



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-FOURTH GENERAL ASSEMBLY**

**42ND LEGISLATIVE DAY**

**TUESDAY, MAY 17, 2005**

**12:31 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
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The Senate met pursuant to adjournment.  
 Senator Rickey R. Hendon, Chicago, Illinois, presiding.  
 Prayer by Dr. David Pinkerton, First Baptist Church, Raleigh, Illinois.  
 Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Monday, May 16, 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 Floor amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Floor Amendment No. 4 to House Bill 325  
 Floor Amendment No. 2 to House Bill 1469  
 Floor Amendment No. 2 to House Bill 3417  
 Floor Amendment No. 1 to House Bill 3678  
 Floor Amendment No. 3 to House Bill 3680  
 Floor Amendment No. 3 to House Bill 4030

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 926  
 Floor Amendment No. 3 to Senate Bill 1856

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

Floor Amendment No. 1 to Senate Joint Resolution 13

### **PRESENTATION OF RESOLUTIONS**

#### **SENATE RESOLUTION 207**

Offered by Senator Harmon and all Senators:  
 Mourns the death of Janet G. Harmon of River Forest.

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

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

#### **SENATE RESOLUTION NO. 208**

WHEREAS, Illinois' life science and biotechnology industry is a national leader in developing innovative products and techniques to improve the quality of healthcare, agriculture, manufacturing, environment, and homeland defense; and

WHEREAS, The State of Illinois is ranked among the top three states in the country for life science and biotechnology; and

WHEREAS, It is desirable for Illinois' biotechnology industry, which directly or indirectly employs more than 127,000 people in Illinois, to continue to grow rapidly and to generate increased State revenue

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and high paying jobs for Illinois citizens; and

WHEREAS, According to a recent national study, only two states Illinois and California have sizable employment in all four major life sciences specialties: research and development; medical devices and instruments; pharmaceuticals and medicine; and agriculture, food, and chemicals; and

WHEREAS, In April 2006, the City of Chicago and State of Illinois will host "The Olympics of Biotech" - The Biotechnology International Convention; and

WHEREAS, The Biotechnology International Convention is expected to attract more than 20,000 participants and attendees from more than 65 countries; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Senate directs the Department of Commerce and Economic Opportunity to work with the Office of the Governor, the General Assembly, the City of Chicago, and the Illinois Biotechnology Industry Organization and other representative members of the industry: (i) to formulate and make recommendations and to thereafter report to the Senate those recommendations regarding the State's commitment to the continued growth and development of the life sciences and biotechnology in the State of Illinois; and (ii) to identify measures and make recommendations to promote and market "BIO 2006", the BIO International Convention scheduled for Chicago on April 9-12, 2006; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Governor, the Mayor of the City of Chicago, and the President of the Biotechnology Industry Organization.

Senators Lightford - del Valle - Meeks offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

**SENATE JOINT RESOLUTION NO. 47**

WHEREAS, The general intent and spirit of the federal No Child Left Behind Act of 2001 (Public Law 107-110), known as NCLB, are worthy of praise; and

WHEREAS, Many of NCLB's requirements on schools have been implemented in a manner that may result in federal sanctions being placed on improving schools; and

WHEREAS, Improvement status and associated sanctions under NCLB should be differentiated based on the magnitude of the school's failure to meet adequate yearly progress (AYP) requirements; and

WHEREAS, Schools should be allowed to choose the order of initiating either school choice or supplemental services so that services can be developed or secured in response to student need; and

WHEREAS, Adequate annual funding for the necessary remediation of students who are not meeting performance standards is a necessity if states are to meet the goals of NCLB; and

WHEREAS, Appropriate flexibility for schools, particularly in states with diverse populations such as Illinois, will allow NCLB to be implemented in a way that best meets the broad needs of a state's pupils; and

WHEREAS, States should be allowed to adopt value-added models based on the growth of individual students from grade to grade, ensuring that students achieve proficiency over time, and Illinois is examining the possibility of developing such a model; and

WHEREAS, One hundred percent of students reaching state standards, while commendable and desirable, is generally recognized as not being a realistically achievable goal, and additional research should be conducted regarding a more reasonable benchmark; and

WHEREAS, A recent and commendable announcement from the U.S. Department of Education,

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which allowed modified assessments for students with persistent academic disabilities, has shown that common sense and flexibility can be maintained without detracting from NCLB's goal of accountability; and

WHEREAS, While still striving to reach the laudable goal of having a highly qualified teacher in every classroom, the U.S. Department of Education has begun to take appropriate steps to adjust certain regulations to accommodate the needs of rural school districts and districts attempting to fill positions in special education and hard-to-staff subjects and schools; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we call on the Illinois congressional delegation to take action to review and amend NCLB and to encourage the U.S. Department of Education to implement regulations that (i) will permit appropriate consideration of students with special educational needs with respect to determinations of adequate yearly progress, including without limitation limited English-proficient students and special education students, (ii) will be sensitive to the needs for teachers in schools in hard-to-staff, rural, or isolated school districts and in special education, (iii) will reduce bureaucratic restrictions that stand in the way of the goals of NCLB, and (iv) will allow flexibility to the states in meeting the goals of the NCLB; and be it further

RESOLVED, That we urge the President and the Congress of the United States to fully fund the requirements of NCLB for the life of the Act; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the President of the United States, to the U.S. Secretary of Education, and to each member of the Illinois congressional delegation.

#### **REPORTS FROM STANDING COMMITTEES**

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

Senate Amendment No. 1 to House Bill 328  
 Senate Amendment No. 1 to House Bill 515  
 Senate Amendment No. 1 to House Bill 2462  
 Senate Amendments numbered 2 and 3 to House Bill 4023

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

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

Senate Amendment No. 1 to House Bill 180  
 Senate Amendment No. 1 to House Bill 215  
 Senate Amendment No. 5 to House Bill 350  
 Senate Amendment No. 1 to House Bill 369  
 Senate Amendments numbered 1 and 2 to House Bill 566  
 Senate Amendment No. 2 to House Bill 596  
 Senate Amendment No. 1 to House Bill 712  
 Senate Amendment No. 1 to House Bill 763  
 Senate Amendment No. 2 to House Bill 783  
 Senate Amendment No. 2 to House Bill 1319  
 Senate Amendment No. 1 to House Bill 1562  
 Senate Amendment No. 1 to House Bill 1588  
 Senate Amendment No. 2 to House Bill 1870  
 Senate Amendment No. 2 to House Bill 3801  
 Senate Amendment No. 1 to House Bill 3874  
 Senate Amendment No. 2 to House Bill 4030  
 Senate Amendment No. 1 to Senate Bill 1138  
 Senate Amendment No. 1 to Senate Bill 1180

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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 amendments, reported that the Committee recommends that they be adopted:

Senate Amendment No. 1 to House Bill 60  
Senate Amendments numbered 3 and 4 to House Bill 755

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

Senator Collins, Chairperson of the Committee on Financial Institutions, to which was referred the following Senate floor amendment, reported that the Committee recommends that it be adopted:

Senate Amendment No. 3 to House Bill 1100

Under the rules, the foregoing floor amendment is eligible for consideration on 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 do adopt:

Senate Amendment No. 1 to House Bill 509

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

#### **MESSAGES FROM THE GOVERNOR**

Message for the Governor by Joseph B. Handley  
Deputy Chief of Staff for Legislative Affairs

May 5, 2005

Mr. President,

The Governor directs me to lay before the Senate the following Message:

#### STATE OF ILLINOIS EXECUTIVE DEPARTMENT

To the Honorable  
Members of the Senate  
Ninety-Fourth General Assembly

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable body.

