



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-FOURTH GENERAL ASSEMBLY**

**45TH LEGISLATIVE DAY**

**FRIDAY, MAY 20, 2005**

**10:08 O'CLOCK A.M.**

**SENATE**  
**Daily Journal Index**  
**45th Legislative Day**

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The Senate met pursuant to adjournment.  
 Senator Debbie DeFrancesco Halvorson, Kankakee, Illinois, presiding.  
 Prayer by Pastor Samuel Henning, Abundant Life Community Church, Alton, Illinois.  
 Senator Hunter led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Thursday, May 19, 2005, be postponed, pending arrival of the printed Journal.  
 The motion prevailed.

### LEGISLATIVE MEASURE FILED

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

Floor Amendment No. 5 to House Bill 511

### MESSAGE FROM THE HOUSE

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

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

SENATE BILL NO. 102

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 201

A bill for AN ACT concerning regulation.

SENATE BILL NO. 283

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 302

A bill for AN ACT concerning transportation.

SENATE BILL NO. 406

A bill for AN ACT concerning liquor.

SENATE BILL NO. 417

A bill for AN ACT concerning finance.

SENATE BILL NO. 479

A bill for AN ACT concerning education.

SENATE BILL NO. 504

A bill for AN ACT concerning business.

Passed the House, May 20, 2005.

MARK MAHONEY, Clerk of the House

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

**House Bill No. 452**, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1178**, sponsored by Senator Crotty, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1716**, sponsored by Senator Halvorson, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 1919**, sponsored by Senator Jacobs, was taken up, read by title a first time and referred to the Committee on Rules.

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**House Bill No. 2275**, sponsored by Senator Forby, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2706**, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3031**, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 3167**, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Rules.

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

On motion of Senator Sandoval, **House Bill No. 56**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Sieben
Bomke	Halvorson	Pankau	Silverstein
Brady	Harmon	Peterson	Sullivan, D.
Burzynski	Hendon	Petka	Sullivan, J.
Clayborne	Hunter	Radogno	Syverson
Collins	Jacobs	Raoul	Trotter
Crotty	Jones, J.	Righter	Viverito
Cullerton	Jones, W.	Risinger	Watson
Dahl	Lauzen	Ronen	Wilhelmi
del Valle	Lightford	Roskam	Winkel
DeLeo	Link	Rutherford	Wojcik
Demuzio	Luechtefeld	Sandoval	Mr. President
Dillard	Maloney	Schoenberg	
Forby	Meeks	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 Dillard, **House Bill No. 121**, 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 None.

The following voted in the affirmative:

Althoff	Forby	Meeks	Sieben
Bomke	Garrett	Munoz	Silverstein
Brady	Haine	Pankau	Sullivan, D.

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Burzynski	Halvorson	Peterson	Syverson
Clayborne	Harmon	Petka	Trotter
Collins	Hendon	Raoul	Viverito
Cronin	Hunter	Rauschenberger	Watson
Crotty	Jacobs	Righter	Wilhelmi
Cullerton	Jones, J.	Risinger	Winkel
Dahl	Jones, W.	Ronen	Wojcik
del Valle	Link	Roskam	Mr. President
DeLeo	Luechtefeld	Rutherford	
Demuzio	Maloney	Schoenberg	
Dillard	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 Schoenberg, **House Bill No. 128**, 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	Meeks	Silverstein
Bomke	Haine	Pankau	Sullivan, D.
Brady	Halvorson	Peterson	Sullivan, J.
Burzynski	Harmon	Petka	Syverson
Clayborne	Hendon	Radogno	Trotter
Collins	Hunter	Raoul	Viverito
Cronin	Jacobs	Righter	Watson
Crotty	Jones, J.	Risinger	Wilhelmi
Cullerton	Jones, W.	Ronen	Winkel
Dahl	Lauzen	Roskam	Wojcik
del Valle	Lightford	Rutherford	Mr. President
DeLeo	Link	Sandoval	
Demuzio	Luechtefeld	Schoenberg	
Dillard	Maloney	Shadid	
Forby	Martinez	Sieben	

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

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

On motion of Senator Clayborne, **House Bill No. 310**, 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:

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Althoff	Garrett	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.	Rauschenberger	Watson
Cullerton	Jones, W.	Righter	Wilhelmi
Dahl	Lauzen	Risinger	Wojcik
del Valle	Lightford	Ronen	Mr. President
DeLeo	Link	Roskam	
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.

On motion of Senator Hendon, **House Bill No. 529**, 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	Meeks	Shadid
Bomke	Haine	Munoz	Sieben
Brady	Halvorson	Pankau	Silverstein
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Syverson
Cronin	Jacobs	Raoul	Trotter
Crotty	Jones, J.	Rauschenberger	Viverito
Cullerton	Jones, W.	Righter	Watson
Dahl	Lauzen	Risinger	Wilhelmi
del Valle	Lightford	Ronen	Winkel
DeLeo	Link	Roskam	Wojcik
Demuzio	Luechtefeld	Rutherford	Mr. President
Dillard	Maloney	Sandoval	
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.

#### HOUSE BILL RECALLED

On motion of Senator Link, **House Bill No. 566** was recalled from the order of third reading to the order of second reading.

Senator Link offered the following amendment:

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**AMENDMENT NO. 1 TO HOUSE BILL 566**

AMENDMENT NO. 1. Amend House Bill 566 by replacing everything after the enacting clause with the following:

"Section 5. The Tool and Die Lien Act is amended by changing Sections 1 and 2 as follows:  
(770 ILCS 105/1) (from Ch. 82, par. 351)

Sec. 1. Lien. Plastic or metal processors or persons conducting a plastic or metal processing business shall have a lien on the tools, dies, molds, jigs, fixtures, forms or patterns in their possession belonging to a customer, for the balance due them from such customer for plastic or metal processing work, and for all materials related to such work. The processor may retain possession of the tool, die, mold, jig, fixture, form or pattern until such balance is paid, ~~subject only to a security interest properly perfected pursuant to Article 9 of the Uniform Commercial Code.~~

(Source: P.A. 85-381.)

(770 ILCS 105/2) (from Ch. 82, par. 352)

Sec. 2. Definitions. For purposes of this Act:

(A) The term "processor" means any individual or entity including, but not limited to, a tool or die maker, who contracted with, or uses a tool, die, mold, jig, fixture, form or pattern to manufacture, assemble, or otherwise make a plastic or metal product or products for a customer.

(B) The term "customer" means any individual or entity who contracted with, or caused a plastic or metal processor to use a tool, die, mold, jig, fixture, form or pattern to manufacture, assemble, or otherwise make plastic or metal components or products.

(C) The term "special tool" means a tool, die, mold, jig, fixture, form, ~~or~~ pattern, or part used to manufacture, assemble, or otherwise make plastic or metal components or products.

(Source: P.A. 85-381.)"

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

The motion to table prevailed.

Senator Cullerton offered the following amendment and moved its adoption:

**AMENDMENT NO. 2 TO HOUSE BILL 566**

AMENDMENT NO. 2. Amend House Bill 566 on page 1, by inserting after line 3 the following:

"Section 2. If and only if Senate Bill 1930 of the 94th General Assembly becomes law in the form in which it passed the Senate, the Mechanics Lien Act is amended by changing Section 21 as follows:

(770 ILCS 60/21) (from Ch. 82, par. 21)

Sec. 21. Sub-contractor defined; lien of sub-contractor; notice; size of type; service of notice; amount of lien; default by contractor.

(a) Subject to the provisions of Section 5, every mechanic, worker or other person who shall furnish any labor, services, material, fixtures, apparatus or machinery, forms or form work for the contractor, or shall furnish any material to be employed in the process of construction as a means for assisting in the erection of the building or improvement in what is commonly termed form or form work where concrete, cement or like material is used in whole or in part, shall be known under this Act as a sub-contractor, and shall have a lien for the value thereof, with interest on such amount from the date the same is due, from the same time, on the same property as provided for the contractor, and, also, as against the creditors and assignees, and personal and legal representatives of the contractor, on the material, fixtures, apparatus or machinery furnished, and on the moneys or other considerations due or to become due from the owner under the original contract.

