



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FOURTH GENERAL ASSEMBLY

34TH LEGISLATIVE DAY

THURSDAY, APRIL 21, 2005

10:08 O'CLOCK A.M.

SENATE
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34th Legislative Day

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The Senate met pursuant to adjournment.
 Senator Louis S. Viverito, Burbank, Illinois, presiding.
 Prayer by Dr. Rick Irwin, First Christian Church, Springfield, Illinois.
 Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, April 20, 2005, 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 Committee amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Committee Amendment No. 2 to House Bill 130
 Committee Amendment No. 1 to House Bill 893
 Committee Amendment No. 1 to House Bill 1195
 Committee Amendment No. 1 to House Bill 2697

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

Floor Amendment No. 2 to House Bill 783
 Floor Amendment No. 1 to House Bill 991

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. 1 to Senate Bill 392
 Floor Amendment No. 2 to Senate Bill 1791

PRESENTATION OF RESOLUTION

SENATE RESOLUTION 163

Offered by Senator Raoul and all Senators:
 Mourns the death of Joan Carole Miller Wood.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 27, sponsored by Senator Haine was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 44, sponsored by Senator Crotty was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 121, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 265, sponsored by Senator Brady was taken up, read by title a first time and referred to the Committee on Rules.

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House Bill No. 349, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 351, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 480, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 644, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 756, sponsored by Senator Lauzen was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 805, sponsored by Senator Righter was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 875, sponsored by Senator Haine was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 904, sponsored by Senator Crotty was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 911, sponsored by Senator Halvorson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 930, sponsored by Senator Haine was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 931, sponsored by Senator Demuzio was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 934, sponsored by Senator Haine was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1310, sponsored by Senator Link was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1311, sponsored by Senator Link was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1314, sponsored by Senator Forby was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1377, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1428, sponsored by Senator Martinez was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2260, sponsored by Senator Martinez was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2417, sponsored by Senator Meeks was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2487, sponsored by Senator Crotty was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2578, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3449, sponsored by Senator Haine was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3485, sponsored by Senator Silverstein was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3488, sponsored by Senator Maloney was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3507, sponsored by Senator Righter was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3596, sponsored by Senator Maloney was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3770, sponsored by Senator Jacobs was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4052, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

April 20, 2005

Ms. Linda Hawker
Secretary of the Senate
Room 403 State House
Springfield, Illinois 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Debbie Halvorson to temporarily replace Senator Ira Silverstein as a member of the Senate Commerce & Economic Development Committee. This appointment is effective immediately.

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

REPORTS FROM STANDING COMMITTEES

Senator Silverstein, Chairperson of the Committee on Executive to which was referred **House Bills numbered 487, 823, 870, 917, 1289, 3576 and 3843** reported the same back with the recommendation that the bills do pass.

[April 21, 2005]

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

Senator Silverstein, 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 851
Senate Amendment No. 2 to Senate Bill 1965

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 **House Bills numbered 112, 264, 415, 497, 518, 748, 847, 2445 and 2566** reported the same back with the recommendation that the bills do pass.

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

Senator Garrett, Chairperson of the Committee on State Government to which was referred **House Bill No. 1071** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Garrett, Chairperson of the Committee on State Government, to which was referred **Senate Resolution No. 63** reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 63** was placed on the Secretary's Desk.

Senator Harmon, Chairperson of the Committee on Revenue to which was referred **House Bills numbered 270, 395, 504, 973, 1570, 2470 and 2595** reported the same back with the recommendation that the bills do pass.

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

Senator Demuzio, Chairperson of the Committee on Licensed Activities to which was referred **House Bills numbered 900 and 3033** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a 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. 1 to Senate Bill 201
Senate Amendment No. 3 to Senate Bill 1828

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 that it be adopted:

Senate Amendment No. 2 to Senate Bill 507

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

Senator Forby, Chairperson of the Committee on Labor to which was referred **House Bills numbered 43, 324, 593, 1313 and 1402** reported the same back with the recommendation that the bills do pass.

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

Senator Schoenberg, Chairperson of the Committee on Appropriations II to which was referred **Senate Bills numbered 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576,**

1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589 and 1590 reported the same back with the recommendation that the bills do pass.

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

Senator Collins, Chairperson of the Committee on Financial Institutions to which was referred **House Bills numbered 583, 2404 and 2689** reported the same back with the recommendation that the bills do pass.

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

Senator Sandoval, Chairperson of the Committee on Commerce & Economic Development to which was referred **House Bills numbered 211, 361, 509 and 1529** reported the same back with the recommendation that the bills do pass.

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

Senator Sandoval, Chairperson of the Committee on Commerce & Economic Development to which was referred **House Bill No. 909** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Sandoval, Chairperson of the Committee on Commerce & Economic Development to which was referred the following Senate floor amendment reported that the Committee recommends that it be adopted:

Senate Amendment No. 3 to Senate Bill 14

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

REPORT FROM STANDING COMMITTEE

Senator Hendon and Senator Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, moved that the Senate resolve itself into Executive Session to consider the report of that Committee relative to the Governor's, Attorney General's, Treasurer's and Secretary of State's Message appointments.

The motion prevailed.

MOTION IN WRITING

Senators Lauzen, Rauschenberger, Burzynski, Syverson and Pankau submitted the following Motion in Writing:

Pursuant to Article 10, Section 10-1., Paragraph (C) of the Rules of the Senate, we the undersigned members request a separate vote on the nomination of Lorna E. Propes to be the Chair and a member of the Illinois Racing Board which was contained in the Governor's Message of February 24, 2005.

Date: March 9, 2005

s/Chris Lauzen
s/Steve Rauschenberger
s/J. Bradley Burzynski
s/Dave Syverson
s/Carole Pankau

EXECUTIVE SESSION

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of February 24, 2005, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

[April 21, 2005]

COMMERCE COMMISSION, ILLINOIS

To be a Member of the Illinois Commerce Commission for a term commencing February 1, 2005 and ending January 18, 2010:

Robert F. Lieberman of Oak Park
Salaried

EXECUTIVE ETHICS COMMISSION

To be a Member of the Executive Ethics Commission for a term commencing October 25, 2004 and ending June 30, 2007:

James Michael Brennan of Wheaton
Salaried

To be a Member of the Executive Ethics Commission for a term commencing October 25, 2004 and ending June 30, 2007:

Lawrence Oliver II of Orland Park
Salaried

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF

To be Director of the Illinois Department of Financial and Professional Regulation for a term commencing July 1, 2004 and ending January 17, 2005:

Michele V. Latz of River Forest
Salaried

To be Director of the Illinois Department of Financial and Professional Regulation for a term commencing July 1, 2004 and ending January 17, 2005:

Dorance Lorenzo Padron of Glenview
Salaried

LIQUOR CONTROL COMMISSION

To be a Member of the Liquor Control Commission for a term commencing December 20, 2004 and ending February 1, 2006:

John M. Aguilar of Aurora
Salaried

To be a Member and Chair of the Liquor Control Commission for a term commencing December 20, 2004 and ending February 1, 2010:

Irving J. Koppel of Skokie
Salaried

POLLUTION CONTROL BOARD

To be a Member of the Pollution Control Board for a term commencing September 1, 2004 and ending July 1, 2007:

Andrea S. Moore of Libertyville
Salaried

WORKERS' COMPENSATION COMMISSION, ILLINOIS
(formerly Illinois Industrial Commission)

To be Executive Director of the Illinois Workers' Compensation Commission (formerly Illinois Industrial Commission) for a term commencing January 3, 2005:

Carolyn L. Parks of Chicago
 Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments.
 And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of March 1, 2005, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

WORKERS' COMPENSATION COMMISSION

To be a Member of the Workers' Compensation Commission for a term commencing March 1, 2005 and ending January 19, 2009:

Maria Basurto of Chicago
 Salaried

To be a Member of the Workers' Compensation Commission for a term commencing March 7, 2005 and ending January 15, 2007:

Ilonka Ulrich of Skokie
 Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments.
 And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays None.

[April 21, 2005]

The following voted in the affirmative:

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

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of March 10, 2005, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

CIVIL SERVICE COMMISSION

To be a Member of the Civil Service Commission for a term commencing March 8, 2005 and ending March 1, 2011:

Christopher T. Kolker of Fairview Heights
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment.
And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

[April 21, 2005]

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of March 17, 2005, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF

To be Director of the Illinois Department of Financial and Professional Regulation for a term commencing March 21, 2005 and ending January 15, 2007:

Michael McRaith of Chicago
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment. 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	Garrett	Martinez	Schoenberg
Bomke	Geo-Karis	Meeks	Shadid
Brady	Haine	Munoz	Sieben
Burzynski	Halvorson	Pankau	Sullivan, D.
Clayborne	Harmon	Peterson	Sullivan, J.
Collins	Hendon	Petka	Syverson
Cronin	Hunter	Radogno	Viverito
Crotty	Jacobs	Raoul	Watson
Cullerton	Jones, J.	Rauschenberger	Wilhelmi
Dahl	Jones, W.	Righter	Winkel
del Valle	Laufen	Risinger	Wojcik
DeLeo	Lightford	Ronen	Mr. President
Demuzio	Link	Roskam	
Dillard	Luechtefeld	Rutherford	
Forby	Maloney	Sandoval	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of April 8, 2005, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

LABOR, DEPARTMENT OF

To be Assistant Director of the Illinois Department of Labor for a term commencing April 4, 2005 and ending January 15, 2007:

Bertoldo Rodriguez of Chicago
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

[April 21, 2005]

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

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Attorney General's Message to the Senate of March 9, 2005, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

EXECUTIVE INSPECTOR GENERAL – OFFICE OF THE ILLINOIS ATTORNEY GENERAL

To the office of the Executive Inspector General for the Office of the Illinois Attorney General for a term commencing on June 30, 2004 and ending June 30, 2008.

Diane L. Saltoun
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment.
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	Garrett	Martinez	Schoenberg
Bomke	Geo-Karis	Meeks	Shadid
Brady	Haine	Munoz	Sieben
Burzynski	Halvorson	Pankau	Sullivan, D.
Clayborne	Harmon	Peterson	Sullivan, J.
Collins	Hendon	Petka	Syverson
Cronin	Hunter	Radogno	Viverito
Crotty	Jacobs	Raoul	Watson
Cullerton	Jones, J.	Rauschenberger	Wilhelmi
Dahl	Jones, W.	Righter	Winkel
del Valle	Lauzen	Risinger	Wojcik
DeLeo	Lightford	Ronen	Mr. President
Demuzio	Link	Roskam	
Dillard	Luechtefeld	Rutherford	
Forby	Maloney	Sandoval	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

[April 21, 2005]

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Secretary of State's Message to the Senate of April 7, 2005, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

COMMISSIONER OF THE MERIT COMMISSION FOR THE OFFICE OF THE SECRETARY OF STATE

To be Commissioner of the Merit Commission for the Office of the Secretary of State for a term commencing on April 7, 2005 and ending July 1, 2011.

James Taylor
Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment. 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	Garrett	Martinez	Schoenberg
Bomke	Geo-Karis	Meeks	Shadid
Brady	Haine	Munoz	Sieben
Burzynski	Halvorson	Pankau	Sullivan, D.
Clayborne	Harmon	Peterson	Sullivan, J.
Collins	Hendon	Petka	Syverson
Cronin	Hunter	Radogno	Viverito
Crotty	Jacobs	Raoul	Watson
Cullerton	Jones, J.	Rauschenberger	Wilhelmi
Dahl	Jones, W.	Righter	Winkel
del Valle	Lauzen	Risinger	Wojcik
DeLeo	Lightford	Ronen	Mr. President
Demuzio	Link	Roskam	
Dillard	Luechtefeld	Rutherford	
Forby	Maloney	Sandoval	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of February 24, 2005, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

Pursuant to the motion submitted earlier and being supported by the required number of sponsors, a separate vote will be taken on the nomination of the following appointment.

ILLINOIS RACING BOARD

To be Member and Chair of the Illinois Racing Board for a term commencing August 16, 2004 and ending July 1, 2010:

Lorna E. Propes of Chicago
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

[April 21, 2005]

Yeas 35; Nays 19; Present 2.