#### **COMMUNITY COLLEGE BOARD, ILLINOIS**

To be a Member of the Illinois Community College Board for a term commencing April 19, 2005 and ending June 30, 2009:

John Lewis Aurand, Jr. of Homewood  
Non-Salaried

To be a Member of the Illinois Community College Board for a term commencing April 19, 2005 and ending June 30, 2011:

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John E. Donahue of Orland Park  
Non-Salaried

**SPORTS FACILITIES AUTHORITY, ILLINOIS**

To be a Member of the Illinois Sports Facilities Authority for a term commencing April 19, 2005 and ending June 20, 2006:

Howard M. Pearl of Glencoe  
Non-Salaried

Rod Blagojevich  
GOVERNOR

Message for the Governor by Joseph B. Handley  
Deputy Chief of Staff for Legislative Affairs

May 10, 2005

Mr. President,

The Governor directs me to lay before the Senate the following Message:

STATE OF ILLINOIS  
EXECUTIVE DEPARTMENT

To the Honorable  
Members of the Senate  
Ninety-Fourth General Assembly

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable body.

**MINING BOARD, STATE**

To be a Member of the State Mining Board for a term commencing April 22, 2005 and ending January 15, 2007:

Jerry Cross of Marissa  
Salaried

To be a Member of the State Mining Board for a term commencing April 25, 2005 and ending January 15, 2007:

Adrian Kenneth Fritzsche of Auburn  
Salaried

To be a Member of the State Mining Board for a term commencing April 22, 2005 and ending January 15, 2007:

Don Orso of Herrin  
Salaried

To be a Member of the State Mining Board for a term commencing April 22, 2005 and ending January 15, 2007:

Donald E. Stewart of Gillespie  
Salaried

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To be a Member of the State Mining Board for a term commencing April 22, 2005 and ending January 15, 2007:

George Teegarden of Harrisburg  
Salaried

To be a Member of the State Mining Board for a term commencing April 22, 2005 and ending January 15, 2007:

David L. Webb of Raymond  
Salaried

**PUBLIC AID, ILLINOIS DEPARTMENT OF**

To be Inspector General of the Illinois Department of Public Aid for a term commencing May 2, 2005 and ending January 19, 2009:

John C. Allen, IV of River Forest  
Salaried

**COMMUNITY COLLEGE BOARD, ILLINOIS**

To be a Member of the Illinois Community College Board for a term commencing April 22, 2005 and ending June 30, 2007:

Roberto Rivera of Berwyn  
Non-Salaried

**EASTERN ILLINOIS UNIVERSITY BOARD OF TRUSTEES**

To be a Member of the Eastern Illinois University Board of Trustees for a term commencing April 28, 2005 and ending January 17, 2011:

Robert D. Webb of Mattoon  
Non-Salaried

**NORTHEASTERN ILLINOIS UNIVERSITY BOARD OF TRUSTEES**

To be a Member of the Northeastern Illinois Board of Trustees for a term commencing April 28, 2005 and ending January 21, 2011:

Margaret Laurino of Chicago  
Non-Salaried

To be a Member of the Northeastern Illinois Board of Trustees for a term commencing April 28, 2005 and ending January 21, 2011:

Wilfredo Ortiz of Chicago  
Non-Salaried

**SPORTS FACILITIES AUTHORITY**

To be Chair of the Illinois Sports Facilities Authority for a term commencing April 27, 2005 and ending June 30, 2006:

Howard M. Pearl of Glencoe  
Non-Salaried

**WESTERN ILLINOIS UNIVERSITY BOARD OF TRUSTEES**

To be a Member of the Western Illinois University Board of Trustees for a term commencing April 29, 2005 and ending January 17, 2011:

William L. Epperly of Chicago  
Non-Salaried

Rod Blagojevich  
GOVERNOR

Message for the Governor by Joseph B. Handley  
Deputy Chief of Staff for Legislative Affairs

May 16, 2005

Mr. President,

The Governor directs me to lay before the Senate the following Message:

STATE OF ILLINOIS  
EXECUTIVE DEPARTMENT

To the Honorable  
Members of the Senate  
Ninety-Fourth General Assembly

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable body.

**INVESTMENT, ILLINOIS STATE BOARD OF**

To be a Member of the Illinois State Board of Investment for a term commencing May 6, 2005 and ending January 21, 2008:

Guy W. Alongi of DuQuoin  
Non-Salaried

**NORTHERN ILLINOIS UNIVERSITY BOARD OF TRUSTEES**

To be a member of the Northern Illinois Board of Trustees for a term commencing May 6, 2005 and ending January 17, 2011:

Cherilyn G. Murer of Homer Glen  
Non-Salaried

To be a member of the Northern Illinois Board of Trustees for a term commencing May 6, 2005 and ending January 17, 2011:

Myron E. Siegel of Bannockburn  
Non-Salaried

To be a member of the Northern Illinois Board of Trustees for a term commencing May 6, 2005 and ending January 17, 2011:

Marc J. Strauss of DeKalb  
Non-Salaried

To be a member of the Northern Illinois Board of Trustees for a term commencing May 6, 2005 and ending January 17, 2011:

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Barbara Giorgi Vella of Rockford  
Non-Salaried

**RACING BOARD, ILLINOIS**

To be a Member of the Illinois Racing Board for a term commencing May 6, 2005 and ending July 1, 2008:

Joseph N. Casciato of Burr Ridge  
Non-Salaried

Rod Blagojevich  
GOVERNOR

Under the rules, the foregoing Messages were referred to the Committee on Executive Appointments.

**LEGISLATIVE MEASURES FILED**

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

Amendment No. 1 to House Bill 2509  
Amendment No. 1 to House Bill 3532

**READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME**

On motion of Senator Righter, **House Bill No. 23** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schoenberg, **House Bill No. 128** having been printed, was taken up and read by title a second time.

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

**AMENDMENT NO. 1 TO HOUSE BILL 128**

AMENDMENT NO. 1. Amend House Bill 128 by replacing everything after the enacting clause with the following:

"Section 5. The Social Security Number Protection Task Force Act is amended by changing Section 10 as follows:

(20 ILCS 4040/10)

Sec. 10. Social Security Number Protection Task Force.

(a) The Social Security Number Protection Task Force is created. The Task Force shall consist of the following members:

- (1) One member representing the House of Representatives, appointed by the Speaker of the House of Representatives;
- (2) One member representing the House of Representatives, appointed by the Minority Leader of the House of Representatives;
- (3) One member representing the Senate, appointed by the President of the Senate;
- (4) One member representing the Senate, appointed by the Minority Leader of the Senate;
- (5) One member representing the Office of the Attorney General, appointed by the Attorney General;
- (6) One member representing the Office of the Secretary of State, appointed by the Secretary of State;
- (7) One member representing the Office of the Governor, appointed by the Governor;

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- (8) One member representing the Department of Natural Resources, appointed by the Director of Natural Resources;
- (9) One member representing the Department of Public Aid, appointed by the Director of Public Aid;
- (10) One member representing the Department of Revenue, appointed by the Director of Revenue;
- (11) One member representing the Department of State Police, appointed by the Director of State Police; ~~and~~
- (12) One member representing the Department of Employment Security, appointed by the Director of Employment Security;
- (13) One member representing the Illinois Courts, appointed by the Director of the Administrative Office of Illinois Courts; and

(14) One member representing the Department on Aging, appointed by the Director of the Department on Aging.

(b) The Task Force shall examine the procedures used by the State to protect an individual against the unauthorized disclosure of his or her social security number when the State requires the individual to provide his or her social security number to an officer or agency of the State.

(c) The Task Force shall report its findings and recommendations to the Governor, the Attorney General, the Secretary of State, and the General Assembly no later than March 1, 2006 the first day of the 2004 fall veto session of the 93rd General Assembly.

(Source: P.A. 93-813, eff. 7-27-04.)

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

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

On motion of Senator Link, **House Bill No. 157** having been printed, was taken up and read by title a second time.

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

#### AMENDMENT NO. 1 TO HOUSE BILL 157

AMENDMENT NO. 1. Amend House Bill 157 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 7-109.3 and 7-132 as follows: (40 ILCS 5/7-109.3) (from Ch. 108 1/2, par. 7-109.3)

Sec. 7-109.3. "Sheriff's Law Enforcement Employees".