(b) If the legal effect of any contract between the owner and contractor is that no lien or claim may be filed or maintained by any one and the waiver is not prohibited by this Act, or that such contractor's lien shall be subordinated to the interests of any other party, such provision shall be binding; but the only admissible evidence thereof as against a subcontractor or material supplier, shall be proof of actual notice thereof to him or her before his or her contract is entered into. Such ~~waiver of~~ subordination provision shall not be binding on the subcontractor unless set forth in its entirety in writing in the contract between the contractor and subcontractor or material supplier.

(c) It shall be the duty of each subcontractor who has furnished, or is furnishing, labor, services, material, fixtures, apparatus or machinery, forms or form work for an existing owner-occupied single family residence, in order to preserve his lien, to notify the occupant either personally or by certified mail, return receipt requested, addressed to the occupant or his agent of the residence within 60 days from his first furnishing labor, services, material, fixtures, apparatus or machinery, forms or form work, that he is supplying labor, services, material, fixtures, apparatus or machinery, forms or form work

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provided, however, that any notice given after 60 days by the subcontractor shall preserve his lien, but only to the extent that the owner has not been prejudiced by payments made prior to receipt of the notice. The notification shall include a warning to the owner that before any payment is made to the contractor, the owner should receive a waiver of lien executed by each subcontractor who has furnished labor, services, material, fixtures, apparatus or machinery, forms or form work.

The notice shall contain the name and address of the subcontractor or material man, the date he started to work or to deliver materials, the type of work done and to be done or the type of materials delivered and to be delivered, and the name of the contractor requesting the work. The notice shall also contain the following warning:

"NOTICE TO OWNER

The subcontractor providing this notice has performed work for or delivered material to your home improvement contractor. These services or materials are being used in the improvements to your residence and entitle the subcontractor to file a lien against your residence if the services or materials are not paid for by your home improvement contractor. A lien waiver will be provided to your contractor when the subcontractor is paid, and you are urged to request this waiver from your contractor when paying for your home improvements."

Such warning shall be in at least 10 point bold face type. For purposes of this Section, notice by certified mail is considered served at the time of its mailing.

(d) In no case, except as hereinafter provided, shall the owner be compelled to pay a greater sum for or on account of the completion of such house, building or other improvement than the price or sum stipulated in said original contract or agreement, unless payment be made to the contractor or to his order, in violation of the rights and interests of the persons intended to be benefited by this act: Provided, if it shall appear to the court that the owner and contractor fraudulently, and for the purpose of defrauding sub-contractors fixed an unreasonably low price in their original contract for the erection or repairing of such house, building or other improvement, then the court shall ascertain how much of a difference exists between a fair price for labor, services, material, fixtures, apparatus or machinery, forms or form work used in said house, building or other improvement, and the sum named in said original contract, and said difference shall be considered a part of the contract and be subject to a lien. But where the contractor's statement, made as provided in Section 5, shows the amount to be paid to the sub-contractor, or party furnishing material, or the sub-contractor's statement, made pursuant to Section 22, shows the amount to become due for material; or notice is given to the owner, as provided in Sections 24 and 25, and thereafter such sub-contract shall be performed, or material to the value of the amount named in such statements or notice, shall be prepared for use and delivery, or delivered without written protest on the part of the owner previous to such performance or delivery, or preparation for delivery, then, and in any of such cases, such sub-contractor or party furnishing or preparing material, regardless of the price named in the original contract, shall have a lien therefor to the extent of the amount named in such statements or notice. In case of default or abandonment by the contractor, the sub-contractor or party furnishing material, shall have and may enforce his lien to the same extent and in the same manner that the contractor may under conditions that arise as provided for in Section 4 of this Act, and shall have and may exercise the same rights as are therein provided for the contractor.

(e) Any provision in a contract, agreement, or understanding, when payment from a contractor to a subcontractor or supplier is conditioned upon receipt of the payment from any other party including a private or public owner, shall not be a defense by the party responsible for payment to a claim brought under Section 21, 22, 23, or 28 of this Act against the party. For the purpose of this Section, "contractor" also includes subcontractor or supplier. The provisions of Public Act 87-1180 shall be construed as declarative of existing law and not as a new enactment.

(Source: P.A. 87-361; 87-362; 87-895; 87-1180; 88-45; 94SB1930eng.)".

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 Link, **House Bill No. 566**, 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.

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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	Haine	Munoz	Sieben
Bomke	Halvorson	Pankau	Silverstein
Brady	Harmon	Peterson	Sullivan, D.
Burzynski	Hendon	Petka	Sullivan, J.
Clayborne	Hunter	Radogno	Syverson
Cronin	Jacobs	Raoul	Trotter
Crotty	Jones, J.	Rauschenberger	Viverito
Cullerton	Jones, W.	Righter	Watson
Dahl	Lauzen	Risinger	Wilhelmi
del Valle	Lightford	Ronen	Winkel
DeLeo	Link	Roskam	Wojcik
Demuzio	Luechtefeld	Rutherford	Mr. President
Dillard	Maloney	Sandoval	
Forby	Martinez	Schoenberg	
Garrett	Meeks	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 and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Cullerton, **House Bill No. 763**, 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	Martinez	Shadid
Bomke	Garrett	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.	Rauschenberger	Watson
Dahl	Jones, W.	Righter	Wilhelmi
del Valle	Lightford	Ronen	Winkel
DeLeo	Link	Roskam	Wojcik
Demuzio	Luechtefeld	Rutherford	Mr. President
Dillard	Maloney	Sandoval	

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.

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Senator Risinger asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **House Bill No. 763**.

Senator Lauzen asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **House Bill No. 763**.

On motion of Senator Hendon, **House Bill No. 823**, 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	Meeks	Shadid
Bomke	Haine	Munoz	Sieben
Brady	Halvorson	Pankau	Silverstein
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Syverson
Cronin	Jacobs	Raoul	Trotter
Crotty	Jones, J.	Rauschenberger	Viverito
Cullerton	Jones, W.	Righter	Watson
Dahl	Lauzen	Risinger	Wilhelmi
del Valle	Lightford	Ronen	Winkel
DeLeo	Link	Roskam	Wojcik
Demuzio	Luechtefeld	Rutherford	Mr. President
Dillard	Maloney	Sandoval	
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 Sieben, **House Bill No. 1074**, 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 1; Present 2.

The following voted in the affirmative:

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

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DeLeo	Luechtefeld	Rutherford
Demuzio	Maloney	Schoenberg
Dillard	Meeks	Shadid

The following voted in the negative:

Sandoval

The following voted present:

Haine  
Harmon

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. 2404**, 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	Shadid
Bomke	Haine	Munoz	Sieben
Brady	Halvorson	Pankau	Silverstein
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Syverson
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Raoul	Viverito
Crotty	Jones, J.	Rauschenberger	Watson
Cullerton	Jones, W.	Righter	Wilhelmi
Dahl	Lauzen	Risinger	Winkel
del Valle	Lightford	Ronen	Wojcik
DeLeo	Link	Roskam	Mr. President
Demuzio	Luechtefeld	Rutherford	
Dillard	Maloney	Sandoval	
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 Trotter, **House Bill No. 2533**, 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:

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Althoff	Garrett	Meeks	Shadid
Bomke	Haine	Munoz	Sieben
Brady	Halvorson	Pankau	Silverstein
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Syverson
Cronin	Jacobs	Raoul	Trotter
Crotty	Jones, J.	Rauschenberger	Viverito
Cullerton	Jones, W.	Righter	Watson
Dahl	Lauzen	Risinger	Wilhelmi
del Valle	Lightford	Ronen	Winkel
DeLeo	Link	Roskam	Wojcik
Demuzio	Luechtefeld	Rutherford	Mr. President
Dillard	Maloney	Sandoval	
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 J. Sullivan, **House Bill No. 2596**, 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 50; Nays 7.

