1 and 2 to Senate Bill 1266; Senate Floor Amendment No. 1 to Senate Bill 1302; Senate Floor Amendment No. 1 to Senate Bill 1965; Senate Floor Amendment No. 2 to Senate Bill 2038.**

Health & Human Services: **Senate Floor Amendment No. 1 to Senate Bill 1983; Senate Floor Amendment No. 3 to Senate Bill 2078.**

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Higher Education: **Senate Floor Amendment No. 1 to Senate Bill 2112.**

Housing & Community Affairs: **Senate Floor Amendment No. 2 to Senate Bill 2086.**

Judiciary: **Senate Floor Amendment No. 2 to Senate Bill 92; Senate Floor Amendment No. 1 to Senate Bill 98; Senate Floor Amendment No. 2 to Senate Bill 283; Senate Floor Amendment No. 2 to Senate Bill 581; Senate Floor Amendment No. 1 to Senate Bill 1208; Senate Floor Amendment No. 1 to Senate Bill 1210; Senate Floor Amendment No. 1 to Senate Bill 1623; Senate Floor Amendment No. 2 to Senate Bill 1883.**

Labor: **Senate Floor Amendment No. 1 to Senate Bill 411; Senate Floor Amendment No. 1 to Senate Bill 2075.**

Licensed Activities: **Senate Floor Amendment No. 2 to Senate Bill 1828; Senate Floor Amendment No. 3 to Senate Bill 1842.**

Local Government: **Senate Floor Amendment No. 3 to Senate Bill 204; Senate Floor Amendment No. 2 to Senate Bill 2085.**

Revenue: **Senate Floor Amendments numbered 1 and 2 to Senate Bill 198; Senate Floor Amendment No. 2 to Senate Bill 678; Senate Floor Amendment No. 1 to Senate Bill 716; Senate Floor Amendment No. 1 to Senate Bill 1682; Senate Floor Amendment No. 1 to Senate Bill 2030; Senate Floor Amendment No. 1 to Senate Bill 2053.**

State Government: **Senate Floor Amendment No. 3 to Senate Bill 334; Senate Floor Amendment No. 1 to Senate Bill 635.**

Transportation: **Senate Floor Amendment No. 1 to Senate Bill 501.**

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Cullerton, **Senate Bill No. 1129** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1130** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1131** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1132** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1133** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1134** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1135** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1136** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1137** having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Cullerton, **Senate Bill No. 1196** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1197** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1198** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1199** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1200** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1201** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1202** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1203** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1204** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1205** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1206** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **Senate Bill No. 1207** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1208** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Judiciary earlier today.

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

On motion of Senator Cullerton, **Senate Bill No. 1209** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1210** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Judiciary earlier today.

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

On motion of Senator Cullerton, **Senate Bill No. 1211** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1212** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1213** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1214** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1215** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1216** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1217** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 1233** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1233

AMENDMENT NO. 1. Amend Senate Bill 1233 by replacing everything after the enacting clause with the following:

"Section 5. The Motor Fuel Tax Law is amended by changing Section 13 as follows:
(35 ILCS 505/13) (from Ch. 120, par. 429)

Sec. 13. Refund of tax paid. Any person other than a distributor or supplier, who loses motor fuel through any cause or uses motor fuel (upon which he has paid the amount required to be collected under Section 2 of this Act) for any purpose other than operating a motor vehicle upon the public highways or waters, shall be reimbursed and repaid the amount so paid.

Any person who purchases motor fuel in Illinois and uses that motor fuel in another state and that other state imposes a tax on the use of such motor fuel shall be reimbursed and repaid the amount of Illinois tax paid under Section 2 of this Act on the motor fuel used in such other state. Reimbursement and repayment shall be made by the Department upon receipt of adequate proof of taxes paid to another state and the amount of motor fuel used in that state.

Claims for such reimbursement must be made to the Department of Revenue, duly verified by the claimant (or by the claimant's legal representative if the claimant has died or become a person under legal disability), upon forms prescribed by the Department. The claim must state such facts relating to the purchase, importation, manufacture or production of the motor fuel by the claimant as the Department may deem necessary, and the time when, and the circumstances of its loss or the specific purpose for which it was used (as the case may be), together with such other information as the Department may reasonably require. No claim based upon idle time shall be allowed.