(a) "Sheriff's law enforcement employee" or "SLEP" means:

(1) A county sheriff and all deputies, other than special deputies, employed on a full time basis in the office of the sheriff.

(2) A person who has elected to participate in this Fund under Section 3-109.1 of this Code, and who is employed by a participating municipality to perform police duties.

(3) A law enforcement officer employed on a full time basis by a Forest Preserve District, provided that such officer shall be deemed a "sheriff's law enforcement employee" for the purposes of this Article, and service in that capacity shall be deemed to be service as a sheriff's law enforcement employee, only if the board of commissioners of the District have so elected by adoption of an affirmative resolution. Such election, once made, may not be rescinded.

(4) A person not eligible to participate in a fund established under Article 3 of this Code who is employed on a full-time basis by a participating municipality or participating instrumentality to perform police duties at a park or an airport, ~~but only if the governing authority of the employer has approved sheriff's law enforcement employee status for its airport police employees by adoption of an affirmative resolution. Such approval, once given, may not be rescinded.~~

(5) A person not eligible to participate in a fund established under Article 3 of this Code who is employed on a full-time basis by a participating city, village, or incorporated town to perform police duties.

(b) An employee who is a sheriff's law enforcement employee and is granted military leave or authorized leave of absence shall receive service credit in that capacity. Sheriff's law enforcement employees shall not be entitled to out-of-State service credit under Section 7-139.

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(c) The changes to this Section made by this amendatory Act of the 94th General Assembly apply to collective bargaining agreements entered into on or after the effective date of this amendatory Act of the 94th General Assembly.

(Source: P.A. 92-16, eff. 6-28-01.)

(40 ILCS 5/7-132) (from Ch. 108 1/2, par. 7-132)

Sec. 7-132. Municipalities, instrumentalities and participating instrumentalities included and effective dates.

(A) Municipalities and their instrumentalities.

(a) The following described municipalities, but not including any with more than 1,000,000 inhabitants, and the instrumentalities thereof, shall be included within and be subject to this Article beginning upon the effective dates specified by the Board:

(1) Except as to the municipalities and instrumentalities thereof specifically excluded under this Article, every county shall be subject to this Article, and all cities, villages and incorporated towns having a population in excess of 5,000 inhabitants as determined by the last preceding decennial or subsequent federal census, shall be subject to this Article following publication of the census by the Bureau of the Census. Within 90 days after publication of the census, the Board shall notify any municipality that has become subject to this Article as a result of that census, and shall provide information to the corporate authorities of the municipality explaining the duties and consequences of participation. The notification shall also include a proposed date upon which participation by the municipality will commence.

However, for any city, village or incorporated town that attains a population over 5,000 inhabitants after having provided social security coverage for its employees under the Social Security Enabling Act, participation under this Article shall not be mandatory (except as provided in subdivision (A)(a-5) of this Section) but may be elected in accordance with subparagraph (3) or (4) of this paragraph (a), whichever is applicable.

(2) School districts, other than those specifically excluded under this Article, shall be subject to this Article, without election, with respect to all employees thereof.

(3) Towns and all other bodies politic and corporate which are formed by vote of, or are subject to control by, the electors in towns and are located in towns which are not participating municipalities on the effective date of this Act, may become subject to this Article by election pursuant to Section 7-132.1.

(4) Any other municipality (together with its instrumentalities), other than those specifically excluded from participation and those described in paragraph (3) above, may elect to be included either by referendum under Section 7-134 or by the adoption of a resolution or ordinance by its governing body. A copy of such resolution or ordinance duly authenticated and certified by the clerk of the municipality or other appropriate official of its governing body shall constitute the required notice to the board of such action.

(a-5) Notwithstanding the other provisions of this Section, a city, village, or incorporated town with a population of less than 1,000,000 that (i) does not otherwise participate in the Fund and (ii) employs one or more full-time police officers who do not participate in an Article 3 police pension fund shall begin to participate in this Fund with respect to those police officers no later than 6 months after the effective date of this amendatory Act of the 94th General Assembly. A city, village, or incorporated town required to participate in the Fund with respect to its full-time police officers under this subdivision (a-5) need not participate in the Fund with respect to its other officers and employees. Participation in this Fund by a city, village, or incorporated town with a population of less than 1,000,000 with respect to its full-time police officers who do not participate in an Article 3 police pension fund is a matter of exclusive State power; this subdivision (a-5) is a denial and limitation of home rule power under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) A municipality that is about to begin participation shall submit to the Board an application to participate, in a form acceptable to the Board, not later than 90 days prior to the proposed effective date of participation. The Board shall act upon the application within 90 days, and if it finds that the application is in conformity with its requirements and the requirements of this Article, participation by the applicant shall commence on a date acceptable to the municipality and specified by the Board, but in no event more than one year from the date of application.

(c) A participating municipality which succeeds to the functions of a participating municipality which is dissolved or terminates its existence shall assume and be transferred the net accumulation balance in the municipality reserve and the municipality account receivable balance of the terminated municipality.

(d) In the case of a Veterans Assistance Commission whose employees were being treated by the Fund

on January 1, 1990 as employees of the county served by the Commission, the Fund may continue to treat the employees of the Veterans Assistance Commission as county employees for the purposes of this Article, unless the Commission becomes a participating instrumentality in accordance with subsection (B) of this Section.

(B) Participating instrumentalities.

(a) The participating instrumentalities designated in paragraph (b) of this subsection shall be included within and be subject to this Article if:

(1) an application to participate, in a form acceptable to the Board and adopted by a two-thirds vote of the governing body, is presented to the Board not later than 90 days prior to the proposed effective date; and

(2) the Board finds that the application is in conformity with its requirements, that the applicant has reasonable expectation to continue as a political entity for a period of at least 10 years and has the prospective financial capacity to meet its current and future obligations to the Fund, and that the actuarial soundness of the Fund may be reasonably expected to be unimpaired by approval of participation by the applicant.

The Board shall notify the applicant of its findings within 90 days after receiving the application, and if the Board approves the application, participation by the applicant shall commence on the effective date specified by the Board.

(b) The following participating instrumentalities, so long as they meet the requirements of Section 7-108 and the area served by them or within their jurisdiction is not located entirely within a municipality having more than one million inhabitants, may be included hereunder:

- i. Township School District Trustees.
- ii. Multiple County and Consolidated Health Departments created under Division 5-25 of the Counties Code or its predecessor law.
- iii. Public Building Commissions created under the Public Building Commission Act, and located in counties of less than 1,000,000 inhabitants.
- iv. A multitype, consolidated or cooperative library system created under the Illinois Library System Act. Any library system created under the Illinois Library System Act that has one or more predecessors that participated in the Fund may participate in the Fund upon application. The Board shall establish procedures for implementing the transfer of rights and obligations from the predecessor system to the successor system.
- v. Regional Planning Commissions created under Division 5-14 of the Counties Code or its predecessor law.
- vi. Local Public Housing Authorities created under the Housing Authorities Act, located in counties of less than 1,000,000 inhabitants.
- vii. Illinois Municipal League.
- viii. Northeastern Illinois Metropolitan Area Planning Commission.
- ix. Southwestern Illinois Metropolitan Area Planning Commission.
- x. Illinois Association of Park Districts.
- xi. Illinois Supervisors, County Commissioners and Superintendents of Highways Association.
- xii. Tri-City Regional Port District.
- xiii. An association, or not-for-profit corporation, membership in which is authorized under Section 85-15 of the Township Code.
- xiv. Drainage Districts operating under the Illinois Drainage Code.
- xv. Local mass transit districts created under the Local Mass Transit District Act.
- xvi. Soil and water conservation districts created under the Soil and Water Conservation Districts Law.
- xvii. Commissions created to provide water supply or sewer services or both under Division 135 or Division 136 of Article 11 of the Illinois Municipal Code.
- xviii. Public water districts created under the Public Water District Act.
- xix. Veterans Assistance Commissions established under Section 9 of the Military Veterans Assistance Act that serve counties with a population of less than 1,000,000.
- xx. The governing body of an entity, other than a vocational education cooperative, created under an intergovernmental cooperative agreement established between participating municipalities under the Intergovernmental Cooperation Act, which by the terms of the agreement is the employer of the persons performing services under the agreement under the usual common law rules determining the employer-employee relationship. The governing body of such an

intergovernmental cooperative entity established prior to July 1, 1988 may make participation retroactive to the effective date of the agreement and, if so, the effective date of participation shall be the date the required application is filed with the fund. If any such entity is unable to pay the required employer contributions to the fund, then the participating municipalities shall make payment of the required contributions and the payments shall be allocated as provided in the agreement or, if not so provided, equally among them.

xxi. The Illinois Municipal Electric Agency.

xxii. The Waukegan Port District.

xxiii. The Fox Waterway Agency created under the Fox Waterway Agency Act.

xxiv. The Illinois Municipal Gas Agency.

xxv. The Kaskaskia Regional Port District.

xxvi. The Southwestern Illinois Development Authority.

xxvii. The Cairo Public Utility Company.