The following voted in the affirmative:

Clayborne	Dillard	Jacobs	Sandoval
Collins	Forby	Lightford	Schoenberg
Cronin	Garrett	Link	Shadid
Crotty	Geo-Karis	Maloney	Sullivan, J.
Cullerton	Haine	Martinez	Viverito
Dahl	Halvorson	Meeks	Wilhelmi
del Valle	Harmon	Munoz	Wojcik
DeLeo	Hendon	Raoul	Mr. President
Demuzio	Hunter	Ronen	

The following voted in the negative:

Althoff	Lauzen	Rauschenberger	Sullivan, D.
Bomke	Luechtefeld	Righter	Syverson
Brady	Pankau	Risinger	Watson
Burzynski	Peterson	Roskam	Winkel
Jones, J.	Petka	Rutherford	

The following voted present:

Jones, W.
Radogno

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senator Hendon moved that the Senate advise and consent to the following appointments:

AGRICULTURAL EDUCATION, ILLINOIS COMMITTEE FOR

To be a Member of the Illinois Committee for Agricultural Education for a term commencing December 20, 2004 and ending March 13, 2006:

David L. Catron of Joliet
Non-Salaried

To be a Member of the Illinois Committee for Agricultural Education for a term commencing December 20, 2004 and ending March 13, 2006:

Kevin E. Daugherty of LeRoy
Non-Salaried

To be a Member of the Illinois Committee for Agricultural Education for a term commencing December 20, 2004 and ending March 13, 2006:

John T. Kabat of Scheller
Non-Salaried

To be a Member of the Illinois Committee for Agricultural Education for a term commencing December 20, 2004 and ending March 13, 2006:

Russell A. Leman of Roanoke
Non-Salaried

[April 21, 2005]

To be a Member of the Illinois Committee for Agricultural Education for a term commencing December 20, 2004 and ending March 13, 2007:

Michael E. Massie of Dahinda
Non-Salaried

To be a Member of the Illinois Committee for Agricultural Education for a term commencing December 20, 2004 and ending March 13, 2007:

Charles E. Olson of Champaign
Non-Salaried

CAPITAL DEVELOPMENT BOARD

To be a Member of the Capital Development Board for a term commencing August 16, 2004 and ending January 15, 2007:

Michael Chin of Chicago
Non-Salaried

CENTRAL MIDWEST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMMISSION

To be a Member of the Central Midwest Interstate Low-Level Radioactive Waste Commission for a term commencing August 9, 2004 and ending January 17, 2005:

Mary K. O'Brien of Essex
Non-Salaried

EASTERN ILLINOIS UNIVERSITY BOARD OF TRUSTEES

To be a Member of the Eastern Illinois University Board of Trustees for a term commencing August 18, 2004 and ending January 15, 2007:

Roger L. Kratochvil of Mt. Olive
Non-Salaried

To be a Member of the Eastern Illinois University Board of Trustees for a term commencing August 18, 2004 and ending January 17, 2005:

Robert D. Webb of Mattoon
Non-Salaried

To be a Member of the Eastern Illinois University Board of Trustees for a term commencing August 18, 2004 and ending January 15, 2007:

Leo Welch of O'Fallon
Non-Salaried

EDUCATION, STATE BOARD OF

To be a Member of the State Board of Education for a term commencing September 15, 2004 and ending January 10, 2007:

Andrea Brown of Goreville
Non-Salaried

To be a Member of the State Board of Education for a term commencing September 15, 2004 and ending January 10, 2007:

[April 21, 2005]

David L. Fields of Danville
Non-Salaried

To be a Member of the State Board of Education for a term commencing September 15, 2004 and ending January 10, 2007:

Edward J. Geppert, Jr., of Belleville
Non-Salaried

To be a Member of the State Board of Education for a term commencing September 15, 2004 and ending January 10, 2007:

Vinni M. Hall of Chicago
Non-Salaried

To be a Member of the State Board of Education for a term commencing September 15, 2004 and ending January 14, 2009:

Brenda J. Holmes of Springfield
Non-Salaried

To be a Member and Chair of the State Board of Education for a term commencing September 15, 2004 and ending January 10, 2007:

Jesse H. Ruiz of Chicago
Non-Salaried

To be a Member of the State Board of Education for a term commencing September 15, 2004 and ending January 14, 2009:

Christopher J. Ward of Lockport
Non-Salaried

EMPLOYMENT SECURITY ADVISORY BOARD, DEPARTMENT OF

To be a Member of the Department of Employment Security Advisory Board for a term commencing August 9, 2004 and ending January 17, 2005:

Kim Clarke Maisch of Springfield
Non-Salaried

HEALTH FACILITIES PLANNING BOARD

To be a Member of the Health Facilities Planning Board for a term commencing October 25, 2004 and ending July 1, 2005:

Courtney Renee Avery of Chicago
Non-Salaried

To be a Member of the Health Facilities Planning Board for a term commencing September 23, 2004 and ending July 1, 2006:

Susana G. Lopatka of Chicago
Non-Salaried

To be a Member and Chair of the Health Facilities Planning Board for a term commencing September 23, 2004 and ending July 1, 2007:

Glenn Poshard of Murphysboro
Non-Salaried

To be a Member of the Health Facilities Planning Board for term commencing November 22, 2004 and ending July 1, 2006:

Eugene Verdu of Belleville
Non-Salaried

To be a Member of the Health Facilities Planning Board for a term commencing October 25, 2004 and ending July 1, 2005:

Ronald Joseph Winters of Elgin
Non-Salaried

JOLIET ARSENAL DEVELOPMENT AUTHORITY

To be a member of the Joliet Arsenal Development Authority for a term commencing February 23, 2004 and ending January 15, 2007:

Warren C. Dorris of Joliet
Non-Salaried

KASKASKIA REGIONAL PORT DISTRICT BOARD

To be a Member of the Kaskaskia Regional Port District Board for a term commencing October 8, 2004 and ending June 30, 2005:

Michael G. Conrad of Columbia
Non-Salaried

LABOR ADVISORY BOARD, ILLINOIS DEPARTMENT OF

To be a Member of the Illinois Department of Labor Advisory Board for a term commencing December 6, 2004 and ending January 16, 2006:

Raymon Whitney of Plainfield
Non-Salaried

METROPOLITAN PIER AND EXPOSITION AUTHORITY

To be a Member of the Metropolitan Pier and Exposition Authority for a term commencing August 18, 2004 and ending June 1, 2009:

James V. Riley of Chicago
Non-Salaried

NATURAL RESOURCES AND CONSERVATION, BOARD OF

To be a Member of the Board of Natural Resources and Conservation for a term commencing September 6, 2004:

Phyllis Kay Whitlock of Chicago
Non-Salaried

NORTHEASTERN ILLINOIS UNIVERSITY BOARD OF TRUSTEES

To be a Member of the Northeastern Illinois University Board of Trustees for a term commencing December 7, 2004 and ending January 19, 2009:

[April 21, 2005]

Walter W. Dudycz of Chicago
Non-Salaried

PUBLIC ADMINISTRATOR AND PUBLIC GUARDIAN OF CRAWFORD COUNTY

To be Public Administrator and Public Guardian of Crawford County for a term commencing August 10, 2004 and ending December 4, 2004:

Dana M. Tylka of Robinson
Non-Salaried

PUBLIC ADMINISTRATOR AND PUBLIC GUARDIAN OF DOUGLAS COUNTY

To be Public Administrator and Public Guardian of Douglas County for a term commencing July 19, 2004 and ending December 3, 2005:

Kristi Heath of Tuscola
Non-Salaried

PUBLIC ADMINISTRATOR AND PUBLIC GUARDIAN OF RICHLAND COUNTY

To be Public Administrator and Public Guardian of Richland County for a term commencing October 4, 2004 and ending December 3, 2005:

Walter Buss of Olney
Non-Salaried

PUBLIC ADMINISTRATOR AND PUBLIC GUARDIAN OF ROCK ISLAND COUNTY

To be Public Administrator and Public Guardian of Rock Island County for a term commencing August 9, 2004 and ending December 5, 2005:

Linnea E. Thompson of Moline
Non-Salaried

RACING BOARD, ILLINOIS

To be Member of the Illinois Racing Board for a term commencing September 14, 2004 and ending July 1, 2010:

William H. Farley, Jr. of Oak Park
Non-Salaried

To be Member of the Illinois Racing Board for a term commencing August 16, 2004 and ending July 1, 2010:

Timothy P. Martin of Homer Glen
Non-Salaried

To be Member of the Illinois Racing Board for a term commencing September 14, 2004 and ending July 1, 2010:

Jonathan P. Metcalf of Indian Head Park
Non-Salaried

SPINAL CORD AND HEAD INJURIES, ADVISORY COUNCIL ON

To be a Member of the Advisory Council on Spinal Cord and Head Injuries for a term commencing August 4, 2004:

Philicia L. Deckard of Evanston
Non-Salaried

To be a Member of the Advisory Council on Spinal Cord and Head Injuries for a term commencing August 4, 2004:

John M. Eckert of Springfield
Non-Salaried

To be a Member of the Advisory Council on Spinal Cord and Head Injuries for a term commencing December 1, 2004 and ending June 30, 2006:

Martin D. Herman of Chicago
Non-Salaried

SOUTHERN ILLINOIS UNIVERSITY BOARD OF TRUSTEES

To be a Member of the Southern Illinois University Board of Trustees for a term commencing December 1, 2004 and ending January 15, 2007:

Keith R. Sanders of Spring Grove
Non-Salaried

TRI-CITY REGIONAL PORT DISTRICT BOARD

To be a Member of the Tri-City Regional Port District Board for a term commencing July 26, 2004 and ending May 31, 2007:

Joseph M. Schuler of Granite City
Non-Salaried

To be a Member of the Tri-City Regional Port District Board for a term commencing July 21, 2004 and ending May 31, 2007:

Steven W. Signall of Granite City
Non-Salaried

UNIVERSITY OF ILLINOIS BOARD OF TRUSTEES

To be a Member of the University of Illinois Board of Trustees for a term commencing January 11, 2005 and ending January 10, 2011:

Kenneth D. Schmidt of Riverwoods
Non-Salaried

WESTERN ILLINOIS UNIVERSITY BOARD OF TRUSTEES

To be a Member of the Western Illinois University Board of Trustees for a term commencing December 16, 2004 and ending January 17, 2005:

Bill Edley of Peoria
Non-Salaried

[April 21, 2005]

To be a Member of the Western Illinois University Board of Trustees for a term commencing January 18, 2005 and ending January 17, 2011:

Bill Edley of Peoria
Non-Salaried

WORKFORCE INVESTMENT BOARD

To be a Member of the Workforce Investment Board for a term commencing August 16, 2004 and ending July 1, 2006:

Michael A. Johl of Elmwood Park
Non-Salaried

To be a Member and Chair of the Illinois Workforce Investment Board for a term commencing December 6, 2004 and ending July 1, 2006:

Ron Whitley of Chicago
Non-Salaried

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

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Martinez	Sandoval
Bomke	Haine	Meeks	Schoenberg
Brady	Halvorson	Munoz	Shadid
Burzynski	Harmon	Pankau	Sieben
Clayborne	Hendon	Peterson	Sullivan, D.
Collins	Hunter	Petka	Sullivan, J.
Cronin	Jacobs	Radogno	Syverson
Crotty	Jones, J.	Raoul	Viverito
Cullerton	Jones, W.	Rauschenberger	Watson
Dahl	Laufen	Righter	Wilhelmi
del Valle	Lightford	Risinger	Winkel
Dillard	Link	Ronen	Wojcik
Forby	Luechtefeld	Roskam	Mr. President
Garrett	Maloney	Rutherford	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of March 1, 2005, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

FINANCE AUTHORITY, ILLINOIS

To be a Member of the Illinois Finance Authority for a term commencing February 28, 2005 and ending July 30, 2006:

Bradley A. Zeller of Alexander
Non-Salaried

MEDICAL DISCIPLINARY BOARD, ILLINOIS

To be a member of the Illinois Medical Disciplinary Board for a term commencing February 28, 2005 and ending January 1, 2007:

Tariq H. Butt of Chicago
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments.
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	Garrett	Martinez	Schoenberg
Bomke	Geo-Karis	Meeks	Shadid
Brady	Haine	Munoz	Sieben
Burzynski	Halvorson	Pankau	Sullivan, D.
Clayborne	Harmon	Peterson	Sullivan, J.
Collins	Hendon	Petka	Syverson
Cronin	Hunter	Radogno	Viverito
Crotty	Jacobs	Raoul	Watson
Cullerton	Jones, J.	Rauschenberger	Wilhelmi
Dahl	Jones, W.	Righter	Winkel
del Valle	Lauzen	Risinger	Wojcik
DeLeo	Lightford	Ronen	Mr. President
Demuzio	Link	Roskam	
Dillard	Luechtefeld	Rutherford	
Forby	Maloney	Sandoval	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of March 10, 2005, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

EDUCATION FUNDING ADVISORY BOARD

To be a Member and Chair of the Education Funding Advisory Board for a term commencing March 8, 2005 and ending January 16, 2006:

Steve Demitro of Chicago
Non-Salaried

To be a Member of the Education Funding Advisory Board for a term commencing March 8, 2005 and ending January 19, 2009:

James Dougherty of Evanston
Non-Salaried

To be a Member of the Education Funding Advisory Board for a term commencing March 8, 2005 and ending January 21, 2008:

Ramon Cepeda of Darien
Non-Salaried

[April 21, 2005]

To be a Member of the Education Funding Advisory Board for a term commencing March 8, 2005 and ending January 21, 2008:

Arthur L. Berman of Chicago
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments. And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senator Hendon, Co-Chairperson of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of March 17, 2005, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

AFFORDABLE HOUSING ADVISORY COMMISSION, ILLINOIS

To be a Member of the Illinois Affordable Housing Advisory Commission for a term commencing March 14, 2005 and ending October 1, 2007:

Thomas E. Smith of Decatur
Non-Salaried

EDUCATION FUNDING ADVISORY BOARD

To be a Member of the Education Funding Advisory Board for a term commencing March 14, 2005 and ending January 19, 2009:

Anne D. Davis of Tinley Park
Non-Salaried

WORKFORCE INVESTMENT BOARD, ILLINOIS

To be a Member of the Illinois Workforce Investment Board for a term commencing March 14, 2005 and July 1, 2005:

Anne Ladky of Chicago
Non-Salaried

To be a Member of the Illinois Workforce Investment Board for a term commencing March 14, 2005 and July 1, 2006:

Brooks Louis Lockhart of Chicago
Non-Salaried

To be a Member of the Illinois Workforce Investment Board for a term commencing March 14, 2005 and July 1, 2006:

John D. Rico of Chicago
Non-Salaried

To be a Member of the Illinois Workforce Investment Board for a term commencing March 16, 2005 and July 1, 2006:

Beverly Diane Williams of Flossmoor
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments.
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	Garrett	Martinez	Schoenberg
Bomke	Geo-Karis	Meeks	Shadid
Brady	Haine	Munoz	Sieben
Burzynski	Halvorson	Pankau	Sullivan, D.
Clayborne	Harmon	Peterson	Sullivan, J.
Collins	Hendon	Petka	Syverson
Cronin	Hunter	Radogno	Viverito
Crotty	Jacobs	Raoul	Watson
Cullerton	Jones, J.	Rauschenberger	Wilhelmi
Dahl	Jones, W.	Righter	Winkel
del Valle	Lauzen	Risinger	Wojcik
DeLeo	Lightford	Ronen	Mr. President
Demuzio	Link	Roskam	
Dillard	Luechtefeld	Rutherford	
Forby	Maloney	Sandoval	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of April 8, 2005, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

FINANCE AUTHORITY, ILLINOIS

To be a Member of the Illinois Finance Authority for a term commencing April 6, 2005 and ending July 17, 2006:

James J. Fuentes of South Barrington
Non-Salaried

[April 21, 2005]

GAMING BOARD, ILLINOIS

To be a Member of the Illinois Gaming Board for a term commencing March 21, 2005 and ending July 1, 2006:

Charles R. Gardner of Chicago
Non-Salaried

To be a Member and Chair of the Illinois Gaming Board for a term commencing March 21, 2005 and ending July 1, 2007:

Aaron Jaffe of Evanston
Non-Salaried

To be a Member of the Illinois Gaming Board for a term commencing March 21, 2005 and ending July 1, 2007:

Eugene Winkler of Naperville
Non-Salaried

INVESTMENT, STATE BOARD OF

To be a Member of the State Board of Investment for a term commencing April 6, 2005 and ending January 19, 2009:

Ronald E. Powell of Mundelein
Non-Salaried

SOUTHEASTERN ILLINOIS ECONOMIC DEVELOPMENT AUTHORITY

To be a Member of the Southeastern Illinois Economic Development Authority for a term commencing April 6, 2005 and ending January 18, 2010:

William P. Crain of Centralia
Non-Salaried

To be a Member of the Southeastern Illinois Economic Development Authority for a term commencing April 6, 2005 and ending January 21, 2008:

Samuel F. Mateer of Mt. Vernon
Non-Salaried

To be a Member of the Southeastern Illinois Economic Development Authority for a term commencing March 30, 2005 and ending January 21, 2008:

Dan Ramey of Centralia
Non-Salaried

To be a Member of the Southeastern Illinois Economic Development Authority for a term commencing March 30, 2005 and ending January 21, 2008:

James B. Rippy of Mt. Vernon
Non-Salaried

To be a Member of the Southeastern Illinois Economic Development Authority for a term commencing April 6, 2005 and ending January 18, 2010:

D.R. Smith of Robinson
Non-Salaried

UNIVERSITY OF ILLINOIS BOARD OF TRUSTEES

To be a Member of the University of Illinois Board of Trustees for a term commencing March 28, 2005 and ending January 10, 2011:

David V. Dorris of LeRoy
Non-Salaried

WORKFORCE INVESTMENT BOARD, ILLINOIS

To be a Member of the Illinois Workforce Investment Board for a term commencing March 21, 2005 and ending July 1, 2006:

Tom Ashby of Centralia
Non-Salaried

To be a Member of the Illinois Workforce Investment Board for a term commencing March 21, 2005 and ending July 1, 2006:

Rosalind Bruce of Springfield
Non-Salaried

To be a Member of the Illinois Workforce Investment Board for a term commencing March 21, 2005 and ending July 1, 2006:

Michael Steven Perry of Wilmette
Non-Salaried

To be a Member of the Illinois Workforce Investment Board for a term commencing March 21, 2005 and ending July 1, 2006:

Earl S. Moldovan of East Peoria
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointments. 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	Garrett	Martinez	Schoenberg
Bomke	Geo-Karis	Meeks	Shadid
Brady	Haine	Munoz	Sieben
Burzynski	Halvorson	Pankau	Sullivan, D.
Clayborne	Harmon	Peterson	Sullivan, J.
Collins	Hendon	Petka	Syverson
Cronin	Hunter	Radogno	Viverito
Crotty	Jacobs	Raoul	Watson
Cullerton	Jones, J.	Rauschenberger	Wilhelmi
Dahl	Jones, W.	Righter	Winkel
del Valle	Laufen	Risinger	Wojcik
DeLeo	Lightford	Ronen	Mr. President
Demuzio	Link	Roskam	
Dillard	Luechtefeld	Rutherford	
Forby	Maloney	Sandoval	

[April 21, 2005]

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senators Hendon and Geo-Karis, Co-Chairpersons of the Committee on Executive Appointments, to which was referred the Treasurer's Message to the Senate of March 30, 2005, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

TREASURER'S PERSONNEL REVIEW BOARD MEMBER

To be a member of the Treasurer's Personnel Review Board for a term commencing March 30, 2005 ending March 30, 2011.

Andrea Grubb Barthwell, M.D.
Non-Salaried

Senator Hendon moved that the Senate advise and consent to the foregoing appointment. 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	Garrett	Martinez	Schoenberg
Bomke	Geo-Karis	Meeks	Shadid
Brady	Haine	Munoz	Sieben
Burzynski	Halvorson	Pankau	Sullivan, D.
Clayborne	Harmon	Peterson	Sullivan, J.
Collins	Hendon	Petka	Syverson
Cronin	Hunter	Radogno	Viverito
Crotty	Jacobs	Raoul	Watson
Cullerton	Jones, J.	Rauschenberger	Wilhelmi
Dahl	Jones, W.	Righter	Winkel
del Valle	Lauzen	Risinger	Wojcik
DeLeo	Lightford	Ronen	Mr. President
Demuzio	Link	Roskam	
Dillard	Luechtefeld	Rutherford	
Forby	Maloney	Sandoval	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

On motion of Senator Hendon, the Executive Session arose and the Senate resumed consideration of business.

Senator Viverito, presiding.

EXCUSED FROM ATTENDANCE

On motion of Senator Halvorson, Senator Silverstein was excused from attendance due to illness.

SENATE BILL RECALLED

On motion of Senator Clayborne, **Senate Bill No. 239** was recalled from the order of third reading to the order of second reading.

Senator Clayborne offered the following amendment and moved its adoption:

[April 21, 2005]

AMENDMENT NO. 1 TO SENATE BILL 239

AMENDMENT NO. 1. Amend Senate Bill 239 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Section 9-241 as follows:

(220 ILCS 5/9-241) (from Ch. 111 2/3, par. 9-241)

Sec. 9-241. No public utility shall, as to rates or other charges, services, facilities or in other respect, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates or other charges, services, facilities, or in any other respect, either as between localities or as between classes of service.

However, nothing in this Section shall be construed as limiting the authority of the Commission to permit the establishment of economic development rates as incentives to economic development either in enterprise zones as designated by the State of Illinois or in other areas of a utility's service area. Such rates should be available to existing businesses which demonstrate an increase to existing load as well as new businesses which create new load for a utility so as to create a more balanced utilization of generating capacity. The Commission shall ensure that such rates are established at a level which provides a net benefit to customers within a public utility's service area.

Prior to October 1, 1989, no public utility providing electrical or gas service shall consider the use of solar or other nonconventional renewable sources of energy by a customer as a basis for establishing higher rates or charges for any service or commodity sold to such customer; nor shall a public utility subject any customer utilizing such energy source or sources to any other prejudice or disadvantage on account of such use. No public utility shall without the consent of the Commission, charge or receive any greater compensation in the aggregate for a lesser commodity, product, or service than for a greater commodity, product or service of like character.

The Commission, in order to expedite the determination of rate questions, or to avoid unnecessary and unreasonable expense, or to avoid unjust or unreasonable discrimination between classes of customers, or, whenever in the judgment of the Commission public interest so requires, may, for rate making and accounting purposes, or either of them, consider one or more municipalities either with or without the adjacent or intervening rural territory as a regional unit (i) where the same public utility serves such region under substantially similar conditions or (ii) where 2 or more public utilities under the jurisdiction of the Commission, that are under the same public utility holding company or that are affiliated with each other, serve such region under substantially similar conditions, and may within such region prescribe uniform rates for consumers or patrons of the same class.

Any public utility, with the consent and approval of the Commission, may as a basis for the determination of the charges made by it classify its service according to the amount used, the time when used, the purpose for which used, and other relevant factors.

(Source: P.A. 91-357, eff. 7-29-99.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Clayborne, **Senate Bill No. 239**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 46; Nays 8; Present 2.

The following voted in the affirmative:

[April 21, 2005]

Althoff	Geo-Karis	Munoz	Schoenberg
Brady	Haine	Pankau	Shadid
Burzynski	Halvorson	Peterson	Sieben
Clayborne	Harmon	Petka	Sullivan, D.
Collins	Hendon	Radogno	Sullivan, J.
Crotty	Hunter	Raoul	Syverson
Cullerton	Jones, W.	Rauschenberger	Viverito
del Valle	Lightford	Righter	Watson
DeLeo	Link	Risinger	Wojcik
Dillard	Maloney	Roskam	Mr. President
Forby	Martinez	Rutherford	
Garrett	Meeks	Sandoval	

The following voted in the negative:

Bomke	Jacobs	Wilhelmi
Dahl	Laufen	Winkel
Demuzio	Luechtefeld	

The following voted present:

Jones, J.
Ronen

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 therein.

SENATE BILL RECALLED

On motion of Senator E. Jones, **Senate Bill No. 14** was recalled from the order of third reading to the order of second reading.