Claims for full reimbursement for taxes paid on or before December 31, 1999 must be filed not later than one year after the date on which the tax was paid by the claimant. If, however, a claim for such reimbursement otherwise meeting the requirements of this Section is filed more than one year but less than 2 years after that date, the claimant shall be reimbursed at the rate of 80% of the amount to which he would have been entitled if his claim had been timely filed.

Claims for full reimbursement for taxes paid on or after January 1, 2000 must be filed not later than 2 years after the date on which the tax was paid by the claimant.

The Department may make such investigation of the correctness of the facts stated in such claims as it deems necessary. When the Department has approved any such claim, it shall pay to the claimant (or to the claimant's legal representative, as such if the claimant has died or become a person under legal disability) the reimbursement provided in this Section, out of any moneys appropriated to it for that purpose.

Any distributor or supplier who has paid the tax imposed by Section 2 of this Act upon motor fuel lost or used by such distributor or supplier for any purpose other than operating a motor vehicle upon the public highways or waters may file a claim for credit or refund to recover the amount so paid. Such claims shall be filed on forms prescribed by the Department. Such claims shall be made to the Department, duly verified by the claimant (or by the claimant's legal representative if the claimant has died or become a person under legal disability), upon forms prescribed by the Department. The claim shall state such facts relating to the purchase, importation, manufacture or production of the motor fuel by the claimant as the Department may deem necessary and the time when the loss or nontaxable use

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occurred, and the circumstances of its loss or the specific purpose for which it was used (as the case may be), together with such other information as the Department may reasonably require. Claims must be filed not later than one year after the date on which the tax was paid by the claimant.

The Department may make such investigation of the correctness of the facts stated in such claims as it deems necessary. When the Department approves a claim, the Department shall issue a refund or credit memorandum as requested by the taxpayer, to the distributor or supplier who made the payment for which the refund or credit is being given or, if the distributor or supplier has died or become incompetent, to such distributor's or supplier's legal representative, as such. The amount of such credit memorandum shall be credited against any tax due or to become due under this Act from the distributor or supplier who made the payment for which credit has been given.

Any credit or refund that is allowed under this Section shall bear interest at the rate and in the manner specified in the Uniform Penalty and Interest Act.

In case the distributor or supplier requests and the Department determines that the claimant is entitled to a refund, such refund shall be made only from such appropriation as may be available for that purpose. If it appears unlikely that the amount appropriated would permit everyone having a claim allowed during the period covered by such appropriation to elect to receive a cash refund, the Department, by rule or regulation, shall provide for the payment of refunds in hardship cases and shall define what types of cases qualify as hardship cases.

In any case in which there has been an erroneous refund of tax payable under this Section, a notice of tax liability may be issued at any time within 3 years from the making of that refund, or within 5 years from the making of that refund if it appears that any part of the refund was induced by fraud or the misrepresentation of material fact. The amount of any proposed assessment set forth by the Department shall be limited to the amount of the erroneous refund.

If no tax is due and no proceeding is pending to determine whether such distributor or supplier is indebted to the Department for tax, the credit memorandum so issued may be assigned and set over by the lawful holder thereof, subject to reasonable rules of the Department, to any other licensed distributor or supplier who is subject to this Act, and the amount thereof applied by the Department against any tax due or to become due under this Act from such assignee.

If the payment for which the distributor's or supplier's claim is filed is held in the protest fund of the State Treasury during the pendency of the claim for credit proceedings pursuant to the order of the court in accordance with Section 2a of the State Officers and Employees Money Disposition Act and if it is determined by the Department or by the final order of a reviewing court under the Administrative Review Law that the claimant is entitled to all or a part of the credit claimed, the claimant, instead of receiving a credit memorandum from the Department, shall receive a cash refund from the protest fund as provided for in Section 2a of the State Officers and Employees Money Disposition Act.

If any person ceases to be licensed as a distributor or supplier while still holding an unused credit memorandum issued under this Act, such person may, at his election (instead of assigning the credit memorandum to a licensed distributor or licensed supplier under this Act), surrender such unused credit memorandum to the Department and receive a refund of the amount to which such person is entitled.