(c) The governing boards of special education joint agreements created under Section 10-22.31 of the School Code without designation of an administrative district shall be included within and be subject to this Article as participating instrumentalities when the joint agreement becomes effective. However, the governing board of any such special education joint agreement in effect before September 5, 1975 shall not be subject to this Article unless the joint agreement is modified by the school districts to provide that the governing board is subject to this Article, except as otherwise provided by this Section.

The governing board of the Special Education District of Lake County shall become subject to this Article as a participating instrumentality on July 1, 1997. Notwithstanding subdivision (a)1 of Section 7-139, on the effective date of participation, employees of the governing board of the Special Education District of Lake County shall receive creditable service for their prior service with that employer, up to a maximum of 5 years, without any employee contribution. Employees may establish creditable service for the remainder of their prior service with that employer, if any, by applying in writing and paying an employee contribution in an amount determined by the Fund, based on the employee contribution rates in effect at the time of application for the creditable service and the employee's salary rate on the effective date of participation for that employer, plus interest at the effective rate from the date of the prior service to the date of payment. Application for this creditable service must be made before July 1, 1998; the payment may be made at any time while the employee is still in service. The employer may elect to make the required contribution on behalf of the employee.

The governing board of a special education joint agreement created under Section 10-22.31 of the School Code for which an administrative district has been designated, if there are employees of the cooperative educational entity who are not employees of the administrative district, may elect to participate in the Fund and be included within this Article as a participating instrumentality, subject to such application procedures and rules as the Board may prescribe.

The Boards of Control of cooperative or joint educational programs or projects created and administered under Section 3-15.14 of the School Code, whether or not the Boards act as their own administrative district, shall be included within and be subject to this Article as participating instrumentalities when the agreement establishing the cooperative or joint educational program or project becomes effective.

The governing board of a special education joint agreement entered into after June 30, 1984 and prior to September 17, 1985 which provides for representation on the governing board by less than all the participating districts shall be included within and subject to this Article as a participating instrumentality. Such participation shall be effective as of the date the joint agreement becomes effective.

The governing boards of educational service centers established under Section 2-3.62 of the School Code shall be included within and subject to this Article as participating instrumentalities. The governing boards of vocational education cooperative agreements created under the Intergovernmental Cooperation Act and approved by the State Board of Education shall be included within and be subject to this Article as participating instrumentalities. If any such governing boards or boards of control are unable to pay the required employer contributions to the fund, then the school districts served by such boards shall make payment of required contributions as provided in Section 7-172. The payments shall be allocated among the several school districts in proportion to the number of students in average daily attendance for the last full school year for each district in relation to the total number of students in average attendance for such period for all districts served. If such educational service centers, vocational education cooperatives or cooperative or joint educational programs or projects created and administered under Section 3-15.14 of the School Code are dissolved, the assets and obligations shall be distributed among the districts in the same proportions unless otherwise provided.

(d) The governing boards of special recreation joint agreements created under Section 8-10b of the Park District Code, operating without designation of an administrative district or an administrative municipality appointed to administer the program operating under the authority of such joint agreement shall be included within and be subject to this Article as participating instrumentalities when the joint agreement becomes effective. However, the governing board of any such special recreation joint agreement in effect before January 1, 1980 shall not be subject to this Article unless the joint agreement is modified, by the districts and municipalities which are parties to the agreement, to provide that the governing board is subject to this Article.

If the Board returns any employer and employee contributions to any employer which erroneously submitted such contributions on behalf of a special recreation joint agreement, the Board shall include interest computed from the end of each year to the date of payment, not compounded, at the rate of 7% per annum.

(e) Each multi-township assessment district, the board of trustees of which has adopted this Article by ordinance prior to April 1, 1982, shall be a participating instrumentality included within and subject to this Article effective December 1, 1981. The contributions required under Section 7-172 shall be included in the budget prepared under and allocated in accordance with Section 2-30 of the Property Tax Code.

(f) Beginning January 1, 1992, each prospective participating municipality or participating instrumentality shall pay to the Fund the cost, as determined by the Board, of a study prepared by the Fund or its actuary, detailing the prospective costs of participation in the Fund to be expected by the municipality or instrumentality.

(g) The changes to this Section made by this amendatory Act of the 94th General Assembly apply to collective bargaining agreements entered into on or after the effective date of this amendatory Act of the 94th General Assembly.

(Source: P.A. 92-424, eff. 8-17-01; 93-777, eff. 7-21-04.)

Section 90. The State Mandates Act is amended by adding Section 8.29 as follows:

(30 ILCS 805/8.29 new)

Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

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

Floor Amendments numbered 2 and 3 were held in the Committee on Rules.

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

On motion of Senator Lightford, **House Bill No. 165** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 383** was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on State Government.

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

On motion of Senator Lightford, **House Bill No. 384** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Petka, **House Bill No. 396** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Meeks, **House Bill No. 406** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 527** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **House Bill No. 690** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Lightford, **House Bill No. 695** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **House Bill No. 872** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schoenberg, **House Bill No. 1457** was taken up, read by title a second time. Floor Amendment No. 1 was held in the Committee on State Government. There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 1504** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **House Bill No. 2004** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Health & Human Services, adopted and ordered printed:

**AMENDMENT NO. 1 TO HOUSE BILL 2004**

AMENDMENT NO. 1. Amend House Bill 2004 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 34-18.32 as follows:

(105 ILCS 5/34-18.32 new)

Sec. 34-18.32. Healthy Kids - Healthy Minds Expanded Vision Program. Because 80% of a child's learning is felt to be through the visual system, the board shall establish a program to identify students who are in need of basic vision care, yet are not covered by insurance or public assistance or do not have the financial ability to pay for services and therefore are not receiving appropriate vision care, to be known as the Healthy Kids - Healthy Minds Expanded Vision Program. Through this program, subject to appropriation, the district, in cooperation with health care providers, shall serve students at a minimum or no cost to the students. The program may provide, but is not limited to, vision examinations and glasses. Eligibility for services must be determined by prioritization of students based on both physical and financial need."

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

On motion of Senator Risinger, **House Bill No. 2351** was taken up, read by title a second time.

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

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

On motion of Senator Lightford, **House Bill No. 2480** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 2578** was taken up, read by title a second time.

Floor Amendments numbered 1 and 2 were held in the Committee on Health & Human Services.

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

On motion of Senator Righter, **House Bill No. 3504** was taken up, read by title a second time.

Floor Amendments numbered 1 and 2 were held in the Committee on Judiciary.

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

On motion of Senator Silverstein, **House Bill No. 3874** having been printed, was taken up and read by title a second time.

Senator Silverstein offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO HOUSE BILL 3874**

AMENDMENT NO. 1. Amend House Bill 3874 on page 1, by replacing lines 6 through 23 with the following:

"(720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

Sec. 33-3. Official Misconduct.) A public officer or employee or special government agent commits misconduct when, in his official capacity or capacity as a special government agent, he commits any of the following acts:

- (a) Intentionally or recklessly fails to perform any mandatory duty as required by law; or
- (b) Knowingly performs an act which he knows he is forbidden by law to perform; or
- (c) With intent to obtain a personal advantage for himself or another, he performs an act in excess of his lawful authority; or
- (d) Solicits or knowingly accepts for the performance of any act a fee or reward which he knows is not authorized by law.