The following voted in the affirmative:

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

The following voted in the negative:

Brady	Dahl	Radogno	Syverson
Burzynski	Peterson	Rauschenberger	

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

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

On motion of Senator Schoenberg, **House Bill No. 2892**, 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	Meeks	Shadid
Bomke	Haine	Munoz	Sieben
Brady	Halvorson	Pankau	Silverstein
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Syverson
Cronin	Jacobs	Raoul	Trotter
Crotty	Jones, J.	Rauschenberger	Viverito
Cullerton	Jones, W.	Righter	Watson
Dahl	Lauzen	Risinger	Wilhelmi
del Valle	Lightford	Ronen	Winkel
DeLeo	Link	Roskam	Wojcik
Demuzio	Luechtefeld	Rutherford	Mr. President
Dillard	Maloney	Sandoval	
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 Cullerton, **House Bill No. 3628**, 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 41; Nays 12; Present 2.

The following voted in the affirmative:

Bomke	Garrett	Meeks	Sullivan, J.
Brady	Haine	Munoz	Trotter
Clayborne	Halvorson	Radogno	Viverito
Collins	Harmon	Raoul	Watson
Cronin	Hendon	Ronen	Wilhelmi
Crotty	Hunter	Sandoval	Winkel
Cullerton	Jacobs	Schoenberg	Wojcik
del Valle	Lightford	Shadid	Mr. President
DeLeo	Link	Sieben	
Demuzio	Maloney	Silverstein	
Forby	Martinez	Sullivan, D.	

The following voted in the negative:

Burzynski	Lauzen	Rauschenberger
Dahl	Pankau	Righter
Jones, J.	Peterson	Risinger
Jones, W.	Petka	Rutherford

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The following voted present:

Althoff  
Roskam

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

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

### HOUSE BILL RECALLED

On motion of Senator Collins, **House Bill No. 3680** was recalled from the order of third reading to the order of second reading.

Floor Amendments numbered 1 and 2 were tabled in the Committee on Education.

Senator Collins offered the following amendment:

#### AMENDMENT NO. 3 TO HOUSE BILL 3680

AMENDMENT NO. 3. Amend House Bill 3680 on page 1, line 4, after "amended", by inserting "by adding Section 27-12.5 and"; and

on page 1, immediately below line 5, by inserting the following:

"(105 ILCS 5/27-12.5 new)

Sec. 27-12.5. Financial literacy instruction.

(a) The State Board of Education shall develop guidelines, curricula, and teacher professional development programs for school boards to use for the purposes of enhancing economic and financial literacy education in public elementary and secondary schools within the State and supporting the implementation of the State learning standards for economics and the requirements of Section 27-12.1 of this Code. Guidelines and materials must be designed to enable teachers to infuse economics and financial literacy within all relevant courses currently offered in public high schools and within the subjects of reading, mathematics, and social studies in public elementary schools. Professional development programs must be designed to help teachers meet State requirements for recertification and help schools meet the requirements of the federal No Child Left Behind Act of 2001 for highly qualified teachers.

(b) A financial literacy program shall include all content required under Section 27-12.1 of this Code. The State Board of Education shall update the program content regularly, and the content may include the following subject matter areas:

- (1) depository institution services;
- (2) consumer rights and laws;
- (3) asset building;
- (4) savings and investing;
- (5) predatory lending;
- (6) payday loans; and
- (7) identity theft.

(c) The State Board of Education shall provide all public schools with all of the following:

(1) Guidelines for appropriate personal finance and economics concepts and topics to be taught at each elementary and secondary grade level based on the State learning standards for economics and the requirements of Section 27-12.1 of this Code.

(2) Access to teacher professional development programs for grades kindergarten through 12, which must be scheduled annually in sites around the State to ensure availability to all schools.

(3) Resources for integrating the teaching of personal finance and economics into existing reading, mathematics, social science, and other appropriate course work, as well as existing consumer education and personal finance classes at the high school level.

(4) A classroom grants program to provide grants, which must be awarded on a competitive basis, for teachers and schools to develop innovative projects for teaching economics and financial literacy.

(5) Recognition awards for students who win or achieve results at a certain level of success in an economic or financial literacy competition.

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The State Board of Education may provide these services through partnership with a not-for-profit organization that has proven expertise in the development of standards and curriculum and an existing delivery network for teacher professional development in economics or personal finance. Organizations providing teacher professional development for this program must have the capacity to bring private-sector funding to supplement State funding for the program. The State Board of Education shall encourage school districts to require all appropriate teachers to attend at least one professional development program offered by the State through this program every 5 years.

(d) Grants and professional development programs under this Section must be offered to school districts statewide.

(e) A school board may establish a special fund in which to receive public funds and private contributions for the promotion of financial literacy. Money in the fund must be used for the following purposes:

(1) defraying the costs of financial literacy training for teachers;

(2) rewarding a school or teacher who wins or achieves results at a certain level of success in a financial literacy competition;

(3) rewarding a student who wins or achieves results at a certain level of success in a financial literacy competition; and

(4) funding activities, including books, games, field trips, computers, and other activities related to financial literacy education.

(f) The State Board of Education shall incorporate the elements of the financial literacy program into State learning standards."

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

The motion to table prevailed.

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

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

On motion of Senator Collins, **House Bill No. 3680**, 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	Martinez	Shadid
Bomke	Garrett	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.	Rauschenberger	Watson
Dahl	Jones, W.	Risinger	Wilhelmi
del Valle	Lauzen	Ronen	Winkel
DeLeo	Lightford	Roskam	Wojcik
Demuzio	Link	Sandoval	Mr. President
Dillard	Luechtefeld	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 Wilhelmi, **House Bill No. 3755**, 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	Haine	Munoz	Sieben
Bomke	Halvorson	Pankau	Silverstein
Brady	Harmon	Peterson	Sullivan, D.
Burzynski	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Syverson
Cronin	Jacobs	Raoul	Trotter
Crotty	Jones, J.	Rauschenberger	Viverito
Cullerton	Jones, W.	Righter	Watson
Dahl	Lauzen	Risinger	Wilhelmi
del Valle	Lightford	Ronen	Winkel
DeLeo	Link	Roskam	Wojcik
Demuzio	Luechtefeld	Rutherford	Mr. President
Dillard	Maloney	Sandoval	
Forby	Martinez	Schoenberg	
Garrett	Meeks	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 and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Jacobs, **House Bill No. 3770**, 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	Meeks	Shadid
Bomke	Haine	Munoz	Sieben
Brady	Halvorson	Pankau	Silverstein
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Syverson
Cronin	Jacobs	Raoul	Trotter
Crotty	Jones, J.	Rauschenberger	Viverito
Cullerton	Jones, W.	Righter	Watson
Dahl	Lauzen	Risinger	Wilhelmi
del Valle	Lightford	Ronen	Winkel
DeLeo	Link	Roskam	Wojcik
Demuzio	Luechtefeld	Rutherford	Mr. President
Dillard	Maloney	Sandoval	
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.

At the hour of 11:17 o'clock a.m., Senator del Valle presiding.

On motion of Senator Halvorson, **House Bill No. 188**, 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 42; Nays 14; Present 1.

The following voted in the affirmative:

Althoff	Garrett	Munoz	Silverstein
Bomke	Haine	Pankau	Sullivan, D.
Clayborne	Halvorson	Petka	Sullivan, J.
Collins	Harmon	Radogno	Trotter
Crotty	Hendon	Raoul	Viverito
Cullerton	Jacobs	Risinger	Watson
del Valle	Lightford	Ronen	Wilhelmi
DeLeo	Link	Rutherford	Winkel
Demuzio	Maloney	Sandoval	Mr. President
Dillard	Martinez	Schoenberg	
Forby	Meeks	Shadid	

The following voted in the negative:

Brady	Jones, W.	Rauschenberger	Syverson
Burzynski	Lauzen	Righter	Wojcik
Dahl	Luechtefeld	Roskam	
Jones, J.	Peterson	Sieben	

The following voted present:

Hunter

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 Righter, **House Bill No. 361**, 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	Meeks	Shadid
Bomke	Haine	Munoz	Sieben

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

### HOUSE BILL RECALLED

On motion of Senator Cronin, **House Bill No. 457** 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 457

AMENDMENT NO. 1. Amend House Bill 457 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 3-6 as follows:

(720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

Sec. 3-6. Extended limitations. The period within which a prosecution must be commenced under the provisions of Section 3-5 or other applicable statute is extended under the following conditions:

(a) A prosecution for theft involving a breach of a fiduciary obligation to the aggrieved person may be commenced as follows:

(1) If the aggrieved person is a minor or a person under legal disability, then during the minority or legal disability or within one year after the termination thereof.