Senator E. Jones offered the following amendment:

AMENDMENT NO. 2 TO SENATE BILL 14

AMENDMENT NO. 2. Amend Senate Bill 14 on page 4, by replacing lines 3 through 8 with the following:

"Corporation as a government corporation and instrumentality of the State. Except as provided in"; and

on page 6, line 11, by inserting ", cultural," after "geographic"; and

on page 8, line 25, by inserting after the period the following:

"The selection of a fund manager shall be through a public, competitive, and open request for proposals process that is fully publicized on the Corporation's website home page and in the print media throughout the State."; and

on page 8, line 31, by inserting after the period the following:

"The fund manager shall set forth his or her goals and plans to achieve the goals under this Act and under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. The goals and plans shall become a material part of the contract between the manager and Corporation."; and

on page 11, line 12, after "Act", by inserting the following:

"shall be deposited into the Illinois Special Projects Fund"; and

on page 11, line 31, by inserting after the period the following:

"Not less than 12% of the total Illinois Opportunity Fund shall be invested in any one calendar year in minority and female owned businesses and businesses owned by a person with a disability as defined

[April 21, 2005]

under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act."; and

on page 12, line 1, by inserting after the period the following:

"The fund manager shall annually report to the General Assembly the degree to and the manner in which he or she has achieved the goals under this Act and under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act."; and

on page 15, lines 6 and 7, by replacing "15(g), 16(b), and 20(b)" with "15(k) and 16(b)".

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

The motion to table prevailed.

Senator E. Jones offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 14

AMENDMENT NO. 3. Amend Senate Bill 14, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Opportunity Fund Act.

Section 5. Findings and purposes.

(a) The State of Illinois finds that the traditional means by which venture capital and private equity investors direct capital to Illinois markets does not adequately serve the State's needs. The lack of sufficient capital impairs the ability of the State to create jobs, new markets for goods and services, and sustainable economic growth throughout Illinois. The State of Illinois finds that venture capital and private equity investments traditionally have been an efficient means to create jobs, expand new markets for products and services, and generally encourage economic growth. The State of Illinois desires to strengthen the overall economy of the State by increasing the availability and delivery of venture capital and private equity investments for emerging, expanding, and distressed enterprises in Illinois, and to do so in a way that provides for financial returns to private investors.

(b) Furthermore, the State of Illinois finds that certain geographic areas and populations within the State have been subject to economic disparities and have lacked access to the private capital needed to create jobs and economic opportunities.

(c) Venture capital and private equity investment should be directed to geographic areas and populations within the State that have been subject to economic disparities, have lacked access to the private capital needed to create jobs and economic opportunities, and to sectors considered to be strategic industries for the State of Illinois.

(d) This Act has the mission of mobilizing private capital investment in a broad variety of venture capital and private equity investment funds in diversified industries and geographic regions of the State of Illinois. To achieve this mission, the General Assembly believes that it is necessary to retain the private sector culture of focusing on rate of return in the investing process. Therefore, this Act is intended to facilitate the establishment of the Illinois Opportunity Fund, seek private investment, and create interest in these investments by offering State credit enhancements that limit risk to private investors. This Act also has the mission of facilitating and enhancing the flow of venture capital and private equity into the State of Illinois and improving the infrastructure through which capital is delivered throughout the State including to those geographic areas and populations within the State that have been subject to economic disparities, so as to create jobs in Illinois, expand new markets for Illinois products and Illinois services, and to generally grow the Illinois economy. It is the goal and intent of this legislation to accomplish these missions in such a manner as to minimize any appropriations by the State of Illinois to effectuate these purposes.

Section 10. Definitions. In this Act, unless the context requires otherwise:

"DCEO" means Department of Commerce and Economic Opportunity, or its successor agency.

"Corporation" means the Illinois Capital Investment Corporation created by this Act.

"Certificate" means an assignable contract between DCEO and an investor in the Illinois Opportunity Fund under which the terms of the tax credits being issued for the benefit of the investor, or any assignee of the investor, as established by DCEO, are set forth.

"Person" means an individual, a corporation, a partnership, or any other lawfully organized entity, whether domiciled in Illinois or outside of Illinois.

"Illinois Capital Investment Corporation" means the private not-for-profit corporation established

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pursuant to this Act.

"Illinois Opportunity Fund" means the private for-profit fund established by the Illinois Capital Investment Corporation pursuant to this Act.

"Tax credits" means credits against taxes imposed pursuant to Section 201 of the Illinois Income Tax Act for any taxable year ending after December 31, 2009, and having such terms as are established by DCEO in accordance with Section 25 of this Act, including any contingencies on redemption.

"SBIC" means small business investment company within the meaning of the federal Small Business Investment Act of 1958.

"CDFI" and "CDVC". CDFI means a "community development financial institution" as defined in the Illinois Investment and Development Authority Act, and CDVC means community development venture capital, a type of CDFI specific to investing equity interests in Illinois firms with the dual goal of financial returns and economic and social benefit.

"Venture capital and private equity investment" includes private institutional, angel, incubator, mezzanine, seed/start-up stage, early stage, expansions stage, later stage, community development venture capital investments and management buyouts, recapitalization of existing companies, and other structured growth private equity transactions.

"Venture Capital and Private Equity Professional" means an individual with substantial professional experience, as a principal and not as an intermediary, managing venture capital and private equity funds, who has demonstrated a track record of successful performance that includes realized or exited investments. For purposes of this definition "principal" means an individual with an ownership interest in the venture capital and private equity fund which that individual manages or operates.

Section 15. Illinois Capital Investment Corporation.

(a) DCEO shall create the Illinois Capital Investment Corporation as a private not-for-profit corporation under the General Not For Profit Corporation Act of 1986 and not as a public corporation or instrumentality of the State. The corporation shall not enjoy any of the privileges nor be required to comply with any of the requirements of a State agency except as provided in this Act. Except as provided in this Act, nothing in this Act exempts the Corporation from the same requirements under State law that apply to other Corporations organized under the General Not For Profit Corporation Act of 1986. The Director or Acting Director of DCEO or his or her designee shall be the incorporator of the Corporation.

(b) The Corporation shall establish investment objectives and criteria for venture capital and private equity investment undertaken through the Illinois Opportunity Fund. In establishing these investment objectives and criteria, the Corporation shall consider whether the venture capital and private equity investment is reasonably anticipated (i) to be consistent with a private sector focus on rate of return in the investment process; (ii) to provide financial returns sufficient to meet any obligations to private investors undertaken by the Corporation in accordance with this Act; (iii) to attract investment from private markets in investments within the State of Illinois; and (iv) to result in the strengthening of the State's economy. In establishing these investment objectives and criteria, the Corporation shall consult with leaders in the private sector venture capital and private equity community, business, science, and government to identify strategic industries and sectors that offer the potential to create high quality and sustainable employment opportunities for Illinois residents and create domestic and global markets for the products and services of the investee companies. In addition, in establishing these objectives and criteria, the Corporation shall consider whether venture capital and private equity investment will occur through the Illinois Opportunity Fund in diverse geographies and among populations that have been subject to economic disparities and have lacked access to private capital within Illinois.

(c) DCEO shall assist the corporation in performing its duties, and undertake such other responsibilities as are set forth in this Act or as may be necessary or appropriate to give effect to the intent and purposes of this Act.

(d) The Corporation shall cooperate and coordinate with DCEO to fulfill the economic development policy of the State as established by the Governor and the General Assembly and implemented by DCEO.

(e) The Corporation shall have responsibility for organizing and overseeing the management of the Illinois Opportunity Fund and identifying and engaging a private fund manager or managers for the Illinois Opportunity Fund. The board of directors of the Corporation shall make investment decisions after considering the recommendations of the fund manager or managers. The Corporation shall receive investment returns from the Illinois Opportunity Fund and shall reinvest those funds in venture capital and private equity investments subject to the provisions of this Act.

(f) The Corporation shall exercise no governmental functions. Without limiting the authority of DCEO

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to issue tax credits pursuant to this Act under certificates that are binding on DCEO and the Illinois Department of Revenue, the obligations of the Corporation are not obligations of the State or any political subdivision of the State within the meaning of any Constitutional or statutory debt limitations, but are obligations of the Corporation payable solely and only from the corporation's funds. The Corporation shall itself have no authority to pledge the credit or taxing power of the State or make its debts payable out of any moneys except those of the Corporation.

(g) The Corporation shall consist of a board of directors of 7 members, who shall be appointed by the Governor with the advice and consent of the Senate. Upon appointment of the board of directors and every 2 years thereafter, the chairperson of the Corporation shall be selected by the Governor to serve as chairperson for 2 years. The Director or Acting Director of DCEO or his or her designee shall be one of the 7 members of the board of directors of the Corporation. A quorum of the board of directors must exist in order for the board to transact business. A quorum of the board of directors shall consist of a majority of directors then in office but in no event less than 3 directors. The appointment of the board of directors of the Corporation shall reflect the geographic and social diversity of the State. At least 3 members of the board of directors shall be Venture Capital and Private Equity Professionals. In making appointments to the Corporation's board of directors, it shall be considered whether (i) each candidate has meaningful experience reviewing, preparing, analyzing, or interpreting financial statements or has sophistication in financial matters generally, (ii) has meaningful experience in the supervision or management of venture capital or private equity investments, (iii) has meaningful experience operating or managing investments in businesses engaged in the industries or sectors targeted as candidates for investment by the Corporation, or (iv) has meaningful experience managing or selecting investments for institutional, seed, angel, mezzanine, or community development venture capital and private equity investment funds or SBIC's. At the time of appointment, the Governor shall designate 3 directors to serve until the third Monday of July 2006, one of whom shall be a Venture Capital and Private Equity Professional, and 3 directors to serve until the third Monday in July, 2007, 2 of whom shall be Venture Capital and Private Equity Professionals. Thereafter, appointments shall be made for 3-year terms. A director shall serve until his or her successor shall be appointed and have qualified for office. The Governor may remove any director of the Corporation for cause.

(h) A conflict of interest shall be deemed to exist if the Corporation considers entering into a contract with or directly or indirectly sells goods or services to a director, officer, employee of the Board, or the fund manager of the Illinois Opportunity Fund, or any for-profit firm or corporation in which that director, officer, employee, the fund manager of the Illinois Opportunity Fund or any member of his or her immediate family is an officer, partner, or principal stockholder. Upon a showing that a conflict of interest exists, the director, officer, employee, or fund manager of the Illinois Opportunity Fund shall abstain from any discussion or decision making with respect to that contract or agreement, from voting on any matter pertaining to that contract or agreement, and from communicating with other Board members, officers, agents, or employees concerning that contract or agreement. In no event shall the board of directors make any investment in a fund in which a member of the board of directors is a general partner or a limited partner. The Corporation, its board of directors, its officers, its employees, and the fund manager of the Illinois Opportunity Fund are subject to the prohibitions contained in Section 5-55 of the State Officials and Employees Ethics Act.

(i) The board of directors of the Corporation shall establish a committee for the selection and evaluation of applicants for the position or positions of fund manager or managers for the Illinois Opportunity Fund. The board of directors of the Corporation shall also establish procedures for the selection and evaluation of applicants for the position or positions of fund manager for the Illinois Opportunity Fund. The committee shall include not more than 3 members of the board of directors of the Corporation, one of which shall be the Director of DCEO or his or her designee. The chairman shall appoint the remaining 2 members of the committee from the members of the board of directors of the Corporation and at least one of whom shall be a Venture Capital and Private Equity Professional. The committee shall receive and review applications for the position of fund manager of the Illinois Opportunity Fund. Any applicant selected to be a fund manager of the Illinois Opportunity Fund shall demonstrate substantial experience in the design, implementation, and management of institutional, seed, angel, mezzanine, or community development venture capital investment and private equity programs or of SBIC's and in capital formation. In reviewing applications, the committee shall consider each applicant's (i) senior level decision making experience in institutional, seed, angel, mezzanine, or community development venture capital and private equity investments or SBIC's investing, including whether the applicant has at least 5 years of such experience, (ii) quality of management, (iii) investment philosophy, (iv) plan for fundraising, (v) ties to Illinois including whether it has a meaningful physical presence in Illinois and knowledge and experience in working with the Illinois venture capital and

private equity investment community, and (vi) prior investment fund results, including a track record with a substantial number of realized or exited investments, a time frame over which the track record was achieved, the number of investments the track record is based upon and the economic conditions existing during the time frame of the track record, and shall include a preference that each applicant's experience be financial (as with a formal investment fund) rather than strategic (such as mergers and acquisitions). Each applicant shall submit an investment plan for review by the Corporation, which shall describe the applicant's plan for seeking investment opportunities, evaluating and structuring investments fulfilling the investment objectives and criteria established by the Corporation, and achieving the financial and policy goals of this Act. Upon completion of this evaluation, the committee shall rank the applicants based on their qualifications and recommend a fund manager or managers for selection to the board of directors of the Corporation. The board of directors of the Corporation shall select an applicant or applicants based on the recommendations of the committee, and shall notify the applicant or applicants selected in writing.