A public officer or employee or special government agent convicted of violating any provision of this Section forfeits his office or employment or position as a special government agent. In addition, he commits a Class 2-3 felony.

For purposes of this Section, "special government agent" has the meaning ascribed to it in subsection (1) of Section 4A-101 of the Illinois Governmental Ethics Act.

(Source: P.A. 82-790.)".

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Dillard, **House Bill No. 18**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cullerton, **House Bill No. 29**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

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Yeas 50; Nays 5.

The following voted in the affirmative:

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

The following voted in the negative:

Cronin	Sandoval	Wojcik
Radogno	Sullivan, D.	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator DeLeo, **House Bill No. 35**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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.

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On motion of Senator Winkel, **House Bill No. 48**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dillard, **House Bill No. 53**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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).

[May 17, 2005]

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Demuzio, **House Bill No. 59**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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.

### HOUSE BILL RECALLED

On motion of Senator Maloney, **House Bill No. 60** was recalled from the order of third reading to the order of second reading.

Senator Maloney offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO HOUSE BILL 60

AMENDMENT NO. 1. Amend House Bill 60 on page 1, line 21, by replacing "issued" with "awarded"; and

and on page 2, line 3, by replacing "may" with "shall".

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Silverstein, **House Bill No. 62**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

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Yeas 32; Nays 23.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sullivan, J.
Clayborne	Haine	Meeks	Trotter
Collins	Halvorson	Munoz	Viverito
Crotty	Harmon	Raoul	Wilhelmi
Cullerton	Hendon	Ronen	Mr. President
del Valle	Hunter	Sandoval	
DeLeo	Lauzen	Schoenberg	
Demuzio	Link	Shadid	
Forby	Maloney	Silverstein	

The following voted in the negative:

Bomke	Jones, J.	Radogno	Sullivan, D.
Brady	Jones, W.	Righter	Syverson
Burzynski	Luechtefeld	Risinger	Watson
Dahl	Pankau	Roskam	Winkel
Geo-Karis	Peterson	Rutherford	Wojcik
Jacobs	Petka	Sieben	

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

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

On motion of Senator Cullerton, **House Bill No. 115**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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.

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On motion of Senator Brady, **House Bill No. 120**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Roskam, **House Bill No. 132**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Geo-Karis, **House Bill No. 174**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Trotter, **House Bill No. 175**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 57; Nays None.

The following voted in the affirmative:

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

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Demuzio	Luechtefeld	Sandoval
Dillard	Maloney	Schoenberg
Forby	Martinez	Shadid

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.

### HOUSE BILL RECALLED

On motion of Senator Cullerton, **House Bill No. 180** was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO HOUSE BILL 180

AMENDMENT NO. 1. Amend House Bill 180 by replacing everything after the enacting clause with the following:

"Section 5. The Uniform Criminal Extradition Act is amended by changing Section 5 as follows:  
(725 ILCS 225/5) (from Ch. 60, par. 22)

Sec. 5. Extradition of persons imprisoned or awaiting trial in another state or who have left the demanding state under compulsion.

When it is desired to have returned to this State a person charged in this State with a crime, and such person is imprisoned or is held under criminal proceedings then pending against him in another state, the Governor of this State may agree with the Executive Authority of such other state for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this State as soon as the prosecution in this State is terminated.

The Governor of this State may also surrender on demand of the Executive Authority of any other state any person in this State who is charged in the manner provided in Section 23 of this Act with having violated the laws of the state whose Executive Authority is making the demand, even though such person left the demanding state involuntarily.

Notwithstanding any other provision of this Act, any person incarcerated in any federal facility may be released to the custody of the duly accredited officers or designees of those officers of a foreign state if:

(1) the person has violated the terms of his or her probation, post-release supervision, or parole or has an unexpired sentence in the foreign state;

(2) the foreign state has personal jurisdiction over that person; and

(3) the foreign state has issued a valid warrant for the apprehension of that person or has issued a commitment order to serve a sentence in a state or local correctional facility. For that purpose no formalities shall be required other than establishing the authority of the officer and the identity of the person to be apprehended. All legal requirements to obtain extradition of fugitives from justice are expressly waived by the State of Illinois as to those persons.

(Source: Laws 1955, p. 1982.)

Section 10. The Unified Code of Corrections is amended by changing Section 3-2-5 and adding Section 3-2-5.1 as follows:

(730 ILCS 5/3-2-5) (from Ch. 38, par. 1003-2-5)

Sec. 3-2-5. Organization of the Department; Adult Department of Corrections and the Department of Juvenile Justice.

(a) There shall be an Adult Division within the Department which shall be administered by an Assistant Director appointed by the Governor under The Civil Administrative Code of Illinois. The Assistant Director shall be under the direction of the Director. The Adult Division shall be responsible for all persons committed or transferred to the Department under Sections 3-10-7 or 5-8-6 of this Code.

(b) There shall be a Department of Juvenile Justice which shall be administered by a Director appointed by the Governor under the Civil Administrative Code of Illinois. The Department of Juvenile Justice shall be responsible for all persons committed to the Department of Corrections under Section 5-8-6 of this Code, Section 5-10 of the Juvenile Court Act, or Section 5-750 of the Juvenile Court Act of

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1987. Youth committed to the Department of Juvenile Justice pursuant to this Code shall be sight and sound separate from youth committed to the Department of Juvenile Justice pursuant to the Juvenile Court Act. There shall be a Juvenile Division within the Department which shall be administered by an Assistant Director appointed by the Governor under The Civil Administrative Code of Illinois. The Assistant Director shall be under the direction of the Director. The Juvenile Division shall be responsible for all persons committed to the Juvenile Division of the Department under Section 5-8-6 of this Code or Section 5-10 of the Juvenile Court Act or Section 5-750 of the Juvenile Court Act of 1987.

Department of Juvenile Justice personnel shall be over the age of 21 and have graduated from an accredited four-year college or university with a specialization in criminal justice, education, psychology, sociology, social work, or a closely related social science. Work experience in a residential treatment program that includes supervision or counseling of troubled youth between 10 and 17 years of age may be substituted on a year-for-year basis for the stated education specialization requirement.

(c) The Department shall create a gang intelligence unit under the supervision of the Director. The unit shall be specifically designed to gather information regarding the inmate gang population, monitor the activities of gangs, and prevent the furtherance of gang activities through the development and implementation of policies aimed at deterring gang activity. The Director shall appoint a Corrections Intelligence Coordinator.

All information collected and maintained by the unit shall be highly confidential, and access to that information shall be restricted by the Department. The information shall be used to control and limit the activities of gangs within correctional institutions under the jurisdiction of the Illinois Department of Corrections and may be shared with other law enforcement agencies in order to curb gang activities outside of correctional institutions under the jurisdiction of the Department and to assist in the investigations and prosecutions of gang activity. The Department shall establish and promulgate rules governing the release of information to outside law enforcement agencies. Due to the highly sensitive nature of the information, the information is exempt from requests for disclosure under the Freedom of Information Act as the information contained is highly confidential and may be harmful if disclosed.

The Department shall file an annual report with the General Assembly on the profile of the inmate population associated with gangs, gang-related activity within correctional institutions under the jurisdiction of the Department, and an overall status of the unit as it relates to its function and performance.

(Source: P.A. 90-590, eff. 1-1-99; 91-912, eff. 7-7-00.)

(730 ILCS 5/3-2-5.1 new)

Sec. 3-2-5.1. Department of Juvenile Justice Transition Plan.

(a) The Department of Juvenile Justice shall assume the rights, powers, duties, and responsibilities of the Juvenile Division of the Department of Corrections. Personnel, books, records, property, and funds pertaining to the Juvenile Division of the Department of Corrections shall be transferred to the Department of Juvenile Justice. Any rights of employees or the State under the Personnel Code or any other contract or plan shall be unaffected by this transfer.