(2) In any other instance, within one year after the discovery of the offense by an aggrieved person, or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense, and is not himself or herself a party to the offense; or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(b) A prosecution for any offense based upon misconduct in office by a public officer or employee may be commenced within one year after discovery of the offense by a person having a legal duty to report such offense, or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(c) Except as otherwise provided in subsection (a) of Section 3-5 of this Code and subdivision (i) or (j) of this Section, a prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 12-12 of this Code, where the victim and defendant are family members, as defined in Section 12-12 of this Code, may be commenced within one year of the victim attaining the age of 18 years.

(d) A prosecution for child pornography, indecent solicitation of a child, soliciting for a juvenile prostitute, juvenile pimping or exploitation of a child may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense. When the victim is under 18 years of age, a prosecution for criminal sexual abuse may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense.

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(e) Except as otherwise provided in subdivision (j), a prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 12-12 of this Code, where the defendant was within a professional or fiduciary relationship or a purported professional or fiduciary relationship with the victim at the time of the commission of the offense may be commenced within one year after the discovery of the offense by the victim.

(f) A prosecution for any offense set forth in Section 44 of the "Environmental Protection Act", approved June 29, 1970, as amended, may be commenced within 5 years after the discovery of such an offense by a person or agency having the legal duty to report the offense or in the absence of such discovery, within 5 years after the proper prosecuting officer becomes aware of the offense.

(f-5) A prosecution for any offense set forth in Section 16G-15 or 16G-20 of this Code may be commenced within 5 years after the discovery of the offense by the victim of that offense.

(g) (Blank).

(h) (Blank).

(i) Except as otherwise provided in subdivision (j), a prosecution for criminal sexual assault, aggravated criminal sexual assault, or aggravated criminal sexual abuse may be commenced within 10 years of the commission of the offense if the victim reported the offense to law enforcement authorities within 2 years after the commission of the offense.

Nothing in this subdivision (i) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section.

(j) When the victim is under 18 years of age at the time of the offense, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or aggravated criminal sexual abuse or a prosecution for failure of a person who is required to report an alleged or suspected commission of any of these offenses under the Abused and Neglected Child Reporting Act may be commenced within 20 years after the child victim attains 18 years of age.

Nothing in this subdivision (j) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section.

(Source: P.A. 92-752, eff. 8-2-02; 92-801, eff. 8-16-02; 93-356, eff. 7-24-03.)".

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 Cronin, **House Bill No. 457**, 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	Meeks	Shadid
Bomke	Haine	Munoz	Sieben
Brady	Halvorson	Pankau	Silverstein
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Syverson
Cronin	Jacobs	Raoul	Trotter
Crotty	Jones, J.	Rauschenberger	Viverito
Cullerton	Jones, W.	Righter	Watson
Dahl	Lauzen	Risinger	Wilhelmi
del Valle	Lightford	Ronen	Winkel
DeLeo	Link	Roskam	Wojcik
Demuzio	Luechtefeld	Rutherford	Mr. President

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Dillard	Maloney	Sandoval
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 and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Wilhelmi, **House Bill No. 487**, 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	Meeks	Shadid
Bomke	Haine	Munoz	Sieben
Brady	Halvorson	Pankau	Silverstein
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Syverson
Cronin	Jacobs	Raoul	Trotter
Crotty	Jones, J.	Rauschenberger	Viverito
Cullerton	Jones, W.	Righter	Watson
Dahl	Laufen	Risinger	Wilhelmi
del Valle	Lightford	Ronen	Winkel
DeLeo	Link	Roskam	Wojcik
Demuzio	Luechtefeld	Rutherford	Mr. President
Dillard	Maloney	Sandoval	
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 and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Garrett, **House Bill No. 2343**, 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	Meeks	Shadid
Bomke	Haine	Munoz	Sieben
Brady	Halvorson	Pankau	Silverstein
Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Syverson
Cronin	Jacobs	Raoul	Trotter
Crotty	Jones, J.	Rauschenberger	Viverito

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Cullerton	Jones, W.	Righter	Watson
Dahl	Lauzen	Risinger	Wilhelmi
del Valle	Lightford	Ronen	Winkel
DeLeo	Link	Roskam	Wojcik
Demuzio	Luechtefeld	Rutherford	Mr. President
Dillard	Maloney	Sandoval	
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 and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Trotter, **House Bill No. 2509**, 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	Shadid
Bomke	Haine	Munoz	Sieben
Brady	Halvorson	Pankau	Silverstein
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Syverson
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Raoul	Viverito
Crotty	Jones, J.	Rauschenberger	Watson
Cullerton	Jones, W.	Righter	Wilhelmi
Dahl	Lauzen	Risinger	Winkel
del Valle	Lightford	Ronen	Wojcik
DeLeo	Link	Roskam	Mr. President
Demuzio	Luechtefeld	Rutherford	
Dillard	Maloney	Sandoval	
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 and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Halvorson, **House Bill No. 3564**, 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	Meeks	Shadid
Bomke	Haine	Munoz	Sieben
Brady	Halvorson	Pankau	Silverstein

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Burzynski	Harmon	Peterson	Sullivan, D.
Clayborne	Hendon	Petka	Sullivan, J.
Collins	Hunter	Radogno	Syverson
Cronin	Jacobs	Raoul	Trotter
Crotty	Jones, J.	Rauschenberger	Viverito
Cullerton	Jones, W.	Righter	Watson
Dahl	Lauzen	Risinger	Wilhelmi
del Valle	Lightford	Ronen	Winkel
DeLeo	Link	Roskam	Wojcik
Demuzio	Luechtefeld	Rutherford	Mr. President
Dillard	Maloney	Sandoval	
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 Cullerton, **House Bill No. 21**, 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.

Pending roll call on motion of Senator Cullerton, further consideration of **House Bill No. 21** was postponed.

On motion of Senator Cullerton, **House Bill No. 339**, 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.

Senator Dillard requested a ruling from the Chair as to whether **House Bill 339** preempts the powers of the Home Rule Units in accordance with Article VII, Section 6, of the Constitution of the State of Illinois.

The Chair ruled that **House Bill 339** does not preempt the powers of Home Rule Units; therefore, a vote of thirty of the members elected will be required for its passage.

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

Yeas 29; Nays 27.

The following voted in the affirmative:

Clayborne	Haine	Maloney	Shadid
Collins	Halvorson	Martinez	Silverstein
Crotty	Harmon	Meeks	Trotter
Cullerton	Hendon	Munoz	Viverito
del Valle	Hunter	Raoul	Mr. President
DeLeo	Jacobs	Ronen	
Dillard	Lightford	Sandoval	
Garrett	Link	Schoenberg	

The following voted in the negative:

Althoff	Jones, J.	Rauschenberger	Sullivan, J.
Bomke	Jones, W.	Righter	Syverson
Brady	Lauzen	Risinger	Watson
Burzynski	Pankau	Roskam	Wilhelmi
Dahl	Peterson	Rutherford	Winkel
Demuzio	Petka	Sieben	Wojcik
Forby	Radogno	Sullivan, D.	

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

On motion of Senator Harmon, **House Bill No. 873**, 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 31; Nays 21; Present 2.

The following voted in the affirmative:

Clayborne	Halvorson	Martinez	Shadid
Collins	Harmon	Meeks	Silverstein
Crotty	Hendon	Raoul	Sullivan, D.
del Valle	Hunter	Rauschenberger	Sullivan, J.
Demuzio	Jacobs	Righter	Trotter
Forby	Jones, W.	Ronen	Wilhelmi
Garrett	Lightford	Rutherford	Mr. President
Haine	Link	Schoenberg	

The following voted in the negative:

Althoff	DeLeo	Peterson	Watson
Bomke	Dillard	Risinger	Winkel
Brady	Jones, J.	Roskam	Wojcik
Burzynski	Laufen	Sieben	
Cullerton	Munoz	Syverson	
Dahl	Pankau	Viverito	

The following voted present:

Maloney  
Petka

This roll call verified.

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 Cullerton asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **House Bill No. 873**.

On motion of Senator Meeks, **House Bill No. 2417**, 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 31; Nays 23.