For claims based upon taxes paid on or before December 31, 2000, a claim based upon the use of undyed diesel fuel shall not be allowed except (i) if allowed under the following paragraph or (ii) for undyed diesel fuel used by a commercial vehicle, as that term is defined in Section 1-111.8 of the Illinois Vehicle Code, for any purpose other than operating the commercial vehicle upon the public highways and unlicensed commercial vehicles operating on private property. Claims shall be limited to commercial vehicles that are operated for both highway purposes and any purposes other than operating such vehicles upon the public highways.

For claims based upon taxes paid on or after January 1, 2000, a claim based upon the use of undyed diesel fuel shall not be allowed except (i) if allowed under the preceding paragraph or (ii) for claims for the following:

(1) Undyed diesel fuel used (i) in a manufacturing process, as defined in Section 2-45 of the Retailers' Occupation Tax Act, wherein the undyed diesel fuel becomes a component part of a product or by-product, other than fuel or motor fuel, when the use of dyed diesel fuel in that manufacturing process results in a product that is unsuitable for its intended use or (ii) for testing machinery and equipment in a manufacturing process, as defined in Section 2-45 of the Retailers' Occupation Tax Act, wherein the testing takes place on private property.

(2) Undyed diesel fuel used by a manufacturer on private property in the research and development, as defined in Section 1.29, of machinery or equipment intended for manufacture.

(3) Undyed diesel fuel used by a single unit self-propelled agricultural fertilizer implement, designed for on and off road use, equipped with flotation tires and specially adapted for

the application of plant food materials or agricultural chemicals.

(4) Undyed diesel fuel used by a commercial motor vehicle for any purpose other than operating the commercial motor vehicle upon the public highways. Claims shall be limited to commercial motor vehicles that are operated for both highway purposes and any purposes other than operating such vehicles upon the public highways.

(5) Undyed diesel fuel used by a unit of local government in its operation of an airport if the undyed diesel fuel is used directly in airport operations on airport property.

(6) Undyed diesel fuel used by refrigeration units that are permanently mounted to a semitrailer, as defined in Section 1.28 of this Law, wherein the refrigeration units have a fuel supply system dedicated solely for the operation of the refrigeration units.

(7) Undyed diesel fuel used by power take-off equipment as defined in Section 1.27 of this Law.

(8) Beginning on the effective date of this amendatory Act of the 94th General Assembly, undyed diesel fuel used by tugs and spotter equipment that is owned by a taxpayer and that is used for shifting vehicles or parcels on private or airport property. Any claim under this item (8) may be made only by a taxpayer that owns or operates equipment on both private and airport property. A taxpayer may not receive more than \$100,000 per year from the aggregate of all refunds or credits resulting from claims under this item (8). A claim may not be made under this item (8) by the same taxpayer more often than once each quarter.

Any person who has paid the tax imposed by Section 2 of this Law upon undyed diesel fuel that is unintentionally mixed with dyed diesel fuel and who owns or controls the mixture of undyed diesel fuel and dyed diesel fuel may file a claim for refund to recover the amount paid. The amount of undyed diesel fuel unintentionally mixed must equal 500 gallons or more. Any claim for refund of unintentionally mixed undyed diesel fuel and dyed diesel fuel shall be supported by documentation showing the date and location of the unintentional mixing, the number of gallons involved, the disposition of the mixed diesel fuel, and any other information that the Department may reasonably require. Any unintentional mixture of undyed diesel fuel and dyed diesel fuel shall be sold or used only for non-highway purposes.

The Department shall promulgate regulations establishing specific limits on the amount of undyed diesel fuel that may be claimed for refund.

For purposes of claims for refund, "loss" means the reduction of motor fuel resulting from fire, theft, spillage, spoilage, leakage, or any other provable cause, but does not include a reduction resulting from evaporation or shrinkage due to temperature variations.

(Source: P.A. 91-173, eff. 1-1-00; 92-30, eff. 7-1-01.)

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 1234** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 1235** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1235

AMENDMENT NO. 1. Amend Senate Bill 1235 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Highway Code is amended by changing Section 9-127 as follows:
(605 ILCS 5/9-127) (from Ch. 121, par. 9-127)

Sec. 9-127. (a) Except as provided in subsections (b), ~~and (c)~~, and (d), and in cases where the deed, or other instrument, dedicating a highway or part thereof, has expressly provided for a specific devolution of the title thereto upon the abandonment or vacation thereof, whenever any highway or any part thereof is vacated under or by virtue of any Act of this State or by the highway authority authorized to vacate the highway, the title to the land included within the highway or part thereof so vacated, vests in the then

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owners of the land abutting thereon, in the same proportions and to the same extent, as though the highway had been dedicated by a common law plat (as distinguished from a statutory plat) and as though the fee of the highway had been acquired by the owners as a part of the land abutting on the highway except, however, such vacation shall reserve to any public utility with facilities located in, under, over or upon the land an easement for the continued use, if any, by such public utility.