(j) The Corporation may charge a fee to the Illinois Opportunity Fund, which shall be in addition to any fee payable by the Illinois Opportunity Fund to the fund manager or managers engaged. The fee payable to the Corporation shall be structured to cover the reasonable costs of the corporation in fulfilling its oversight functions and of DCEO in fulfilling its obligations under this Section and Section 25.

(k) The directors of the Corporation shall be compensated from the Illinois Opportunity Fund for direct expenses and mileage but shall not receive a director's fee or salary for their service as directors.

(l) The Corporation shall indemnify and defend members of the board of directors of the Corporation for any and all claims against the members of the board of directors arising from or related to the performance of their duties to the Corporation.

(m) The Corporation shall have the power to engage consultants, expend funds, invest funds, contract, bond or insure against loss, engage counsel, and perform any other act necessary to carry out its mission. Without limiting the foregoing, the Corporation may (i) borrow such funds as may be needed to accomplish its goals; (ii) open and manage bank and short-term investment accounts deemed necessary by its fund manager or managers; and (iii) expend funds to secure investment ratings. The Corporation shall not borrow more than the difference between the aggregate amount of contingent tax credits allowed and the aggregate amount of contingent tax credits issued pursuant to Section 25 of this Act. The Corporation shall engage a certified public accountant to conduct an annual audit of its financial condition and operations, including the Illinois Opportunity Fund.

(n) The directors of the Corporation shall adopt bylaws, policies, and procedures necessary to administer the affairs of the corporation.

(o) Upon the dissolution of the Corporation, any assets owned by it shall thereupon be distributed to the General Revenue Fund of the State of Illinois.

(p) The meetings of the Board of directors, and any committee thereof, are subject to the requirements of the Open Meetings Act. The Board of Directors, and any committees thereof, may hold a closed session to discuss and evaluate any information submitted by applicants to be a fund manager of the Illinois Opportunity Fund to the extent that information exempt from disclosure under subsection 1(g) or 1(h) of Section 7 of the Freedom of Information Act. The procedural requirements of the Open Meetings Act shall apply to this closed session.

Section 16. Fund Managers of the Illinois Opportunity Fund.

(a) Once selected by the directors of the Corporation, the fund manager or managers of the Illinois Opportunity Fund shall research and select venture capital and private equity investment funds to recommend to the Corporation's board of directors.

(b) The fund manager or managers of the Illinois Opportunity Fund shall be compensated from funds raised for and investment returns from the Illinois Opportunity Fund at a level to be established by the directors of the Corporation and consistent with industry norms.

(c) No less than 90 days after a majority of the members of the Board of Directors of the Illinois Capital Investment Corporation are nominated by the Governor and approved by the Senate, the Board shall develop a policy adopted by resolution of the Board stating the Board's plan for the use of financial services corporations owned by minorities, females, and persons with disabilities, as defined under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. The Board shall provide a copy of this resolution to the Governor and the General Assembly upon its adoption.

(d) On December 31st of each year, the Board shall report to the General Assembly and the Governor regarding the use of financial services corporations owned by minorities, females, and persons with disabilities, as defined under the Business Enterprise for Minorities, Females, and Persons with

Disabilities Act.

Section 20. Illinois Opportunity Fund.

(a) The Corporation shall organize the Illinois Opportunity Fund as a for-profit limited partnership or limited liability company under Illinois law pursuant to which the Corporation shall be the general partner or managing member, as the case may be.

(b) The Corporation is authorized to issue such interests or obligations that shall provide for a fixed or variable rate of return as established by the Corporation with the consent of DCEO. Consistent with this Act, DCEO may award contingent tax credits to investors in the Illinois Opportunity Fund that shall be redeemable if the Illinois Opportunity Fund fails to achieve results sufficient to repay the amounts invested by the investors and provide them with specified returns. Returns on investments generated by the Illinois Opportunity Fund in excess of amounts required to (i) repay the amounts invested by investors and provide them with specified returns, (ii) pay the operating costs of the Corporation, including but not limited to the agreed upon compensation of the fund manager or managers, and (iii) pay all or an agreed upon portion of DCEO's costs incurred in connection with the start-up of the Corporation and the Opportunity Fund and such other costs incurred by DCEO by providing assistance to the Corporation consistent with this Act.

(c) The Illinois Opportunity Fund shall operate as a fund of funds that invests principally in high-quality institutional, seed, angel, mezzanine, and community development venture capital funds and SBIC's that (i) maintain a meaningful physical presence in the State of Illinois, (ii) are managed by fund managers who commit that their funds will invest not less than the amount invested with them by the Illinois Opportunity Fund in businesses that are headquartered or maintain meaningful business operations in the State of Illinois, and (iii) meet the investment objectives and criteria established by the Corporation consistent with this Act.

(d) No more than 5% of the fully funded (as articulated in Section 25 of this Act) Illinois Opportunity Fund shall be invested in any single investment vehicle. No more than 33 1/3% of the fully funded (as articulated in Section 25 of this Act) Illinois Opportunity Fund shall be invested in any one calendar year. In no event shall the Illinois Opportunity Fund represent or compromise more than 25% of any single investment vehicle or fund.

(e) Beginning on September 1 of the next calendar year following the effective date of this Act and continuing on every subsequent September 1 thereafter, the Corporation shall provide to the General Assembly an annual report on its activities and on the performance of the Illinois Opportunity Fund.

(f) Twenty-five years after the creation of the Illinois Opportunity Fund by the Corporation, the assets of the Fund shall be liquidated following the payment of any obligations of the Corporation or the Illinois Opportunity Fund as authorized by this Act; any remaining assets shall be deposited into the General Revenue Fund of the State treasury.

Section 25. Contingent tax credits.

(a) There is authorized to be awarded an aggregate of \$200,000,000 of contingent tax credits, reduced by the amount of indebtedness to the Corporation, if any, which may be allocated and issued by DCEO to investors in the Illinois Opportunity Fund. DCEO shall not be obligated to issue certificates equal to the full aggregate amount allowed by the State of Illinois, and it may elect to suspend or terminate the issuance of certificates at any time if it does not believe that the continued issuance of certificates will assist the State of Illinois in meeting the objectives of this Act. Tax credits may be redeemed in any year but only as and to the extent the Illinois Opportunity Fund is unable to return to its investors the amounts initially invested plus the rate of return specified in the interests or obligations authorized pursuant to Section 20(b) of this Act. Tax credits shall be redeemable not earlier than January 1, 2010 nor later than December 31, 2033 as may be specified in any certificate.

(b) The aggregate redemptions of tax credits issued by DCEO, however, shall not exceed \$40,000,000 in any fiscal year of the State of Illinois.

(c) All tax credits shall be evidenced by certificates. DCEO shall establish and set forth in each certificate all terms and conditions, including the return of the investment principal and any fixed or variable rate of return, under which tax credits may be redeemed. In establishing the terms of any tax credits and issuing certificates, DCEO shall seek to promote the purposes of this Act. Tax credits may not be redeemed except in accordance with the terms of the certificate under which they have been issued. The certificates shall, upon proper issuance, be binding on DCEO and the Illinois Department of Revenue. The State of Illinois irrevocably pledges and covenants that, prior to the redemption of all certificates awarded under this Act, it will not take action to limit or restrict the ability of the holders of the certificates to redeem the certificates in the form of tax credits.

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(d) Each certificate shall be redeemable in the form of a tax credit upon the date set forth in the certificate, which date shall not be earlier than January 1, 2010 nor later than December 31, 2033. The value of each certificate at redemption shall be its compounded value, equal to its face amount at the date of issuance plus an additional amount equal to the face amount multiplied by the rate of return established pursuant to Section 20(b) of this Act. This additional amount shall be calculated on an annual basis and added annually to the value of the certificate in determining the compounded value upon redemption. To the extent that the compounded value of any certificate upon redemption thereof exceeds the amount of applicable taxes imposed pursuant to Section 201 of the Illinois Income Tax Act, the amount of that excess may be taken as a tax credit in the subsequent tax year or years; provided that the compounded value of a certificate shall not be increased after its redemption date. DCEO and the Department of Revenue shall promulgate rules regarding tax credits, tax credit certificates, and the redemption thereof, and setting forth, among other matters, the procedures for the calculating of the compounded value of certificates and ability of a certificate holder to redeem a portion of the compounded value of any certificate in a year or years after the year of redemption. The rate of return on each certificate shall under no circumstances exceed the greater of 13 1/2% or 200% of the rate for the most recent date shown in 20 G.O. Bonds Index of Average Municipal Bond Yields as published in the most recent edition of the Bond Buyer published in New York, New York, (or any successor publication or index of long-term municipal bond yields then selected by DCEO) at the time the certificate is issued. Certificates may be redeemed only as and to the extent that the Illinois Opportunity Fund is unable to return to its investors the amounts initially invested plus the rate of return specified in the interests or obligations authorized pursuant to section 20 (b) of this Act.

(e) Tax credits issued pursuant to this Section shall be freely transferable by their holders. DCEO shall, in conjunction with the Illinois Department of Revenue, develop a system for registration of any tax credits allowed or transferred pursuant to this Act that permits verification that any tax credit claimed upon a tax return is valid and properly taken in the year of claim, and that any transfers of the tax credit are made in accordance with the requirements of this Act.

(f) Tax credits allowed or transferred pursuant to this Act shall not be considered securities under any Illinois law relating to securities.

Section 30. Powers and effectiveness. Nothing contained in this Act is or shall be construed as a restriction or limitation upon any powers that DCEO might otherwise have under any other law of this State, and the provisions of this Act are cumulative to those powers. The provisions of this Act do and shall be construed to provide a complete, additional, and alternative method for the doing of the things authorized and shall be regarded as supplemental and additional to powers conferred by any other laws.

Section 35. Acceptable investments. Investments by designated investors in the Illinois Opportunity Fund shall be deemed permissible investments for State chartered banks and for domestic insurance companies under the appropriate laws of the State of Illinois.

Section 40. Illinois Opportunity Special Projects Fund. The Illinois Opportunity Special Projects Fund is created as a special fund in the State treasury. DCEO may accept disbursements from the Illinois Opportunity Fund for deposit into the Illinois Opportunity Special Projects Fund and expend those funds for the purposes set forth in Sections 15(g), 16(b), and 20(b) of this Act, subject to appropriation.

Section 100. The Illinois State Auditing Act is amended by changing Section 3-1 as follows:
(30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

Sec. 3-1. Jurisdiction of Auditor General. The Auditor General has jurisdiction over all State agencies to make post audits and investigations authorized by or under this Act or the Constitution.

The Auditor General has jurisdiction over local government agencies and private agencies only:

(a) to make such post audits authorized by or under this Act as are necessary and incidental to a post audit of a State agency or of a program administered by a State agency involving public funds of the State, but this jurisdiction does not include any authority to review local governmental agencies in the obligation, receipt, expenditure or use of public funds of the State that are granted without limitation or condition imposed by law, other than the general limitation that such funds be used for public purposes;

(b) to make investigations authorized by or under this Act or the Constitution; and

(c) to make audits of the records of local government agencies to verify actual costs of state-mandated programs when directed to do so by the Legislative Audit Commission at the request of the State Board of Appeals under the State Mandates Act.

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In addition to the foregoing, the Auditor General may conduct an audit of the Metropolitan Pier and Exposition Authority, the Regional Transportation Authority, the Suburban Bus Division, the Commuter Rail Division and the Chicago Transit Authority and any other subsidized carrier when authorized by the Legislative Audit Commission. Such audit may be a financial, management or program audit, or any combination thereof.