The following voted in the affirmative:

Collins	Haine	Maloney	Schoenberg
Crotty	Halvorson	Martinez	Silverstein
Cullerton	Harmon	Meeks	Sullivan, D.

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del Valle	Hendon	Munoz	Sullivan, J.
DeLeo	Hunter	Radogno	Trotter
Demuzio	Jacobs	Raoul	Wilhelmi
Forby	Lightford	Ronen	Mr. President
Garrett	Link	Sandoval	

The following voted in the negative:

Althoff	Jones, W.	Righter	Syverson
Bomke	Lauzen	Risinger	Viverito
Brady	Pankau	Roskam	Watson
Burzynski	Peterson	Rutherford	Winkel
Dahl	Petka	Shadid	Wojcik
Jones, J.	Rauschenberger	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 Silverstein, **House Bill No. 3485**, 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 30; Nays 22; Present 3.

The following voted in the affirmative:

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

The following voted in the negative:

Althoff	Lauzen	Righter	Syverson
Bomke	Pankau	Risinger	Watson
Burzynski	Peterson	Roskam	Winkel
Dahl	Petka	Rutherford	Wojcik
Jones, J.	Radogno	Shadid	
Jones, W.	Rauschenberger	Sieben	

The following voted present:

Brady  
Crotty  
Dillard

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 Cullerton asked and obtained unanimous consent for the Journal to reflect his present vote on **House Bill No. 3485**.

**CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK**

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

The motion prevailed.

Senator Dillard moved that House Joint Resolution No. 2 be adopted.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Dillard moved that **House Joint Resolution No. 3**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Dillard moved that House Joint Resolution No. 3 be adopted.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Demuzio moved that **House Joint Resolution No. 4**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Demuzio moved that House Joint Resolution No. 4 be adopted.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Righter moved that **House Joint Resolution No. 5**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Righter moved that House Joint Resolution No. 5 be adopted.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

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

The motion prevailed.

Senator Althoff moved that House Joint Resolution No. 10 be adopted.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Althoff moved that **House Joint Resolution No. 13**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Althoff moved that House Joint Resolution No. 13 be adopted.

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

Yeas 55; Nays None.

[May 20, 2005]

The following voted in the affirmative:

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

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Cullerton moved that **Senate Joint Resolution No. 3**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Cullerton moved that Senate Joint Resolution No. 3 be adopted.

The motion prevailed.

And the resolution was adopted.

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

Senator Martinez moved that **Senate Joint Resolution No. 13**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Martinez offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO SENATE JOINT RESOLUTION 13

AMENDMENT NO. 1. Amend Senate Joint Resolution 13 on page 2, below line 29, by inserting the following:

"WHEREAS, In addition to privatization, federal policymakers are now considering "Progressive Indexing" as a reform to address the future solvency of Social Security by slowing the growth of future Social Security benefits for middle-wage and high-wage workers; and"

on page 3, by replacing lines 23 through 26 with the following:

"RESOLVED, That the Commission on Government Forecasting and Accountability conduct an actuarial study of "Progressive Indexing" and the effect this proposal could have on future State pension payments to middle-wage and high-wage employees who could see the growth of their Social Security benefits reduced by "Progressive Indexing" and report the results of its study to the General Assembly by January 1, 2006; and be it further

RESOLVED, That copies of this resolution be sent to the President pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, each member of the Illinois congressional delegation, and the Commission on Government Forecasting and Accountability."

The motion prevailed, and the amendment was adopted.

Senator Martinez moved that Senate Joint Resolution No. 13, as amended, be adopted.

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

[May 20, 2005]

Yeas 32; Nays 19; Present 1.

The following voted in the affirmative:

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

The following voted in the negative:

Bomke	Jones, J.	Rauschenberger	Syverson
Brady	Jones, W.	Righter	Watson
Burzynski	Lauzen	Risinger	Winkel
Dahl	Pankau	Rutherford	Wojcik
Dillard	Peterson	Sieben	

The following voted present:

Radogno

The motion prevailed.

And the resolution, as amended, was adopted.

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

Senator Watson moved that **Senate Joint Resolution No. 5**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Watson moved that Senate Joint Resolution No. 5 be adopted.

The motion prevailed.

And the resolution was adopted.

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

Senator J. Sullivan moved that **Senate Joint Resolution No. 14**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator J. Sullivan moved that Senate Joint Resolution No. 14 be adopted.

The motion prevailed.

And the resolution was adopted.

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

Senator Collins moved that **Senate Joint Resolution No. 20**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Collins moved that Senate Joint Resolution No. 20 be adopted.

The motion prevailed.

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And the resolution was adopted.

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

Senator Halvorson moved that **Senate Joint Resolution No. 26**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Halvorson moved that Senate Joint Resolution No. 26 be adopted.

The motion prevailed.

And the resolution was adopted.

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

Senator Lauzen moved that **Senate Joint Resolution No. 28**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Lauzen moved that Senate Joint Resolution No. 28 be adopted.

The motion prevailed.

And the resolution was adopted.

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

Senator Hunter moved that **Senate Joint Resolution No. 31**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Hunter moved that Senate Joint Resolution No. 31 be adopted.

The motion prevailed.

And the resolution was adopted.

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

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

The motion prevailed.

Senator Hunter moved that Senate Joint Resolution No. 34 be adopted.

The motion prevailed.

And the resolution was adopted.

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

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

The motion prevailed.

Senator Shadid moved that Senate Joint Resolution No. 35 be adopted.

The motion prevailed.

And the resolution was adopted.

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

Senator Garrett moved that **Senate Joint Resolution No. 41**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Garrett moved that Senate Joint Resolution No. 41 be adopted.

The motion prevailed.  
 And the resolution was adopted.  
 Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Senator Rauschenberger moved that **Senate Resolution No. 38**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.  
 Senator Rauschenberger moved that Senate Resolution No. 38 be adopted.  
 The motion prevailed.  
 And the resolution was adopted.

Senator Cullerton moved that **Senate Resolution No. 63**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.  
 Senator Cullerton moved that Senate Resolution No. 63 be adopted.  
 The motion prevailed.  
 And the resolution was adopted.

Senator Ronen moved that **Senate Resolution No. 92**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.  
 Senator Ronen moved that Senate Resolution No. 92 be adopted.  
 The motion prevailed.  
 And the resolution was adopted.

Senator Trotter moved that **Senate Joint Resolution No. 43**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.  
 Senator Trotter moved that Senate Joint Resolution No. 43 be adopted.  
 And on that motion a call of the roll was had resulting as follows:

Yeas 53; Nays None.

The following voted in the affirmative:

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

The motion prevailed.  
 And the resolution was adopted.

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

[May 20, 2005]

Senator E. Jones moved that **Senate Resolution No. 110**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator E. Jones moved that Senate Resolution No. 110 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Hunter moved that **Senate Resolution No. 115**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Hunter moved that Senate Resolution No. 115 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Cullerton moved that **Senate Resolution No. 116**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Cullerton moved that Senate Resolution No. 116 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Hunter moved that **Senate Resolution No. 147**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

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

Senator Hunter offered the following amendment and moved its adoption:

#### **AMENDMENT NO. 2 TO SENATE RESOLUTION 147**

AMENDMENT NO. 2. Amend Senate Resolution 147 on page 3, line 4, by changing "May" to "September".

The motion prevailed and the amendment was adopted.

Senator Hunter moved that Senate Resolution No. 147, as amended, be adopted.

The motion prevailed.

And the resolution was adopted.

Senator J. Sullivan moved that **Senate Resolution No. 156**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator J. Sullivan moved that Senate Resolution No. 156 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Hunter moved that **Senate Resolution No. 157**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Hunter moved that Senate Resolution No. 157 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Collins moved that **Senate Resolution No. 178**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Collins moved that Senate Resolution No. 178 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Hunter moved that **Senate Resolution No. 186**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Hunter moved that Senate Resolution No. 186 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Maloney moved that **Senate Resolution No. 188**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Maloney moved that Senate Resolution No. 188 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Sandoval moved that **Senate Resolution No. 189**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Sandoval moved that Senate Resolution No. 189 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Winkel moved that **Senate Resolution No. 190**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Winkel moved that Senate Resolution No. 190 be adopted.

The motion prevailed.