(b) When any highway authority determines to vacate a highway under its jurisdiction, or part thereof, established within a subdivision by a statutory plat, that authority may vacate such highway and convey the highway authority's interest in such highway to any bona fide organization of property owners of the subdivision which (1) is so organized as to be able to receive, hold and convey real property, (2) has petitioned the highway authority for the vacation of the highway, and (3) undertakes to develop the property for the use and benefit of the public. If the association abandons the property, it passes as provided in subsection (a).

(c) When any highway authority determines to vacate a highway or part of a highway under its jurisdiction established within a subdivision by a statutory plat, that authority may vacate the highway and convey the highway authority's interest in the highway to any township road district which (1) has petitioned the highway authority for the vacation of the highway and (2) undertakes to develop the property as a bike path or alley for the use and benefit of the public. If the property is subsequently incorporated within a municipality, the township road district may transfer its interest to the municipality. If the township road district or municipality abandons the property, it passes as provided in subsection (a).

(d) When any highway authority determines to vacate a highway or a part of a highway under its jurisdiction, the authority may sell the vacated highway property to any third party at fair market value if (1) the authority has either a fee simple interest in the vacated highway property or a dedication of that property by statutory plat and (2) the right of first refusal with regard to the vacated highway property has been granted to adjoining landowners for fair market value.

(Source: P.A. 93-321, eff. 7-23-03.)

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

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1235

AMENDMENT NO. 2. Amend Senate Bill 1235, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, lines 7 and 8 by changing "(b) and (c)" to "(b), ~~and~~ (c) and (d)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 1295** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 1296** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 1302** having been printed, was taken up, read by title a second time

Floor Amendment No. 1 was referred to the Committee on Executive earlier today.

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

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

At the hour of 10:00 o'clock a.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

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AFTER RECESS

At the hour of 7:48 o'clock p.m., the Senate resumed consideration of business.
 Senator DeLeo, presiding.

REPORTS FROM STANDING COMMITTEES

Senator Haine, Chairperson of the Committee on Insurance, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 776

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

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

Senate Amendment No. 1 to Senate Bill 28
 Senate Amendment No. 1 to Senate Bill 248
 Senate Amendment No. 1 to Senate Bill 501
 Senate Amendment No. 1 to Senate Bill 1119
 Senate Amendment No. 2 to Senate Bill 1120
 Senate Amendment No. 1 to Senate Bill 1874

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

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

Senate Amendment No. 3 to Senate Bill 334
 Senate Amendment No. 1 to Senate Bill 630
 Senate Amendment No. 1 to Senate Bill 635
 Senate Amendment No. 2 to Senate Bill 2043

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

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

Senate Amendment No. 1 to Senate Bill 763

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

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

Senate Amendment No. 1 to Senate Bill 187
 Senate Amendment No. 3 to Senate Bill 204
 Senate Amendment No. 1 to Senate Bill 502
 Senate Amendment No. 1 to Senate Bill 599
 Senate Amendment No. 1 to Senate Bill 600
 Senate Amendment No. 1 to Senate Bill 818
 Senate Amendment No. 1 to Senate Bill 834
 Senate Amendment No. 1 to Senate Bill 840
 Senate Amendment No. 1 to Senate Bill 847
 Senate Amendment No. 2 to Senate Bill 1683
 Senate Amendment No. 2 to Senate Bill 1910
 Senate Amendment No. 1 to Senate Bill 2049

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Senate Amendment No. 2 to Senate Bill 2085