The audit shall determine whether they are operating in accordance with all applicable laws and regulations. Subject to the limitations of this Act, the Legislative Audit Commission may by resolution specify additional determinations to be included in the scope of the audit.

In addition to the foregoing, the Auditor General must also conduct a financial audit of the Illinois Sports Facilities Authority's expenditures of public funds in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of any existing "facility", as that term is defined in the Illinois Sports Facilities Authority Act.

The Auditor General may also conduct an audit, when authorized by the Legislative Audit Commission, of any hospital which receives 10% or more of its gross revenues from payments from the State of Illinois, Department of Public Aid, Medical Assistance Program.

The Auditor General is authorized to conduct financial and compliance audits of the Illinois Distance Learning Foundation and the Illinois Conservation Foundation.

As soon as practical after the effective date of this amendatory Act of 1995, the Auditor General shall conduct a compliance and management audit of the City of Chicago and any other entity with regard to the operation of Chicago O'Hare International Airport, Chicago Midway Airport and Merrill C. Meigs Field. The audit shall include, but not be limited to, an examination of revenues, expenses, and transfers of funds; purchasing and contracting policies and practices; staffing levels; and hiring practices and procedures. When completed, the audit required by this paragraph shall be distributed in accordance with Section 3-14.

The Auditor General shall conduct a financial and compliance and program audit of distributions from the Municipal Economic Development Fund during the immediately preceding calendar year pursuant to Section 8-403.1 of the Public Utilities Act at no cost to the city, village, or incorporated town that received the distributions.

The Auditor General must conduct an audit of the Health Facilities Planning Board pursuant to Section 19.5 of the Illinois Health Facilities Planning Act.

The Auditor General of the State of Illinois shall annually conduct or cause to be conducted a financial and compliance audit of the books and records of any county water commission organized pursuant to the Water Commission Act of 1985 and shall file a copy of the report of that audit with the Governor and the Legislative Audit Commission. The filed audit shall be open to the public for inspection. The cost of the audit shall be charged to the county water commission in accordance with Section 6z-27 of the State Finance Act. The county water commission shall make available to the Auditor General its books and records and any other documentation, whether in the possession of its trustees or other parties, necessary to conduct the audit required. These audit requirements apply only through July 1, 2007.

The Auditor General must conduct audits of the Rend Lake Conservancy District as provided in Section 25.5 of the River Conservancy Districts Act.

The Auditor General must conduct financial audits of the Southeastern Illinois Economic Development Authority as provided in Section 70 of the Southeastern Illinois Economic Development Authority Act.

The Auditor General must conduct financial and compliance audits of the Illinois Capital Investment Corporation and the Illinois Opportunity Fund.

(Source: P.A. 93-226, eff. 7-22-03; 93-259, eff. 7-22-03; 93-275, eff. 7-22-03; 93-968, eff. 8-20-04.)

Section 105. The State Finance Act is amended by adding Section 5.640 as follows:

(30 ILCS 105/5.640 new)

Sec. 5.640. The Illinois Opportunity Special Projects Fund.

Section 110. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 999. Effective date. This Act takes effect upon becoming law."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator E. Jones, **Senate Bill No. 14**, having been transcribed and typed and all amendments adopted thereto having been printed, 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 49; Nays 6.

The following voted in the affirmative:

Althoff	Garrett	Meeks	Shadid
Bomke	Geo-Karis	Munoz	Sieben
Brady	Haine	Pankau	Sullivan, D.
Clayborne	Halvorson	Peterson	Sullivan, J.
Collins	Harmon	Petka	Viverito
Crotty	Hendon	Raoul	Watson
Cullerton	Hunter	Righter	Wilhelmi
Dahl	Jacobs	Risinger	Winkel
del Valle	Jones, J.	Ronen	Wojcik
DeLeo	Lightford	Roskam	Mr. President
Demuzio	Link	Rutherford	
Dillard	Maloney	Sandoval	
Forby	Martinez	Schoenberg	

The following voted in the negative:

Burzynski	Lauzen	Radogno
Jones, W.	Luechtefeld	Rauschenberger

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 therein.

SENATE BILL RECALLED

On motion of Senator Hendon, **Senate Bill No. 1965** was recalled from the order of third reading to the order of second reading.

Senator Hendon offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1965

AMENDMENT NO. 2. Amend Senate Bill 1965, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by changing Section 213 as follows:
(35 ILCS 5/213)

Sec. 213. Film production services credit. For tax years beginning on or after January 1, 2004, a taxpayer who has been awarded a tax credit under the Film Production Services Tax Credit Act is entitled to a credit against the taxes imposed under subsections (a) and (b) of Section 201 of this Act in an amount determined by the Department of Commerce and ~~Economic Opportunity Community Affairs~~ under the Film Production Services Tax Credit Act. If the taxpayer is a partnership or Subchapter S corporation, the credit is allowed to the partners or shareholders in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal

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Revenue Code.

A transfer of this credit may be made by the taxpayer earning the credit within one year after the credit is awarded in accordance with rules adopted by the Department of Commerce and Economic Opportunity.

The Department, in cooperation with the Department of Commerce and Economic Opportunity Community Affairs, must prescribe rules to enforce and administer the provisions of this Section. This Section is exempt from the provisions of Section 250 of this Act.

The credit may not be carried ~~forward or~~ back. If the amount of the credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a tax liability. If there are credits from more than one tax year that are available to offset a liability, the earlier credit shall be applied first. In no event shall a credit under this Section reduce the taxpayer's liability to less than zero.

(Source: P.A. 93-543, eff. 1-1-04; revised 12-6-03.)

Section 10. The Film Production Services Tax Credit Act is amended by changing Sections 10, 15, 20, 30, 45, and 90 and by adding Section 43 as follows:

(35 ILCS 15/10)

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

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

"Accredited production" means a film, video, or television production that has been certified by the Department in which the aggregate Illinois labor expenditures included in the cost of the production, in the period that ends 12 months after the time principal filming or taping of the production began, exceed \$100,000 for productions of 30 minutes or longer, or \$50,000 for productions of less than 30 minutes; but does not include a production that:

- (1) is news, current events, or public programming, or a program that includes weather or market reports;
- (2) is a talk show;
- (3) is a production in respect of a game, questionnaire, or contest;
- (4) is a sports event or activity;
- (5) is a gala presentation or awards show;
- (6) is a finished production that solicits funds;
- (7) is a production produced by a film production company if records, as required by 18 U.S.C. 2257, are to be maintained by that film production company with respect to any performer portrayed in that single media or multimedia program; or
- (8) is a production produced primarily for industrial, corporate, or institutional purposes.

"Accredited production certificate" means a certificate issued by the Department certifying that the production is an accredited production that meets the guidelines of this Act.

"Applicant" means a taxpayer that is a film production company that is operating or has operated an accredited production located within the State of Illinois and that (i) owns the copyright in the accredited production throughout the Illinois production period or (ii) has contracted directly with the owner of the copyright in the accredited production or a person acting on behalf of the owner to provide services for the production, where the owner of the copyright is not an eligible production corporation.

"Credit" means the amount equal to 25% of the Illinois labor expenditure approved by the Department. The applicant is deemed to have paid, on its balance due day for the year, an amount equal to 25% of its qualified Illinois labor expenditure for the tax year. For Illinois labor expenditures generated by the employment of residents of geographic areas of high poverty or high unemployment, as determined by the Department, in an accredited production approved by the Department after January 1, 2005, the applicant shall receive an enhanced credit 10% in addition to the 25% credit.

"Department" means the Department of Commerce and Economic Opportunity Community Affairs.

"Director" means the Director of Commerce and Economic Opportunity Community Affairs.

"Illinois labor expenditure" means salary or wages paid to employees of the applicant for services on the accredited production;

To qualify as an Illinois labor expenditure, the expenditure must be:

- (1) Reasonable in the circumstances.
- (2) Included in the federal income tax basis of the property.
- (3) Incurred by the applicant for services on or after January 1, 2004.
- (4) Incurred for the production stages of the accredited production, from the final

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script stage to the end of the post-production stage.

- (5) Limited to the first \$25,000 of wages paid or incurred to each employee of the production.
- (6) Exclusive of the salary or wages paid to or incurred for the 2 highest paid employees of the production.
- (7) Directly attributable to the accredited production.
- (8) Paid in the tax year for which the applicant is claiming the credit or no later than 60 days after the end of the tax year.
- (9) Paid to persons resident in Illinois at the time the payments were made.
- (10) Paid for services rendered in Illinois.

(Source: P.A. 93-543, eff. 1-1-04; revised 11-3-04.)

(35 ILCS 15/15)

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

Sec. 15. Powers of the Department. The Department, in addition to those powers granted under the Civil Administrative Code of Illinois, is granted and has all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including, but not limited to, power and authority to:

(a) Adopt rules deemed necessary and appropriate for the administration of the tax credit program; establish forms for applications, notifications, contracts, or any other agreements; and accept applications at any time during the year.

(b) Assist applicants pursuant to the provisions of this Act to promote, foster, and support film production and its related job creation or retention within the State.

(c) Gather information and conduct inquiries, in the manner and by the methods as it deems desirable, including any information required for the Department to comply with Section 45 and, without limitation, gathering information with respect to applicants for the purpose of making any designations or certifications necessary or desirable or to gather information to assist the Department with any recommendation or guidance in the furtherance of the purposes of this Act, including, but not limited to, information as to whether the applicant participated in training, education, and recruitment programs that are organized in cooperation with Illinois colleges and universities, labor organizations, and the motion picture industry, and are designed to promote and encourage the training and hiring of Illinois residents who represent the diversity of the Illinois population.

(d) Provide for sufficient personnel to permit administration, staffing, operation, and related support required to adequately discharge its duties and responsibilities described in this Act from funds as may be appropriated by the General Assembly for the administration of this Act.

(e) Require applicants, upon written request, to issue any necessary authorization to the appropriate federal, state, or local authority for the release of information concerning a project being considered under the provisions of this Act, with the information requested to include, but not be limited to, financial reports, returns, or records relating to the applicant or the accredited production.

(f) Require that an applicant must at all times keep proper books of record and account in accordance with generally accepted accounting principles consistently applied, with the books, records, or papers related to the accredited production in the custody or control of the taxpayer open for reasonable Department inspection and audits, and including, without limitation, the making of copies of the books, records, or papers, and the inspection or appraisal of any of the assets of the applicant or the accredited production.

(g) Take whatever actions are necessary or appropriate to protect the State's interest in the event of bankruptcy, default, foreclosure, or noncompliance with the terms and conditions of financial assistance or participation required under this Act, including the power to sell, dispose, lease, or rent, upon terms and conditions determined by the Director to be appropriate, real or personal property that the Department may receive as a result of these actions.

(Source: P.A. 93-543, eff. 1-1-04.)

(35 ILCS 15/20)

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

Sec. 20. Tax credit awards. Subject to the conditions set forth in this Act, an applicant is entitled to a credit ~~as of 25% of the Illinois labor expenditure~~ approved by the Department under Section 40 of this Act.

(Source: P.A. 93-543, eff. 1-1-04.)

(35 ILCS 15/30)

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

Sec. 30. Review of application for accredited production certificate.

(a) In determining whether to issue an accredited production certificate, the Department must determine that a preponderance of the following conditions exist:

(1) The applicant's production intends to make the expenditure in the State required for certification.

(2) The applicant's production is economically sound and will benefit the people of the State of Illinois by increasing opportunities for employment and strengthen the economy of Illinois.

(3) The applicant has filed a diversity plan with the Department outlining specific goals (i) for hiring minority persons and females, as defined in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, and (ii) for using vendors receiving certification under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act; the Department has approved the plan as meeting the requirements established by the Department; and the Department has verified that the applicant has met or made good-faith efforts in achieving those goals. The Department must adopt any rules that are necessary to ensure compliance with the provisions of this item (3) and that are necessary to require that the applicant's plan reflects the diversity of this State. The applicant's production application includes a provision setting forth the percentage of minority workers that the production company plans to employ, subject to any applicable collective bargaining agreements with a labor organization to which the applicant is a signatory, to perform work on the production. This provision should stress the importance of hiring the percentage of minorities that is set out in the application.