And the resolution was adopted.

**MESSAGE FROM THE PRESIDENT**

**OFFICE OF THE SENATE PRESIDENT  
STATE OF ILLINOIS**

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

May 20, 2005

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

Dear Madam Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish December 31, 2005 as the Third Reading deadline for the following House Bills:

[May 20, 2005]



27, 227, 325, 337, 350, 369, 380, 398, 399, 511, 755, 788, 806, 881, 930, 973, 991, 1197, 1427, 1469, 1588, 2137, 2244, 2379, 2451, 2487, 2500, 2531, 2578, 2595, 3415, 3417, 3472, 3498, 3650, 3800, 3874 and 4030.

Sincerely,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

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

### **PRESENTATION OF RESOLUTION**

#### **SENATE RESOLUTION 222**

Offered by Senator E. Jones and all Senators:  
Mourns the death of Neanetta "Nettie" Smith of Springfield.

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

### **LEGISLATIVE MEASURES FILED**

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

Committee Amendment No. 1 to Senate Bill 1353  
Committee Amendment No. 1 to Senate Bill 1719  
Committee Amendment No. 1 to Senate Bill 1978

### **RESOLUTIONS CONSENT CALENDAR**

#### **SENATE RESOLUTION 205**

Offered by Senator Harmon and all Senators:  
Mourns the death of Reverend Stanley T. Wisniewski of Chicago.

#### **SENATE RESOLUTION 206**

Offered by Senator Shadid and all Senators:  
Mourns the death of Wilma Hyatt of Pekin.

#### **SENATE RESOLUTION 207**

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

#### **SENATE RESOLUTION 211**

Offered by Senator Geo-Karis and all Senators:  
Mourns the death of U.S. Army Staff Sergeant Donald B. Farmer of Zion.

#### **SENATE RESOLUTION 212**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Gale C. Wicks of Aurora.

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**SENATE RESOLUTION 213**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Charles George Whinfrey, Jr., of Geneva.

**SENATE RESOLUTION 214**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Walter A. Sava of St. Charles.

**SENATE RESOLUTION 215**

Offered by Senator Lauzen and all Senators:  
Mourns the death of George S. Kapas of Plano.

**SENATE RESOLUTION 216**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Harriet C. Trotter of Aurora.

**SENATE RESOLUTION 217**

Offered by Senator Lauzen and all Senators:  
Mourns the death of M. Dean Whitfield, Sr., of Sun City, Huntley and formerly of Glenview.

**SENATE RESOLUTION 219**

Offered by Senator Martinez – del Valle – Munoz - Sandoval and all Senators:  
Mourns the death of Alphonse G. Guajardo of Chicago.

**SENATE RESOLUTION 220**

Offered by Senator D. Sullivan and all Senators:  
Mourns the death of Mary Ellen McGrane Barry of Arlington Heights.

**SENATE RESOLUTION 221**

Offered by Senator Trotter and all Senators:  
Mourns the death of Gwendolyn Blackburn of Chicago.

**SENATE RESOLUTION 222**

Offered by Senator E. Jones and all Senators:  
Mourns the death of Neanetta “Nettie” Smith of Springfield.

Senator del Valle moved the adoption of the foregoing resolutions. The motion prevailed, and the resolutions were adopted.

**MESSAGES FROM THE HOUSE**

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

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

**SENATE BILL NO. 53**

A bill for AN ACT concerning firearm ammunition.

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

House Amendment No. 1 to SENATE BILL NO. 53

Passed the House, as amended, May 20, 2005.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 53**

AMENDMENT NO. 1. Amend Senate Bill 53 on page 1, line 28, by inserting "valid" after "her".

[May 20, 2005]

Under the rules, the foregoing **Senate Bill No. 53**, with House Amendment No. 1 was referred to the Secretary's Desk.

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

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

SENATE BILL NO. 98

A bill for AN ACT concerning civil law.

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

House Amendment No. 1 to SENATE BILL NO. 98

House Amendment No. 2 to SENATE BILL NO. 98

Passed the House, as amended, May 20, 2005.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 98**

AMENDMENT NO. 1. Amend Senate Bill 98 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Marriage and Dissolution of Marriage Act is amended by changing Sections 602 and 602.1 and by adding Section 601.5 as follows:

(750 ILCS 5/601.5 new)

Sec. 601.5. Training. The Supreme Court of Illinois, through its Administrative Office of the Illinois Courts, shall approve 3 hours of training for guardian ad litem appointed under Section 601 of this Act, professional personnel appointed under Section 604 of this Act, evaluators appointed under Section 604.5 of this Act, and investigators appointed under Section 605 of this Act. This training shall include a component on the dynamics of domestic violence and its effect on parents and children.

(750 ILCS 5/602) (from Ch. 40, par. 602)

Sec. 602. Best Interest of Child.

(a) The court shall determine custody in accordance with the best interest of the child. The court shall consider all relevant factors including:

- (1) the wishes of the child's parent or parents as to his custody;
- (2) the wishes of the child as to his custodian;
- (3) the interaction and interrelationship of the child with his parent or parents, his siblings and any other person who may significantly affect the child's best interest;
- (4) the child's adjustment to his home, school and community;
- (5) the mental and physical health of all individuals involved;
- (6) the physical violence or threat of physical violence by the child's potential custodian, whether directed against the child or directed against another person;
- (7) the occurrence of ongoing or repeated abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986, whether directed against the child or directed against another person; and
- (8) the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child.

In the case of a custody proceeding in which a stepparent has standing under Section 601, it is presumed to be in the best interest of the minor child that the natural parent have the custody of the minor child unless the presumption is rebutted by the stepparent.

(b) The court shall not consider conduct of a present or proposed custodian that does not affect his relationship to the child.

(c) Unless the court finds the occurrence of ongoing abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986, the court shall presume that the maximum involvement and cooperation of both parents regarding the physical, mental, moral, and emotional well-being of their child is in the best interest of the child. There shall be no presumption in favor of or against joint custody.

(Source: P.A. 90-782, eff. 8-14-98.)

(750 ILCS 5/602.1) (from Ch. 40, par. 602.1)

Sec. 602.1. (a) The dissolution of marriage, the declaration of invalidity of marriage, the legal separation of the parents, or the parents living separate and apart shall not diminish parental powers,

[May 20, 2005]

rights, and responsibilities except as the court for good reason may determine under the standards of Section 602.

(b) Upon the application of either or both parents, or upon its own motion, the court shall consider an award of joint custody. Joint custody means custody determined pursuant to a Joint Parenting Agreement or a Joint Parenting Order. In such cases, the court shall initially request the parents to produce a Joint Parenting Agreement. Such Agreement shall specify each parent's powers, rights and responsibilities for the personal care of the child and for major decisions such as education, health care, and religious training. The Agreement shall further specify a procedure by which proposed changes, disputes and alleged breaches may be mediated or otherwise resolved and shall provide for a periodic review of its terms by the parents. In producing a Joint Parenting Agreement, the parents shall be flexible in arriving at resolutions which further the policy of this State as expressed in Sections 102 and 602. For the purpose of assisting the court in making a determination whether an award of joint custody is appropriate, the court may order mediation and may direct that an investigation be conducted pursuant to the provisions of Section 605. If there is a danger to the health or safety of a partner, joint mediation shall not be required by the court. In the event the parents fail to produce a Joint Parenting Agreement, the court may enter an appropriate Joint Parenting Order under the standards of Section 602 which shall specify and contain the same elements as a Joint Parenting Agreement, or it may award sole custody under the standards of Sections 602, 607, and 608.

(c) The court may enter an order of joint custody if it determines that joint custody would be in the best interests of the child, taking into account the following:

(1) the ability of the parents to cooperate effectively and consistently in matters that directly affect the joint parenting of the child. "Ability of the parents to cooperate" means the parents' capacity to substantially comply with a Joint Parenting Order. The court shall not consider the inability of the parents to cooperate effectively and consistently in matters that do not directly affect the joint parenting of the child;

(2) The residential circumstances of each parent; and

(3) all other factors which may be relevant to the best interest of the child.

(d) Nothing within this section shall imply or presume that joint custody shall necessarily mean equal parenting time. The physical residence of the child in joint custodial situations shall be determined by:

(1) express agreement of the parties; or

(2) order of the court under the standards of this Section.