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

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

Senate Amendment No. 1 to Senate Bill 176
Senate Amendment No. 1 to Senate Bill 223
Senate Amendment No. 2 to Senate Bill 409
Senate Amendment No. 1 to Senate Bill 574
Senate Amendment No. 1 to Senate Bill 575
Senate Amendment No. 1 to Senate Bill 767
Senate Amendment No. 1 to Senate Bill 768
Senate Amendment No. 1 to Senate Bill 853
Senate Amendment No. 2 to Senate Bill 1493
Senate Amendment No. 1 to Senate Bill 1676
Senate Amendment No. 1 to Senate Bill 1815
Senate Amendment No. 1 to Senate Bill 1851
Senate Amendment No. 2 to Senate Bill 1931
Senate Amendment No. 1 to Senate Bill 1972

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

Senators Cullerton and Dillard, Co-Chairpersons of the Committee on Judiciary, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 72
Senate Amendment No. 1 to Senate Bill 92
Senate Amendment No. 1 to Senate Bill 98
Senate Amendment No. 1 to Senate Bill 189
Senate Amendment No. 2 to Senate Bill 219
Senate Amendment No. 3 to Senate Bill 241
Senate Amendment numbered 1 and 2 to Senate Bill 283
Senate Amendment No. 1 to Senate Bill 304
Senate Amendment No. 1 to Senate Bill 319
Senate Amendment No. 1 to Senate Bill 452
Senate Amendment No. 2 to Senate Bill 530
Senate Amendment No. 1 to Senate Bill 537
Senate Amendment No. 2 to Senate Bill 546
Senate Amendment No. 1 to Senate Bill 554
Senate Amendment No. 2 to Senate Bill 581
Senate Amendment No. 3 to Senate Bill 658
Senate Amendment No. 1 to Senate Bill 850
Senate Amendment No. 1 to Senate Bill 1208
Senate Amendment No. 1 to Senate Bill 1210
Senate Amendment No. 1 to Senate Bill 1230
Senate Amendment No. 2 to Senate Bill 1328
Senate Amendment No. 1 to Senate Bill 1623
Senate Amendment No. 1 to Senate Bill 1752
Senate Amendment No. 2 to Senate Bill 1829
Senate Amendment numbered 1 and 2 to Senate Bill 1883
Senate Amendment No. 2 to Senate Bill 1893
Senate Amendment No. 1 to Senate Bill 1907
Senate Amendment No. 3 to Senate Bill 1911
Senate Amendment No. 2 to Senate Bill 1943
Senate Amendment No. 3 to Senate Bill 2094
Senate Amendment No. 1 to Senate Bill 2111

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

Senator Meeks, Chairperson of the Committee on Housing & Community Affairs, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 4 to Senate Bill 91
 Senate Amendment No. 1 to Senate Bill 289
 Senate Amendment No. 1 to Senate Bill 485
 Senate Amendment No. 1 to Senate Bill 553
 Senate Amendment No. 1 to Senate Bill 966
 Senate Amendment No. 1 to Senate Bill 2071
 Senate Amendment No. 2 to Senate Bill 2086

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

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

Senate Amendment No. 3 to Senate Bill 139
 Senate Amendment No. 1 to Senate Bill 451
 Senate Amendment No. 2 to Senate Bill 565
 Senate Amendment No. 1 to Senate Bill 1821
 Senate Amendment No. 2 to Senate Bill 1828
 Senate Amendment No. 3 to Senate Bill 1842
 Senate Amendment No. 2 to Senate Bill 2064
 Senate Amendment No. 2 to Senate Bill 2095

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

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

Senate Amendment No. 1 to Senate Bill 411
 Senate Amendment No. 1 to Senate Bill 2075

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

Senator Sandoval, Chairperson of the Committee on Commerce & Economic Development, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 16
 Senate Amendment No. 2 to Senate Bill 1723

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

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

Senate Amendment No. 1 to Senate Bill 15
 Senate Amendment No. 1 to Senate Bill 214

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

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

Senate Amendment No. 1 to Senate Bill 226
 Senate Amendment No. 3 to Senate Bill 250

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Senate Amendment No. 2 to Senate Bill 314
Senate Amendment No. 1 to Senate Bill 406
Senate Amendment No. 1 to Senate Bill 661
Senate Amendment No. 2 to Senate Bill 766
Senate Amendment No. 2 to Senate Bill 1266
Senate Amendment No. 1 to Senate Bill 1302
Senate Amendment No. 1 to Senate Bill 1964
Senate Amendment No. 1 to Senate Bill 1965