(b) The Fiscal Year 2006 appropriations for the Department of Juvenile Justice shall not exceed the amount appropriated to the Juvenile Division of the Department of Corrections for Fiscal Year 2005 for juvenile services, including, but not limited to, placement, education, and parole.

Section 99. Effective date. This Act takes effect January 1, 2006."

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Peterson, **House Bill No. 190**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

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The following voted in the affirmative:

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

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

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

On motion of Senator Hunter, **House Bill No. 211**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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.

#### HOUSE BILL RECALLED

On motion of Senator Martinez, **House Bill No. 215** was recalled from the order of third reading to the order of second reading.

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Senator Martinez offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO HOUSE BILL 215**

AMENDMENT NO. 1. Amend House Bill 215 on page 1, line 20, by inserting "subject to constitutional limitations," after "consider".

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

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

On motion of Senator Brady, **House Bill No. 245**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 57; Nays None.

The following voted in the affirmative:

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

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.

**REPORT FROM RULES COMMITTEE**

Senator Viverito, Chairperson of the Committee on Rules, reported that the Committee recommends that **Floor Amendments numbered 1 and 2 to House Bill No. 481** be re-referred from the Committee on Licensed Activities to the Committee on Rules.

Senator Viverito, Chairperson of the Committee on Rules, reported that the Committee recommends that **Floor Amendments numbered 1 and 2 to House Bill No. 2596** be re-referred from the Committee on Labor to the Committee on Rules.

Senator Viverito, Chairperson of the Committee on Rules, during its May 17, 2005 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

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Education: **Floor Amendment No. 1 to House Bill 3678; Floor Amendment No. 3 to House Bill 3680; Floor Amendment No. 3 to Senate Bill 1856.**

Environment & Energy: **Floor Amendment No. 1 to House Bill 3532.**

Executive: **Floor Amendment No. 4 to House Bill 325; Floor Amendments numbered 1 and 2 to House Bill 481.**

Health & Human Services: **Floor Amendment No. 1 to House Bill 2509.**

Licensed Activities: **Floor Amendment No. 1 to Senate Bill 926.**

Pensions & Investments: **Floor Amendments numbered 2 and 3 to House Bill 157.**

State Government: **Floor Amendments numbered 1 and 2 to House Bill 2596; Floor Amendment No. 1 to Senate Joint Resolution 13.**

Transportation: **Floor Amendment No. 6 to House Bill 21.**

### COMMITTEE MEETING ANNOUNCEMENT

Senator Ronen, Chairperson of the Committee on Health & Human Services, announced that the Health & Human Services Committee will meet today in Room 400, at 3:00 o'clock p.m.

### LEGISLATIVE MEASURE FILED

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

Floor Amendment No. 1 to Senate Bill 1123

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Brady, **House Bill No. 265**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 57; Nays None.

The following voted in the affirmative:

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

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Dillard	Maloney	Schoenberg
Forby	Martinez	Shadid

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Haine, **House Bill No. 298**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Peterson, **House Bill No. 316**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 56; Nays 1.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Pankau	Sullivan, D.
Brady	Harmon	Peterson	Sullivan, J.
Burzynski	Hendon	Petka	Syverson
Clayborne	Hunter	Radogno	Trotter
Collins	Jacobs	Raoul	Viverito
Cronin	Jones, J.	Righter	Watson
Crotty	Jones, W.	Risinger	Wilhelmi
Cullerton	Lauzen	Ronen	Winkel
Dahl	Lightford	Roskam	Wojcik

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del Valle	Link	Rutherford	Mr. President
DeLeo	Luechtefeld	Sandoval	
Dillard	Maloney	Schoenberg	
Forby	Martinez	Shadid	
Geo-Karis	Meeks	Sieben	

The following voted in the negative:

Demuzio

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

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

Senator Demuzio asked and obtained unanimous consent for the Journal to reflect her affirmative vote on **House Bill No. 316**.

### HOUSE BILL RECALLED

On motion of Senator Collins, **House Bill No. 328** was recalled from the order of third reading to the order of second reading.

Senator Collins offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO HOUSE BILL 328

AMENDMENT NO. 1. Amend House Bill 328 on page 1, by replacing lines 16 and 17 with the following:

"any penalty, fee, or charge for making rent payments in this manner that are otherwise considered timely under the lease, but the landlord may refuse to accept payment by cash when rent payments are made in this manner."

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Jacobs, **House Bill No. 330**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 53; Nays 3; Present 1.

The following voted in the affirmative:

Althoff	Geo-Karis	Pankau	Silverstein
Bomke	Haine	Peterson	Sullivan, D.
Clayborne	Halvorson	Petka	Sullivan, J.
Collins	Harmon	Radogno	Syverson
Cronin	Hendon	Raoul	Trotter
Crotty	Hunter	Righter	Viverito
Cullerton	Jacobs	Risinger	Watson
Dahl	Jones, W.	Ronen	Wilhelmi
del Valle	Lightford	Roskam	Winkel
DeLeo	Link	Rutherford	Wojcik
Demuzio	Maloney	Sandoval	Mr. President

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Dillard	Martinez	Schoenberg
Forby	Meeks	Shadid
Garrett	Munoz	Sieben

The following voted in the negative:

Burzynski  
Jones, J.  
Lauzen

The following voted present:

Luechtefeld

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

On motion of Senator Sieben, **House Bill No. 340**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 36; Nays 21.

The following voted in the affirmative:

Althoff	Forby	Peterson	Syverson
Bomke	Geo-Karis	Petka	Viverito
Brady	Haine	Radogno	Watson
Burzynski	Halvorson	Righter	Wilhelmi
Clayborne	Jacobs	Risinger	Winkel
Cronin	Jones, J.	Roskam	Wojcik
Crotty	Jones, W.	Rutherford	
Dahl	Lauzen	Shadid	
Demuzio	Luechtefeld	Sieben	
Dillard	Pankau	Sullivan, J.	

The following voted in the negative:

Collins	Hunter	Munoz	Sullivan, D.
Cullerton	Lightford	Raoul	Trotter
del Valle	Link	Ronen	Mr. President
Garrett	Maloney	Sandoval	
Harmon	Martinez	Schoenberg	
Hendon	Meeks	Silverstein	

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

On motion of Senator Schoenberg, **House Bill No. 348**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

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Yeas 58; Nays None.

The following voted in the affirmative:

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

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

On motion of Senator Dillard, **House Bill No. 349**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 57; Nays None.

The following voted in the affirmative:

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

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.

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On motion of Senator Link, **House Bill No. 414**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sandoval, **House Bill No. 438**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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).

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Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Clayborne, **House Bill No. 488**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 46; Nays 10.

The following voted in the affirmative:

Althoff	Haine	Peterson	Sieben
Burzynski	Harmon	Petka	Silverstein
Clayborne	Hendon	Radogno	Sullivan, D.
Collins	Hunter	Raoul	Sullivan, J.
Crotty	Jacobs	Righter	Syverson
Cullerton	Lightford	Risinger	Trotter
del Valle	Link	Ronen	Viverito
DeLeo	Maloney	Roskam	Wilhelmi
Demuzio	Martinez	Rutherford	Wojcik
Dillard	Meeks	Sandoval	Mr. President
Garrett	Munoz	Schoenberg	
Geo-Karis	Pankau	Shadid	

The following voted in the negative:

Bomke	Dahl	Jones, W.	Winkel
Brady	Forby	Lauzen	
Cronin	Jones, J.	Watson	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Garrett, **House Bill No. 504**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 52; Nays 5.