(4) The applicant's production application indicates whether the applicant intends to participate in training, education, and recruitment programs that are organized in cooperation with Illinois colleges and universities, labor organizations, and the motion picture industry and are designed to promote and encourage the training and hiring of Illinois residents who represent the diversity of the Illinois population.

(5) That, if not for the credit, the applicant's production would not occur in Illinois, which may be demonstrated by any means including, but not limited to, evidence that the applicant has multi-state or international location options and could reasonably and efficiently locate outside of the State, or demonstration that at least one other state or nation is being considered for the production, or evidence that the receipt of the credit is a major factor in the applicant's decision and that without the credit the applicant likely would not create or retain jobs in Illinois, or demonstration that receiving the credit is essential to the applicant's decision to create or retain new jobs in the State.

(6) Awarding the credit will result in an overall positive impact to the State, as determined by the Department using the best available data.

(b) If any of the provisions in this Section conflict with any existing collective bargaining agreements, the terms and conditions of those collective bargaining agreements shall control.

(Source: P.A. 93-543, eff. 1-1-04.)

(35 ILCS 15/43 new)

Sec. 43. Training programs for skills in critical demand. To accomplish the purposes of this Act, the Department may use the training programs provided for Illinois under Section 605-800 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois.

(35 ILCS 15/45)

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

Sec. 45. Evaluation of tax credit program; reports to the General Assembly.

(a) The Department shall evaluate the tax credit program. The evaluation must include an assessment of the effectiveness of the program in creating and retaining new jobs in Illinois and of the revenue impact of the program, and may include a review of the practices and experiences of other states or nations with similar programs. Upon completion of this evaluation, the Department shall determine the overall success of the program, and may make a recommendation to extend, modify, or not extend the program based on this evaluation.

(b) At the end of each fiscal quarter, the Department must submit to the General Assembly a report that includes, without limitation, the following information:

(1) the economic impact of the tax credit program, including the number of jobs created and retained, including whether the job positions are entry level, management, talent-related, vendor-related, or production-related;

(2) the amount of film production spending brought to Illinois, including the amount of spending and type of Illinois vendors hired in connection with an accredited production; and

(3) an overall picture of whether the human infrastructure of the motion picture industry in Illinois reflects the geographical, racial and ethnic, gender, and income-level diversity of the State of Illinois.

(Source: P.A. 93-543, eff. 1-1-04.)

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(35 ILCS 15/90)

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

Sec. 90. Repeal. This Act is repealed on January 1, 2007 2 years after its effective date.

(Source: P.A. 93-543, eff. 1-1-04; 93-840, eff. 7-30-04.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended was ordered to a third reading.

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Hendon, **Senate Bill No. 1965**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 54; Nays 1.

The following voted in the affirmative:

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

The following voted in the negative:

Lauzen

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

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

SENATE BILL RECALLED

On motion of Senator Righter, **Senate Bill No. 1828** was recalled from the order of third reading to the order of second reading.

Senator Righter offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 1828

AMENDMENT NO. 3. Amend Senate Bill 1828, AS AMENDED, by replacing everything after the enacting clause with the following:

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"Section 5. The Illinois Insurance Code is amended by changing the heading of Article XXXI 1/2 and Sections 512-1, 512-2, 512-3, 512-4, 512-5, 512-6, 512-7, 512-8, 512-9, and 512-10 and by adding Sections 512-11 and 512-12 as follows:

(215 ILCS 5/Art. XXXI.5 heading)

ARTICLE XXXI 1/2.

PHARMACEUTICAL BENEFITS MANAGEMENT

THIRD PARTY PRESCRIPTION

PROGRAMS

(215 ILCS 5/512-1) (from Ch. 73, par. 1065.59-1)

Sec. 512-1. Short Title. This Article shall be known and may be cited as the "Pharmaceutical Benefits Management Programs Law Third Party Prescription Program Act".

(Source: P.A. 82-1005.)

(215 ILCS 5/512-2) (from Ch. 73, par. 1065.59-2)

Sec. 512-2. Purpose. It is hereby determined and declared that the purpose of this Article is to regulate pharmaceutical benefits management programs ~~ertain practices engaged in by third party prescription program administrators.~~

(Source: P.A. 82-1005.)

(215 ILCS 5/512-3) (from Ch. 73, par. 1065.59-3)

Sec. 512-3. Definitions. For the purposes of this Article, unless the context otherwise requires, the terms defined in this Article have the meanings ascribed to them herein:

"Director" means the Director of the Division of Insurance of the Department of Financial and Professional Regulation.

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

(~~a~~) "Pharmaceutical benefits management Third party prescription program" or "program" means any system of providing for the administration of or reimbursement for ~~of~~ pharmaceutical services and prescription drug products offered or operated in this State by a pharmaceutical benefits manager ~~under a contractual arrangement or agreement between a provider of such services and another party who is not the consumer of those services and products. Such programs may include, but need not be limited to, employee benefit plans whereby a consumer receives prescription drugs or other pharmaceutical services and those services are paid for by an agent of the employer or others.~~

(~~b~~) "Pharmaceutical benefits manager Third party program administrator" or "PBM administrator" means any person, partnership or corporation who issues or causes to be issued any payment or reimbursement to a provider for services rendered pursuant to a pharmaceutical benefits management third party prescription program . "Pharmaceutical benefits manager" or "PBM" ~~but~~ does not include the Director of Public Aid or any agent authorized by the Director to reimburse a provider of services rendered pursuant to a program of which the Department of Public Aid is the third party.

(Source: P.A. 90-372, eff. 7-1-98.)

(215 ILCS 5/512-4) (from Ch. 73, par. 1065.59-4)

Sec. 512-4. Registration. All pharmaceutical benefits management third party prescription programs and PBMs ~~administrators~~ doing business in the State shall register with the Director of ~~Insurance~~. The Director ~~may shall~~ promulgate regulations establishing criteria for registration in accordance with the terms of this Article. The Director may by rule establish an annual registration fee for each pharmaceutical benefits management program third party administrator.

(Source: P.A. 82-1005.)

(215 ILCS 5/512-5) (from Ch. 73, par. 1065.59-5)

Sec. 512-5. Fiduciary and Bonding Requirements.

(a) A PBM third party prescription program administrator shall (1) establish and maintain a fiduciary account, separate and apart from any and all other accounts, for the receipt and disbursement of funds for reimbursement of providers of services under the program, or (2) post, or cause to be posted, a bond of indemnity in an amount equal to not less than 10% of the total estimated annual reimbursements under the program.

(b) The establishment of such fiduciary accounts and bonds shall be consistent with applicable State law. If a bond of indemnity is posted, it shall be held by the Director of ~~Insurance~~ for the benefit and indemnification of the providers of services under the pharmaceutical benefits management third party prescription program.

(c) Any PBM An administrator who operates more than one pharmaceutical benefits management third party prescription program may establish and maintain a separate fiduciary account or bond of indemnity for each such program, or may operate and maintain a consolidated fiduciary account or bond

of indemnity for all such programs.

(d) The requirements of this Section do not apply to any pharmaceutical benefits management ~~third party prescription~~ program administered by or on behalf of any insurance company, Health Maintenance Organization, Limited Health Service Organization, or Voluntary Health Services Plan ~~Care Service Plan Corporation or Pharmaceutical Service Plan Corporation~~ authorized to do business in the State of Illinois.

(Source: P.A. 82-1005.)

(215 ILCS 5/512-6) (from Ch. 73, par. 1065.59-6)

Sec. 512-6. Notice. Notice of any change in the terms of a pharmaceutical benefits management ~~third party prescription~~ program, including but not limited to drugs covered, reimbursement rates, co-payments, and dosage quantity, shall be given to each enrolled pharmacy at least 30 days prior to the time it becomes effective.

(Source: P.A. 82-1005.)

(215 ILCS 5/512-7) (from Ch. 73, par. 1065.59-7)

Sec. 512-7. Contractual provisions.

(a) Any agreement or contract entered into ~~in this State~~ between a PBM ~~the administrator of a program~~ and a pharmacy under a pharmaceutical benefits management program shall include a statement of the method and amount of reimbursement to the pharmacy for services rendered to persons enrolled in the program, the frequency of payment by the PBM ~~program administrator~~ to the pharmacy for those services, and a method for the adjudication of complaints and the settlement of disputes between the contracting parties.

(b)(1) A program shall provide an annual period of at least 30 days during which any pharmacy licensed under the Pharmacy Practice Act of 1987 may elect to participate in the program under the program terms for at least one year.

(2) If compliance with the requirements of this subsection (b) would impair any provision of a contract between a program and any other person, and if the contract provision was in existence before January 1, ~~2006~~ 1990, then immediately after the expiration of those contract provisions the program shall comply with the requirements of this subsection (b).

(3) This subsection (b) does not apply if:

(A) the PBM ~~program administrator~~ is a licensed health maintenance organization, limited health service organization, or voluntary health services plan that owns or controls a pharmacy and that enters into an agreement or contract with that pharmacy in accordance with subsection (a); or

(B) ~~(blank), the program administrator is a licensed health maintenance organization that is owned or controlled by another entity that also owns or controls a pharmacy, and the administrator enters into an agreement or contract with that pharmacy in accordance with subsection (a).~~

(4) ~~(Blank). This subsection (b) shall be inoperative after October 31, 1992.~~

(c) The PBM ~~program administrator~~ shall cause to be issued an identification card to each person enrolled in the program. The identification card shall comply with the Uniform Prescription Drug Information Card Act, ~~include:~~

(1) ~~the name of the individual enrolled in the program; and~~

(2) ~~an expiration date if required under the contractual arrangement or agreement between a provider of pharmaceutical services and prescription drug products and the third party prescription program administrator.~~

(Source: P.A. 86-473; 87-254.)

(215 ILCS 5/512-8) (from Ch. 73, par. 1065.59-8)

Sec. 512-8. Cancellation procedures.

(a) The pharmaceutical benefits manager ~~administrator of a program~~ shall notify all pharmacies enrolled in the program of any cancellation of the coverage of benefits of any group enrolled in the program at least 30 days prior to the effective date of such cancellation. However, if the PBM ~~administrator of a program~~ is not notified at least 45 days prior to the effective date of such cancellation, the PBM ~~administrator~~ shall notify all pharmacies enrolled in the program of the cancellation as soon as practicable after having received notice.

(b) When a program is terminated, all persons enrolled therein shall be so notified, and the employer shall make every reasonable effort to gain possession of any plan identification cards in such persons' possession.

(c) Any person who intentionally uses a program identification card to obtain services from a pharmacy after having received notice of the cancellation of his benefits shall be guilty of a Class C misdemeanor. Persons shall be liable to the PBM ~~program administrator~~ for all monies paid by the PBM

~~program administrator~~ for any services received pursuant to such misuse ~~any improper use~~ of the identification card.

(Source: P.A. 82-1005.)

(215 ILCS 5/512-9) (from Ch. 73, par. 1065.59-9)

Sec. 512-9. Denial of Payment.

(a) No ~~PBM administrator~~ shall deny payment to any pharmacy for covered pharmaceutical services or prescription drug products rendered as a result of the misuse, fraudulent or illegal use of an identification card unless such identification card had expired, been noticeably altered, or the pharmacy was notified of the cancellation of such card. In lieu of notifying pharmacies which have a common ownership, the ~~PBM administrator~~ may notify a party designated by the pharmacy to receive such notice, in which case, notification shall not become effective until 5 calendar days after the designee receives notification.

(b) No ~~PBM program administrator~~ may withhold any payment to any pharmacy for covered pharmaceutical services or prescription drug products beyond the time period specified in the payment schedule provisions of the agreement, except for individual claims for payment which have been returned to the pharmacy as incomplete or illegible. Such returned claims shall be paid if resubmitted by the pharmacy to the ~~PBM program administrator~~ with the appropriate corrections made.

(Source: P.A. 82-1005.)

(215 ILCS 5/512-10) (from Ch. 73, par. 1065.59-10)

Sec. 512-10. Failure to Register. Any pharmaceutical benefits management ~~third party prescription program or PBM that administrator which~~ operates without a certificate of registration or fails to register with the Director and pay the fee prescribed by this Article shall be construed to be an unauthorized insurer as defined in Article VII of this Code and shall be subject to all penalties contained therein.