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

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

Senate Amendment No. 1 to Senate Bill 198
Senate Amendment No. 1 to Senate Bill 262
Senate Amendment No. 2 to Senate Bill 556
Senate Amendment No. 1 to Senate Bill 558
Senate Amendment No. 1 to Senate Bill 676
Senate Amendment No. 1 to Senate Bill 716
Senate Amendment No. 1 to Senate Bill 1675
Senate Amendment No. 1 to Senate Bill 1682
Senate Amendment No. 1 to Senate Bill 1935
Senate Amendment No. 1 to Senate Bill 2053

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

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

Senate Amendment No. 1 to Senate Bill 11
Senate Amendment No. 1 to Senate Bill 159
Senate Amendment No. 1 to Senate Bill 506
Senate Amendment No. 1 to Senate Bill 568
Senate Amendment No. 1 to Senate Bill 569
Senate Amendment No. 1 to Senate Bill 1461
Senate Amendment No. 1 to Senate Bill 1624
Senate Amendment No. 1 to Senate Bill 1665
Senate Amendment No. 1 to Senate Bill 1983
Senate Amendment No. 2 to Senate Bill 1986
Senate Amendment No. 3 to Senate Bill 2078

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

Senator Maloney, Chairperson of the Committee on Higher Education, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 2112

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

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

Senate Amendment No. 1 to Senate Bill 397
Senate Amendment No. 1 to Senate Bill 431
Senate Amendment No. 3 to Senate Bill 467
Senate Amendment No. 3 to Senate Bill 1700
Senate Amendment No. 1 to Senate Bill 1909

Senate Amendment No. 2 to Senate Bill 2060

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

Senator Hunter, Chairperson of the Committee on Appropriations II, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Bill 662

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

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 231
A bill for AN ACT concerning public employee benefits.

HOUSE BILL NO. 360
A bill for AN ACT concerning families.

HOUSE BILL NO. 442
A bill for AN ACT concerning transportation.

HOUSE BILL NO. 551
A bill for AN ACT concerning taxes.

HOUSE BILL NO. 881
A bill for AN ACT concerning education.

HOUSE BILL NO. 911
A bill for AN ACT concerning government.

HOUSE BILL NO. 1311
A bill for AN ACT concerning townships.

HOUSE BILL NO. 1351
A bill for AN ACT concerning transportation.

HOUSE BILL NO. 1540
A bill for AN ACT concerning education.

HOUSE BILL NO. 2190
A bill for AN ACT concerning regulation.
Passed the House, April 12, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 231, 360, 442, 551, 881, 911, 1311, 1351, 1540 and 2190** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 2348
A bill for AN ACT concerning transportation.

HOUSE BILL NO. 2417
A bill for AN ACT concerning elections.

HOUSE BILL NO. 2594
A bill for AN ACT concerning business.

HOUSE BILL NO. 3183

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A bill for AN ACT concerning local government.
HOUSE BILL NO. 3415
A bill for AN ACT concerning minors.
HOUSE BILL NO. 3472
A bill for AN ACT concerning State government.
HOUSE BILL NO. 3526
A bill for AN ACT concerning State government.
HOUSE BILL NO. 3711
A bill for AN ACT concerning employment.
HOUSE BILL NO. 3801
A bill for AN ACT concerning education.
HOUSE BILL NO. 3853
A bill for AN ACT in relation to aging.
HOUSE BILL NO. 4051
A bill for AN ACT concerning human rights.
Passed the House, April 12, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 2348, 2417, 2594, 3183, 3415, 3472, 3526, 3711, 3801, 3853 and 4051** were taken up, ordered printed and placed on first reading.

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 265
A bill for AN ACT concerning insurance.
HOUSE BILL NO. 721
A bill for AN ACT concerning land.
HOUSE BILL NO. 984
A bill for AN ACT concerning infants who are born alive.
HOUSE BILL NO. 1571
A bill for AN ACT concerning local government.
HOUSE BILL NO. 2347
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 2506
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 3449
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 3500
A bill for AN ACT relating to education.
HOUSE BILL NO. 3624
A bill for AN ACT concerning teacher certification.
Passed the House, April 12, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 265, 721, 984, 1571, 2347, 2506, 3449, 3500 and 3624** were taken up, ordered printed and placed on first reading.

At the hour of 8:57 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, April 13, 2005, at 11:00 o'clock a.m.

[April 12, 2005]