The following voted in the affirmative:

Althoff	Geo-Karis	Munoz	Sieben
Bomke	Haine	Pankau	Silverstein
Brady	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Syverson
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Raoul	Viverito
Crotty	Jones, W.	Righter	Watson
Cullerton	Lauzen	Risinger	Winkel
Dahl	Lightford	Ronen	Wojcik
del Valle	Link	Roskam	Mr. President
DeLeo	Luechtefeld	Rutherford	
Dillard	Maloney	Sandoval	

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Forby  
Garrett

Martinez  
Meeks

Schoenberg  
Shadid

The following voted in the negative:

Burzynski  
Demuzio

Jones, J.  
Sullivan, D.

Wilhelmi

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.

### HOUSE BILLS RECALLED

On motion of Senator Luechtefeld, **House Bill No. 509** was recalled from the order of third reading to the order of second reading.

Senator Watson offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO HOUSE BILL 509

AMENDMENT NO. 1. Amend House Bill 509 on page 5, by inserting, between lines 4 and 5, the following:

"Section 10. The Public Water District Act is amended by changing Section 9 as follows:

(70 ILCS 3705/9) (from Ch. 111 2/3, par. 196)

Sec. 9. Every public water district organized under this Act and every non-profit private water company is authorized to construct, maintain, alter and extend its water mains as a proper use of highways along, upon, under and across any highway, street, alley or public ground in the State, but so as not to inconvenience the public use thereof, and the right and authority are hereby granted to any such district or non-profit private water company to construct, maintain and operate any conduit or conduits, water pipe or pipes, wholly or partially buried or otherwise in, upon and along any of the lands owned by said State under any of the public waters therein; provided that the right, permission and authority hereby granted shall be subject to all public rights of commerce and navigation and the authority of the United States in behalf of such public rights, and also to the laws of the State of Illinois to regulate and control the same.

(Source: Laws 1945, p. 1187.)"

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

On motion of Senator Clayborne, **House Bill No. 515** was recalled from the order of third reading to the order of second reading.

Senator Clayborne offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO HOUSE BILL 515

AMENDMENT NO. 1. Amend House Bill 515 in Section 10, by replacing Sec. 402 with the following:

"(35 ILCS 516/402)

Sec. 402. Mobile homes located in manufactured home community; requirements.

(a) A The person, other than a county acting as trustee for taxing districts, as provided in Section 35, who has a certificate of purchase and obtains a court order directing the issuance of a tax certificate of title under Section 400 for a mobile home located on a lot in a manufactured home community is liable for lot rent (at the prevailing rate) beginning on the date of the entry of the court order and shall either (i) qualify for tenancy in the manufactured home community in accordance with the community's normal tenant qualification and screening procedures or (ii) remove the mobile home from the lot no later than 30 days after the date of the entry of the court order.

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(b) A county acting as trustee for taxing districts, as provided in Section 35, that obtains a court order directing the issuance of a tax certificate of title to the county as trustee, under Section 400, for a mobile home located on a lot in a manufactured home community must remove the mobile home from the lot no later than 30 days after the date of the entry of the court order.

(Source: P.A. 92-807, eff. 1-1-03.)".

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Righter, **House Bill No. 551**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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

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

On motion of Senator Munoz, **House Bill No. 561**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 54; Nays 4.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Shadid
Brady	Haine	Munoz	Sieben
Clayborne	Halvorson	Pankau	Silverstein
Collins	Harmon	Peterson	Sullivan, D.

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Cronin	Hendon	Petka	Sullivan, J.
Crotty	Hunter	Radogno	Syverson
Cullerton	Jacobs	Raoul	Trotter
Dahl	Jones, W.	Righter	Viverito
del Valle	Lauzen	Risinger	Watson
DeLeo	Lightford	Ronen	Wilhelmi
Demuzio	Link	Roskam	Wojcik
Dillard	Luechtefeld	Rutherford	Mr. President
Forby	Maloney	Sandoval	
Garrett	Martinez	Schoenberg	

The following voted in the negative:

Bomke	Jones, J.
Burzynski	Winkel

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cullerton, **House Bill No. 582**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

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

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.

#### HOUSE BILL RECALLED

On motion of Senator Jacobs, **House Bill No. 596** was recalled from the order of third reading to the order of second reading.

Senator Jacobs offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2 TO HOUSE BILL 596

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AMENDMENT NO. 2. Amend House Bill 596, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by adding Sections 2-6.6, 32-5.4, 32-5.5, 32-5.6, and 32-5.7 as follows:

(720 ILCS 5/2-6.6 new)

Sec. 2-6.6. Emergency management worker.

"Emergency management worker" shall include the following:

(a) any person, paid or unpaid, who is a member of a local or county emergency services and disaster agency as defined by the Illinois Emergency Management Agency Act, or who is an employee of the Illinois Emergency Management Agency or the Federal Emergency Management Agency;

(b) any employee or volunteer of the American Red Cross;

(c) any employee of a federal, State, county or local government agency assisting an emergency services and disaster agency, the Illinois Emergency Management Agency, or the Federal Emergency Management Agency through mutual aid or as otherwise requested or directed in time of disaster or emergency; and

(d) any person volunteering or directed to assist an emergency services and disaster agency, the Illinois Emergency Management Agency, or the Federal Emergency Management Agency.

(720 ILCS 5/32-5.4 new)

Sec. 32-5.4. False personation of a fire fighter. A person who knowingly and falsely represents himself to be a fire fighter of any jurisdiction commits a Class 4 felony.

(720 ILCS 5/32-5.5 new)

Sec. 32-5.5. Aggravated false personation of a fire fighter. A person who knowingly and falsely represents himself to be a fire fighter of any jurisdiction in attempting or committing a felony commits a Class 3 felony.

(720 ILCS 5/32-5.6 new)

Sec. 32-5.6. False personation of an emergency management worker. A person who knowingly and falsely represents himself to be an emergency management worker of any jurisdiction in this State or of the American Red Cross commits a Class 4 felony. For purposes of this Section, "emergency management worker" shall have the same meaning as provided under Section 2-6.6 of this Code.

(720 ILCS 5/32-5.7 new)

Sec. 32-5.7. Aggravated false personation of an emergency management worker. A person who knowingly and falsely represents himself to be an emergency management worker of any jurisdiction in this State or of the American Red Cross in attempting or committing a felony commits a Class 3 felony. For purposes of this Section, "emergency management worker" shall have the same meaning as provided under Section 2-6.6 of this Code."

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Winkel, **House Bill No. 598**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Shadid
Bomke	Geo-Karis	Meeks	Sieben
Brady	Haine	Munoz	Silverstein
Burzynski	Halvorson	Pankau	Sullivan, D.
Clayborne	Harmon	Peterson	Sullivan, J.

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Collins	Hendon	Petka	Syverson
Cronin	Hunter	Radogno	Trotter
Crotty	Jacobs	Raoul	Viverito
Cullerton	Jones, J.	Righter	Watson
Dahl	Jones, W.	Risinger	Wilhelmi
del Valle	Lauzen	Ronen	Winkel
DeLeo	Lightford	Roskam	Wojcik
Demuzio	Link	Rutherford	Mr. President
Dillard	Luechtefeld	Sandoval	
Forby	Maloney	Schoenberg	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Righter, **House Bill No. 610**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 57; Nays None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cullerton, **House Bill No. 617**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Shadid
Bomke	Geo-Karis	Meeks	Sieben

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Brady	Haine	Munoz	Silverstein
Burzynski	Halvorson	Pankau	Sullivan, D.
Clayborne	Harmon	Peterson	Sullivan, J.
Collins	Hendon	Petka	Syverson
Cronin	Hunter	Radogno	Trotter
Crotty	Jacobs	Raoul	Viverito
Cullerton	Jones, J.	Righter	Watson
Dahl	Jones, W.	Risinger	Wilhelmi
del Valle	Lauzen	Ronen	Winkel
DeLeo	Lightford	Roskam	Mr. President
Demuzio	Link	Rutherford	
Dillard	Luechtefeld	Sandoval	
Forby	Maloney	Schoenberg	

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

On motion of Senator Link, **House Bill No. 657**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

On motion of Senator Cullerton, **House Bill No. 672**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 35; Nays 16; Present 3.