The provisions of ~~this the~~ Article shall apply to all new programs established on or after January 1, 2006 ~~1983~~. Programs existing on the effective date of this amendatory Act of the 94th General Assembly ~~Existing programs~~ shall comply with the provisions of this Article as they existed before the effective date of this amendatory Act of the 94th General Assembly until on ~~on~~ the anniversary date of the programs that occurs on or after January 1, 2006, at which time the programs shall comply with the provisions of this Article as they exist beginning on the effective date of this amendatory Act of the 94th General Assembly ~~1983~~.

(Source: P.A. 82-1005.)

(215 ILCS 5/512-11 new)

Sec. 512-11. Failure to Comply. In order to enforce the provisions of this Article, the Director may issue a cease and desist order or require a PBM to pay a civil penalty or both. Subject to the provisions of the Illinois Administrative Procedure Act, the Director may, pursuant to Section 403A of the Illinois Insurance Code, impose upon a pharmaceutical benefits management program an administrative fine of \$5,000 for violations of this Article.

(215 ILCS 5/512-12 new)

Sec. 512-12. Rulemaking. The Director shall have the authority to adopt any rules necessary for the implementation and administration of this Article.

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

The motion prevailed.

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.

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Righter, **Senate Bill No. 1828**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

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

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

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Sandoval moved that **Senate Joint Resolution No. 2**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Sandoval moved that Senate Joint Resolution No. 2 be adopted.

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

Yeas 56; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

And the resolution was adopted.

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

Senator Jacobs moved that **Senate Joint Resolution No. 6**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

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Senator Jacobs moved that Senate Joint Resolution No. 6 be adopted.
And on that motion a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

And the resolution was adopted.

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

Senator Crotty moved that **Senate Joint Resolution No. 9**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Crotty moved that Senate Joint Resolution No. 9 be adopted.

The motion prevailed.

And the resolution was adopted.

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

Senator Halvorson moved that **Senate Joint Resolution No. 10**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

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

AMENDMENT NO. 1 TO SENATE JOINT RESOLUTION 10

AMENDMENT NO. 1. Amend Senate Joint Resolution 10 on page 1, line 25 by changing "Fifty-six" to "Fifty-eight".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Halvorson moved that Senate Joint Resolution No. 10, as amended, be adopted.

The motion prevailed.

And the resolution was adopted.

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

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Senator Watson moved that **Senate Joint Resolution No. 18**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Watson moved that Senate Joint Resolution No. 18 be adopted.

The motion prevailed.

And the resolution was adopted.

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

Senator Cullerton moved that **Senate Resolution No. 9**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Cullerton moved that Senate Resolution No. 9 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator del Valle moved that **Senate Resolution No. 10**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator del Valle moved that Senate Resolution No. 10 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Haine moved that **Senate Resolution No. 12**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Haine moved that Senate Resolution No. 12 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Crotty moved that **Senate Resolution No. 29**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Crotty moved that Senate Resolution No. 29 be adopted.

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

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Schoenberg
Bomke	Geo-Karis	Meeks	Shadid
Brady	Haine	Munoz	Sieben
Burzynski	Halvorson	Pankau	Sullivan, D.
Clayborne	Harmon	Petka	Sullivan, J.
Collins	Hendon	Radogno	Syverson
Crotty	Jacobs	Raoul	Viverito
Cullerton	Jones, J.	Rauschenberger	Watson
Dahl	Jones, W.	Righter	Wilhelmi
del Valle	Laufen	Risinger	Winkel
DeLeo	Lightford	Ronen	Wojcik
Demuzio	Link	Roskam	Mr. President
Dillard	Luechtefeld	Rutherford	
Forby	Maloney	Sandoval	

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The motion prevailed.
And the resolution was adopted.

Senator Watson moved that **Senate Resolution No. 34**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
Senator Watson moved that Senate Resolution No. 34 be adopted.
The motion prevailed.
And the resolution was adopted.

At the hour of 11:48 o'clock a.m., Senator Halvorson presiding.

Senator Martinez moved that **Senate Resolution No. 35**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
Senator Martinez moved that Senate Resolution No. 35 be adopted.
The motion prevailed.
And the resolution was adopted.

Senator Watson moved that **Senate Resolution No. 62**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
Senator Watson moved that Senate Resolution No. 62 be adopted.
The motion prevailed.
And the resolution was adopted.

Senator del Valle moved that **Senate Resolution No. 102**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
Senator del Valle moved that Senate Resolution No. 102 be adopted.
And on that motion a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

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

The motion prevailed.
And the resolution was adopted.

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Senator Burzynski announced there would be a Republican caucus immediately upon adjournment.

Senator Link announced there would be a Democrat caucus immediately upon adjournment.

REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its April 21, 2005 meeting, reported the following House Bills have been assigned to the indicated Standing Committees of the Senate:

Agriculture & Conservation: **House Bills Numbered 1074, 1314, 1575, 2407 and 3526.**

Commerce & Economic Development: **House Bills Numbered 690, 834, 1272, 1569, 1571, 2525, 3066 and 3850.**

Education: **House Bills Numbered 676, 728, 881, 1540, 1541, 3480, 3500, 3646 and 3678.**

Environment & Energy: **House Bills Numbered 918, 931, 2250, 2572, 2853, 3048, 3532 and 3622.**

Executive: **House Bills Numbered 335, 721, 794, 1285, 1349, 1633, 2455, 2547, 2696, 2697, 2700 and 3022.**

Financial Institutions: **House Bill No. 1100.**

Health & Human Services: **House Bills Numbered 44, 315, 438, 480, 672, 904, 920, 984, 1005, 1133, 1197, 1320, 1350, 1362, 1448, 1451, 1522, 1554, 2004, 2241, 2347, 2446, 2453, 2461, 2480, 2578, 3596, 3812, 3819, 3851, 3853, 4014, 4051 and 4052.**

Higher Education: **House Bills Numbered 2421, 2515, 3488, 3724 and 3802.**

Housing & Community Affairs: **House Bills Numbered 688, 828, 2462 and 2594.**

Insurance: **House Bills Numbered 265, 637, 911 and 2190.**

Judiciary: **House Bills Numbered 120, 121, 183, 220, 340, 348, 349, 351, 360, 644, 657, 712, 780, 864, 873, 914, 1039, 1094, 1106, 1109, 1351, 1870, 2441, 2920, 3415, 3449, 3507, 3628, 3648, 3801, 3816 and 4030.**

Labor: **House Bills Numbered 188, 1370, 2137, 2260, 2460, 3471 and 3485.**

Licensed Activities: **House Bills Numbered 298, 481, 561, 822, 866, 872, 875, 876, 930, 1031, 1177, 1445, 1517, 2451, 2577, 3045, 3498, 3742 and 3749.**

Local Government: **House Bills Numbered 3, 27, 655, 1310, 1311, 1333, 1679, 1971, 2390, 2417, 2613, 3694, 3800 and 3831.**

Pensions & Investments: **House Bills Numbered 1384, 1527, 2379 and 3740.**

Revenue: **House Bills Numbered 2, 310, 551, 829, 1427, 1428 and 3472.**

State Government: **House Bills Numbered 711, 756, 805, 1656, 2244, 2408, 2487, 2528, 3544, 3650, 3770 and 3823.**

Transportation: **House Bills Numbered 769, 1334, 1377, 1387, 1411, 2348, 2449, 2467, 2506, 2593 and 3463.**

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RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION 159

Offered by Senator J. Sullivan and all Senators:
Mourns the death of James Duke Curran of Quincy.

SENATE RESOLUTION 160

Offered by Senator Dillard and all Senators:
Mourns the death of James R. "Jim" Doody of Naperville.

SENATE RESOLUTION 161

Offered by Senator Dillard and all Senators:
Mourns the death of Paul B "Rusty" Harris of Naperville

SENATE RESOLUTION 163

Offered by Senator Raoul and all Senators:
Mourns the death of Joan Carole Miller Wood.

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

PRESENTATION OF RESOLUTIONS

Senator Shadid offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE JOINT RESOLUTION NO. 42

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the Senate adjourns on Thursday, April 21, 2005, it stands adjourned until Tuesday, May 03, 2005 at 12:00 o'clock noon.

The motion prevailed.

And the resolution was adopted.

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

Senators Luechtefeld – Watson and All Members offered the following Senate Resolution:

SENATE RESOLUTION NO. 164

WHEREAS, The members of the Illinois Senate were deeply saddened by the death of former State Senator Ralph Dunn who passed away on May 3, 2004; and

WHEREAS, Senator Dunn lived for 90 years, 22 of which were dedicated to serving the people of Illinois; and

WHEREAS, He began his career in 1935 hauling lumber for a sawmill and shortly after that was involved in the construction of Illinois Route 127 and was later named President of the Teamsters Local Chapter in 1937 at the age of 21; and

WHEREAS, Senator Dunn and his two younger brothers worked together in building small business enterprises that included a ready-mix business, a trucking company, a car dealership, a real estate business and a radio station; and

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WHEREAS, Senator Dunn traded \$3,000 worth of concrete to purchase his first airplane which crashed, however, he was not deterred from buying a Cessna which he then flew across the State of Illinois to fight for the cause of Cerebral Palsy; and

WHEREAS, One of his proudest moments was being elected as a delegate to the Sixth Illinois Constitutional Convention, 1969-1970, which he described as a thrill and full of bright people; and

WHEREAS, He served in the Illinois House of Representatives from 1973 to 1985 and served in the Illinois Senate from 1985 to 1995, never losing an election; and

WHEREAS, As a lawmaker, Senator Dunn's greatest legacy was serving his constituents even when he had to challenge party leaders, being a strong advocate for Southern Illinois University and creating the Coal Research Center located at SIU; and

WHEREAS, A 1995 Murphysboro American editorial commemorated his legacy shortly after he retired from the Illinois Senate by saying that he is what every lawmaker should strive to be, but what few ever become; and

WHEREAS, He was described by his friends as a gentleman who listened attentively to his constituents regardless of their party affiliation, and was well known to give people coins imprinted with a shamrock and the phrase "Good Luck to You" at events he attended; and

WHEREAS, In 1997, Southern Illinois University honored Senator Dunn for his many achievements on behalf of the University by renaming its business incubator the Dunn-Richmond Economic Development Center; and

WHEREAS, He sponsored the law requiring major utility companies to install pollution controls so that Illinois' high-sulfur coal could still be utilized; and

WHEREAS, He helped to pass the legislation to turn Scott Air Force Base into a joint use facility, which has allowed the facility to remain open despite base closures all across the country.

WHEREAS, He was instrumental in getting State facilities located in Southern Illinois, including the Anna Veterans Home; and

WHEREAS, He was a strong supporter of public education and he served as Chairman of the Senate Higher Education Committee and as a member of the Senate Committee on Elementary and Secondary Education; and

WHEREAS, He was also a member of the Illinois Council on Aging, the Joint Committee on Minority Student Access, a member of the Illinois Coal Development Board for 20 years and a member of the Board at the DuQuoin State Bank for 20 years; and

WHEREAS, Senator Dunn never let age interfere with his desire to be physically fit and spent time jogging even while he was in Springfield; and

WHEREAS, He was very involved in Legislative Fitness Day activities at the Capitol and received an award from the Governor's Council on Health and Physical Fitness for participating in the event for five consecutive years; and

WHEREAS, He was preceded in death by his beloved wife, Ellen, and stepson, Danny Dunn; and

WHEREAS, He is survived by his children, Jerry Dunn, Catherine Sunnquist Florence Dunn-O'Neal, and Janet Johnson; his brother James Dunn; his 12 grandchildren; and his 20 great-grandchildren; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the loss of Ralph Dunn while at the same recognizing his many accomplishments and legacy of hard work and loyal service to his constituents; and be it further

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RESOLVED, That a suitable copy of this resolution be presented to the children and grandchildren of our friend, Ralph Dunn, with our deepest sympathies and our enduring respect, admiration, and love for their father and grandfather.

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

The motion prevailed.

And the resolution was adopted.

At the hour of 12:23 o'clock p.m., pursuant to **Senate Joint Resolution No. 42**, the Chair announced the Senate stand adjourned until Tuesday, May 3, 2005, at 12:00 o'clock noon.