(e) Notwithstanding any other provision of law, access to records and information pertaining to a child, including but not limited to medical, dental, child care and school records, shall not be denied to a parent for the reason that such parent is not the child's custodial parent; however, no parent shall have access to the school records of a child if the parent is prohibited by an order of protection from inspecting or obtaining such records pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended.

(Source: P.A. 88-409.)

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

#### AMENDMENT NO. 2 TO SENATE BILL 98

AMENDMENT NO. 2. Amend Senate Bill 98, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, by replacing lines 8 and 9 with the following:

"Sec. 601.5. Training. The chief circuit judge or designated presiding judge may".

Under the rules, the foregoing **Senate Bill No. 98**, with House Amendments numbered 1 and 2 was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 143

A bill for AN ACT concerning government.

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

[May 20, 2005]

House Amendment No. 1 to SENATE BILL NO. 143  
Passed the House, as amended, May 20, 2005.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 143**

AMENDMENT NO. 1. Amend Senate Bill 143 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Labor Relations Act is amended by changing Sections 3 and 7 as follows:

(5 ILCS 315/3) (from Ch. 48, par. 1603)

Sec. 3. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Board" means the Illinois Labor Relations Board or, with respect to a matter over which the jurisdiction of the Board is assigned to the State Panel or the Local Panel under Section 5, the panel having jurisdiction over the matter.

(b) "Collective bargaining" means bargaining over terms and conditions of employment, including hours, wages, and other conditions of employment, as detailed in Section 7 and which are not excluded by Section 4.

(c) "Confidential employee" means an employee who, in the regular course of his or her duties, assists and acts in a confidential capacity to persons who formulate, determine, and effectuate management policies with regard to labor relations or who, in the regular course of his or her duties, has authorized access to information relating to the effectuation or review of the employer's collective bargaining policies.

(d) "Craft employees" means skilled journeymen, crafts persons, and their apprentices and helpers.

(e) "Essential services employees" means those public employees performing functions so essential that the interruption or termination of the function will constitute a clear and present danger to the health and safety of the persons in the affected community.

(f) "Exclusive representative", except with respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, means the labor organization that has been (i) designated by the Board as the representative of a majority of public employees in an appropriate bargaining unit in accordance with the procedures contained in this Act, (ii) historically recognized by the State of Illinois or any political subdivision of the State before July 1, 1984 (the effective date of this Act) as the exclusive representative of the employees in an appropriate bargaining unit, (iii) after July 1, 1984 (the effective date of this Act) recognized by an employer upon evidence, acceptable to the Board, that the labor organization has been designated as the exclusive representative by a majority of the employees in an appropriate bargaining unit; ~~or~~ (iv) recognized as the exclusive representative of personal care attendants or personal assistants under Executive Order 2003-8 prior to the effective date of this amendatory Act of the 93rd General Assembly, and the organization shall be considered to be the exclusive representative of the personal care attendants or personal assistants as defined in this Section ; or (v) recognized as the exclusive representative of child and day care home providers, including licensed and license exempt providers, pursuant to an election held under Executive Order 2005-1 prior to the effective date of this amendatory Act of the 94th General Assembly, and the organization shall be considered to be the exclusive representative of the child and day care home providers as defined in this Section.

With respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, "exclusive representative" means the labor organization that has been (i) designated by the Board as the representative of a majority of peace officers or fire fighters in an appropriate bargaining unit in accordance with the procedures contained in this Act, (ii) historically recognized by the State of Illinois or any political subdivision of the State before January 1, 1986 (the effective date of this amendatory Act of 1985) as the exclusive representative by a majority of the peace officers or fire fighters in an appropriate bargaining unit, or (iii) after January 1, 1986 (the effective date of this amendatory Act of 1985) recognized by an employer upon evidence, acceptable to the Board, that the labor organization has been designated as the exclusive representative by a majority of the peace officers or fire fighters in an appropriate bargaining unit.

(g) "Fair share agreement" means an agreement between the employer and an employee organization under which all or any of the employees in a collective bargaining unit are required to pay their proportionate share of the costs of the collective bargaining process, contract administration, and

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pursuing matters affecting wages, hours, and other conditions of employment, but not to exceed the amount of dues uniformly required of members. The amount certified by the exclusive representative shall not include any fees for contributions related to the election or support of any candidate for political office. Nothing in this subsection (g) shall preclude an employee from making voluntary political contributions in conjunction with his or her fair share payment.

(g-1) "Fire fighter" means, for the purposes of this Act only, any person who has been or is hereafter appointed to a fire department or fire protection district or employed by a state university and sworn or commissioned to perform fire fighter duties or paramedic duties, except that the following persons are not included: part-time fire fighters, auxiliary, reserve or voluntary fire fighters, including paid on-call fire fighters, clerks and dispatchers or other civilian employees of a fire department or fire protection district who are not routinely expected to perform fire fighter duties, or elected officials.

(g-2) "General Assembly of the State of Illinois" means the legislative branch of the government of the State of Illinois, as provided for under Article IV of the Constitution of the State of Illinois, and includes but is not limited to the House of Representatives, the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, the Joint Committee on Legislative Support Services and any legislative support services agency listed in the Legislative Commission Reorganization Act of 1984.

(h) "Governing body" means, in the case of the State, the State Panel of the Illinois Labor Relations Board, the Director of the Department of Central Management Services, and the Director of the Department of Labor; the county board in the case of a county; the corporate authorities in the case of a municipality; and the appropriate body authorized to provide for expenditures of its funds in the case of any other unit of government.

(i) "Labor organization" means any organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with a public employer concerning wages, hours, and other terms and conditions of employment, including the settlement of grievances.

(j) "Managerial employee" means an individual who is engaged predominantly in executive and management functions and is charged with the responsibility of directing the effectuation of management policies and practices.

(k) "Peace officer" means, for the purposes of this Act only, any persons who have been or are hereafter appointed to a police force, department, or agency and sworn or commissioned to perform police duties, except that the following persons are not included: part-time police officers, special police officers, auxiliary police as defined by Section 3.1-30-20 of the Illinois Municipal Code, night watchmen, "merchant police", court security officers as defined by Section 3-6012.1 of the Counties Code, temporary employees, traffic guards or wardens, civilian parking meter and parking facilities personnel or other individuals specially appointed to aid or direct traffic at or near schools or public functions or to aid in civil defense or disaster, parking enforcement employees who are not commissioned as peace officers and who are not armed and who are not routinely expected to effect arrests, parking lot attendants, clerks and dispatchers or other civilian employees of a police department who are not routinely expected to effect arrests, or elected officials.

(l) "Person" includes one or more individuals, labor organizations, public employees, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, or the State of Illinois or any political subdivision of the State or governing body, but does not include the General Assembly of the State of Illinois or any individual employed by the General Assembly of the State of Illinois.

(m) "Professional employee" means any employee engaged in work predominantly intellectual and varied in character rather than routine mental, manual, mechanical or physical work; involving the consistent exercise of discretion and adjustment in its performance; of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from apprenticeship or from training in the performance of routine mental, manual, or physical processes; or any employee who has completed the courses of specialized intellectual instruction and study prescribed in this subsection (m) and is performing related work under the supervision of a professional person to qualify to become a professional employee as defined in this subsection (m).

(n) "Public employee" or "employee", for the purposes of this Act, means any individual employed by a public employer, including (i) interns and residents at public hospitals and, (ii) as of the effective date of this amendatory Act of the 93rd General Assembly, but not before, personal care attendants and personal assistants working under the Home Services Program under Section 3 of the Disabled Persons Rehabilitation Act, subject to the limitations set forth in this Act and in the Disabled Persons

Rehabilitation Act, and (iii) as of the effective date of this amendatory Act of the 94th General Assembly, but not before, child and day care home providers participating in the child care assistance program under Section 9A-11 of the Illinois Public Aid Code, subject to the limitations set forth in this Act and in Section 9A-11 of the Illinois Public Aid Code, but excluding all of the following: employees of the General Assembly of the State of Illinois; elected officials; executive heads of a department; members of boards or commissions; the Executive Inspectors General; any special Executive Inspectors General; employees of each Office of an Executive Inspector General; commissioners and employees of the Executive Ethics Commission; the Auditor General's Inspector General; employees of the Office of the Auditor General's Inspector General; the Legislative Inspector General; any special Legislative Inspectors General; employees of the Office of the Legislative Inspector General; commissioners and employees of the Legislative Ethics Commission; employees of any agency, board or commission created by this Act; employees appointed to State positions of a temporary or emergency nature; all employees of school districts and higher education institutions except firefighters and peace officers employed by a state university; managerial employees; short-term employees; confidential employees; independent contractors; and supervisors except as provided in this Act.