The following voted in the affirmative:

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Bomke	Garrett	Meeks	Sandoval
Burzynski	Halvorson	Munoz	Schoenberg
Collins	Harmon	Pankau	Shadid
Cronin	Hendon	Petka	Silverstein
Crotty	Hunter	Radogno	Sullivan, J.
Cullerton	Lightford	Righter	Viverito
del Valle	Link	Risinger	Wilhelmi
DeLeo	Maloney	Ronen	Winkel
Demuzio	Martinez	Roskam	

The following voted in the negative:

Brady	Haine	Luechtefeld	Mr. President
Clayborne	Jacobs	Rutherford	
Dahl	Jones, J.	Sieben	
Forby	Jones, W.	Syverson	
Geo-Karis	Lauzen	Watson	

The following voted present:

Althoff  
Dillard  
Trotter

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.

Senator Petka asked and obtained unanimous consent for the Journal to reflect his negative vote on **House Bill No. 672**.

On motion of Senator Petka, **House Bill No. 676**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

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

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).

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Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Crotty, **House Bill No. 700**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 57; Nays None.

The following voted in the affirmative:

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

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.

### HOUSE BILL RECALLED

On motion of Senator Martinez, **House Bill No. 712** was recalled from the order of third reading to the order of second reading.

Senator Martinez offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO HOUSE BILL 712

AMENDMENT NO. 1. Amend House Bill 712, on page 1, line 5, by replacing "Section 602" with "Sections 602 and 610"; and

on page 2, immediately below line 26, by inserting the following:

"(750 ILCS 5/610) (from Ch. 40, par. 610)

Sec. 610. Modification.

(a) Unless by stipulation of the parties or except as provided in subsection (a-5), no motion to modify a custody judgment may be made earlier than 2 years after its date, unless the court permits it to be made on the basis of affidavits that there is reason to believe the child's present environment may endanger seriously his physical, mental, moral or emotional health.

(a-5) A motion to modify a custody judgment may be made at any time by a party who has been informed of the existence of facts requiring notice to be given under Section 609.5.

(b) The court shall not modify a prior custody judgment unless it finds by clear and convincing evidence, upon the basis of facts that have arisen since the prior judgment or that were unknown to the court at the time of entry of the prior judgment, that a change has occurred in the circumstances of the child or his custodian, or in the case of a joint custody arrangement that a change has occurred in the circumstances of the child or either or both parties having custody, and that the modification is necessary to serve the best interest of the child. The existence of facts requiring notice to be given under Section

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609.5 of this Act shall be considered a change in circumstance. In the case of joint custody, if the parties agree to a termination of a joint custody arrangement, the court shall so terminate the joint custody and make any modification which is in the child's best interest. The court shall state in its decision specific findings of fact in support of its modification or termination of joint custody if either parent opposes the modification or termination.

(c) Attorney fees and costs shall be assessed against a party seeking modification if the court finds that the modification action is vexatious and constitutes harassment.

(d) Notice under this Section shall be given as provided in subsections (c) and (d) of Section 601. (Source: P.A. 87-1255.)"

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Schoenberg, **House Bill No. 715**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 33; Nays 20; Present 2.

The following voted in the affirmative:

Althoff	Forby	Maloney	Silverstein
Brady	Geo-Karis	Martinez	Sullivan, J.
Clayborne	Haine	Meeks	Trotter
Collins	Halvorson	Munoz	Viverito
Crotty	Harmon	Raoul	Wilhelmi
Cullerton	Hendon	Ronen	Mr. President
del Valle	Hunter	Sandoval	
DeLeo	Jacobs	Schoenberg	
Demuzio	Link	Shadid	

The following voted in the negative:

Bomke	Lauzen	Righter	Syverson
Burzynski	Luechtefeld	Risinger	Watson
Cronin	Pankau	Roskam	
Dahl	Peterson	Rutherford	
Jones, J.	Petka	Sieben	
Jones, W.	Radogno	Sullivan, D.	

The following voted present:

Dillard  
Lightford

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Risinger, **House Bill No. 721**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

[May 17, 2005]

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

Yeas 57; Nays None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Haine, **House Bill No. 748**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Lauzen, **House Bill No. 756**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 57; Nays None.

The following voted in the affirmative:

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

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.

#### HOUSE BILL RECALLED

On motion of Senator Cullerton, **House Bill No. 763** was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO HOUSE BILL 763

AMENDMENT NO. 1. Amend House Bill 763 on page 1, line 9, by inserting "or controlled substance analog" after "substance".

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Haine, **House Bill No. 766**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 57; Nays None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Althoff, **House Bill No. 767**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 56; Nays None; Present 1.

The following voted in the affirmative:

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

The following voted present:

Raoul

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator DeLeo, **House Bill No. 780**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

[May 17, 2005]

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

Yeas 57; Nays None.

The following voted in the affirmative:

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

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.

#### HOUSE BILL RECALLED

On motion of Senator Martinez, **House Bill No. 783** was recalled from the order of third reading to the order of second reading.

Senator Martinez offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2 TO HOUSE BILL 783

AMENDMENT NO. 2. Amend House Bill 783 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Child Support Payment Act.

Section 5. Definitions. In this Act:

"Currency exchange" means a currency exchange licensed under the Currency Exchange Act.

"Obligee", "obligor", "order for support", and "State Disbursement Unit" have the meanings attributed to those terms in the Income Withholding for Support Act.

Section 10. Payment of child support at currency exchange. An obligor under an order for support of a child may make any payment of child support required under that order at a currency exchange. When an obligor makes a payment of child support at a currency exchange, the obligor must provide the currency exchange with information sufficient to enable the currency exchange to transmit the amount of the payment to the State Disbursement Unit under the order for support.

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 bill, as amended, was ordered to a third reading.

[May 17, 2005]



**COMMITTEE MEETING ANNOUNCEMENTS**

Senator Martinez, Chairperson of the Committee on Pensions & Investments, announced that the Pensions & Investments Committee will meet Wednesday, May 18, 2005, in Room 400 Capitol Building, at 12:30 o'clock p.m.

Senator Haine, Chairperson of the Committee on Insurance, announced that the Insurance Committee will meet Wednesday, May 18, 2005, in Room 400 Capitol Building at 9:00 a.m.

Senator Lightford, Chairperson of the Committee on Education, announced that the Education Committee will meet Wednesday, May 18, 2005, in Room 212 Capitol Building, at 8:30 o'clock a.m.

Senator Forby, Chairperson of the Committee on Labor, announced that the Labor Committee will meet Wednesday, May 18, 2005, in Room 400 Capitol Building, at 12:00 o'clock p.m.

Senator Garrett, Chairperson of the Committee on State Government, announced that the State Government Committee will meet Wednesday, May 18, 2005, in Room A-1 Stratton Building, at 11:00 o'clock a.m.

Senator Crotty, Chairperson of the Committee on Local Government, announced that the Local Government Committee will meet Wednesday, May 18, 2005, in Room A-1 Stratton Building, at 9:00 o'clock a.m.

Senator Munoz, Chairperson of the Committee on Transportation, announced that the Transportation Committee will meet Wednesday, May 18, 2005, in Room 400 Capitol Building, at 12:45 o'clock p.m.

Senator Demuzio, Chairperson of the Committee on Licensed Activities, announced that the Licensed Activities Committee will meet Wednesday, May 18, 2005, in Room A-1 Stratton Building, at 12:00 o'clock p.m.

Senator Harmon, Chairperson of the Committee on Revenue, announced that the Revenue Committee will meet Wednesday, May 18, 2005, in Room 400 Capitol Building, at 11:00 o'clock a.m.

Senator Viverito, Member of the Committee on Executive, announced that the Executive Committee will meet Wednesday, May 18, 2005, in Room 212 Capitol Building, at 11:00 o'clock a.m.

**LEGISLATIVE MEASURES FILED**

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

Senate Amendment No. 1 to House Bill 788  
Senate Amendment No. 2 to House Bill 2137

At the hour of 3:02 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, May 18, 2005, at 1:00 o'clock p.m.