Personal care attendants and personal assistants shall not be considered public employees for any purposes not specifically provided for in ~~the~~ this amendatory Act of the 93rd General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Personal care attendants and personal assistants shall not be covered by the State Employees Group Insurance Act of 1971 (5 ILCS 375/).

Child and day care home providers shall not be considered public employees for any purposes not specifically provided for in this amendatory Act of the 94th General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Child and day care home providers shall not be covered by the State Employees Group Insurance Act of 1971.

Notwithstanding Section 9, subsection (c), or any other provisions of this Act, all peace officers above the rank of captain in municipalities with more than 1,000,000 inhabitants shall be excluded from this Act.

(o) "Public employer" or "employer" means the State of Illinois; any political subdivision of the State, unit of local government or school district; authorities including departments, divisions, bureaus, boards, commissions, or other agencies of the foregoing entities; and any person acting within the scope of his or her authority, express or implied, on behalf of those entities in dealing with its employees. As of the effective date of ~~the~~ this amendatory Act of the 93rd General Assembly, but not before, the State of Illinois shall be considered the employer of the personal care attendants and personal assistants working under the Home Services Program under Section 3 of the Disabled Persons Rehabilitation Act, subject to the limitations set forth in this Act and in the Disabled Persons Rehabilitation Act. The State shall not be considered to be the employer of personal care attendants and personal assistants for any purposes not specifically provided for in this amendatory Act of the 93rd General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Personal care attendants and personal assistants shall not be covered by the State Employees Group Insurance Act of 1971 (5 ILCS 375/). As of the effective date of this amendatory Act of the 94th General Assembly but not before, the State of Illinois shall be considered the employer of the day and child care home providers participating in the child care assistance program under Section 9A-11 of the Illinois Public Aid Code, subject to the limitations set forth in this Act and in Section 9A-11 of the Illinois Public Aid Code. The State shall not be considered to be the employer of child and day care home providers for any purposes not specifically provided for in this amendatory Act of the 94th General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Child and day care home providers shall not be covered by the State Employees Group Insurance Act of 1971.

"Public employer" or "employer" as used in this Act, however, does not mean and shall not include the General Assembly of the State of Illinois, the Executive Ethics Commission, the Offices of the Executive Inspectors General, the Legislative Ethics Commission, the Office of the Legislative Inspector General, the Office of the Auditor General's Inspector General, and educational employers or employers as defined in the Illinois Educational Labor Relations Act, except with respect to a state university in its employment of firefighters and peace officers. County boards and county sheriffs shall be designated as joint or co-employers of county peace officers appointed under the authority of a county sheriff. Nothing in this subsection (o) shall be construed to prevent the State Panel or the Local Panel from determining that employers are joint or co-employers.

(p) "Security employee" means an employee who is responsible for the supervision and control of

inmates at correctional facilities. The term also includes other non-security employees in bargaining units having the majority of employees being responsible for the supervision and control of inmates at correctional facilities.

(q) "Short-term employee" means an employee who is employed for less than 2 consecutive calendar quarters during a calendar year and who does not have a reasonable assurance that he or she will be rehired by the same employer for the same service in a subsequent calendar year.

(r) "Supervisor" is an employee whose principal work is substantially different from that of his or her subordinates and who has authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, direct, reward, or discipline employees, to adjust their grievances, or to effectively recommend any of those actions, if the exercise of that authority is not of a merely routine or clerical nature, but requires the consistent use of independent judgment. Except with respect to police employment, the term "supervisor" includes only those individuals who devote a preponderance of their employment time to exercising that authority, State supervisors notwithstanding. In addition, in determining supervisory status in police employment, rank shall not be determinative. The Board shall consider, as evidence of bargaining unit inclusion or exclusion, the common law enforcement policies and relationships between police officer ranks and certification under applicable civil service law, ordinances, personnel codes, or Division 2.1 of Article 10 of the Illinois Municipal Code, but these factors shall not be the sole or predominant factors considered by the Board in determining police supervisory status.

Notwithstanding the provisions of the preceding paragraph, in determining supervisory status in fire fighter employment, no fire fighter shall be excluded as a supervisor who has established representation rights under Section 9 of this Act. Further, in new fire fighter units, employees shall consist of fire fighters of the rank of company officer and below. If a company officer otherwise qualifies as a supervisor under the preceding paragraph, however, he or she shall not be included in the fire fighter unit. If there is no rank between that of chief and the highest company officer, the employer may designate a position on each shift as a Shift Commander, and the persons occupying those positions shall be supervisors. All other ranks above that of company officer shall be supervisors.

(s) (1) "Unit" means a class of jobs or positions that are held by employees whose collective interests may suitably be represented by a labor organization for collective bargaining. Except with respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, a bargaining unit determined by the Board shall not include both employees and supervisors, or supervisors only, except as provided in paragraph (2) of this subsection (s) and except for bargaining units in existence on July 1, 1984 (the effective date of this Act). With respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, a bargaining unit determined by the Board shall not include both supervisors and nonsupervisors, or supervisors only, except as provided in paragraph (2) of this subsection (s) and except for bargaining units in existence on January 1, 1986 (the effective date of this amendatory Act of 1985). A bargaining unit determined by the Board to contain peace officers shall contain no employees other than peace officers unless otherwise agreed to by the employer and the labor organization or labor organizations involved. Notwithstanding any other provision of this Act, a bargaining unit, including a historical bargaining unit, containing sworn peace officers of the Department of Natural Resources (formerly designated the Department of Conservation) shall contain no employees other than such sworn peace officers upon the effective date of this amendatory Act of 1990 or upon the expiration date of any collective bargaining agreement in effect upon the effective date of this amendatory Act of 1990 covering both such sworn peace officers and other employees.

(2) Notwithstanding the exclusion of supervisors from bargaining units as provided in paragraph (1) of this subsection (s), a public employer may agree to permit its supervisory employees to form bargaining units and may bargain with those units. This Act shall apply if the public employer chooses to bargain under this subsection.

(Source: P.A. 93-204, eff. 7-16-03; 93-617, eff. 12-9-03.)

(5 ILCS 315/7) (from Ch. 48, par. 1607)

Sec. 7. Duty to bargain. A public employer and the exclusive representative have the authority and the duty to bargain collectively set forth in this Section.

For the purposes of this Act, "to bargain collectively" means the performance of the mutual obligation of the public employer or his designated representative and the representative of the public employees to meet at reasonable times, including meetings in advance of the budget-making process, and to negotiate in good faith with respect to wages, hours, and other conditions of employment, not excluded by Section



4 of this Act, or the negotiation of an agreement, or any question arising thereunder and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession.

The duty "to bargain collectively" shall also include an obligation to negotiate over any matter with respect to wages, hours and other conditions of employment, not specifically provided for in any other law or not specifically in violation of the provisions of any law. If any other law pertains, in part, to a matter affecting the wages, hours and other conditions of employment, such other law shall not be construed as limiting the duty "to bargain collectively" and to enter into collective bargaining agreements containing clauses which either supplement, implement, or relate to the effect of such provisions in other laws.

The duty "to bargain collectively" shall also include negotiations as to the terms of a collective bargaining agreement. The parties may, by mutual agreement, provide for arbitration of impasses resulting from their inability to agree upon wages, hours and terms and conditions of employment to be included in a collective bargaining agreement. Such arbitration provisions shall be subject to the Illinois "Uniform Arbitration Act" unless agreed by the parties.

The duty "to bargain collectively" shall also mean that no party to a collective bargaining contract shall terminate or modify such contract, unless the party desiring such termination or modification:

(1) serves a written notice upon the other party to the contract of the proposed termination or modification 60 days prior to the expiration date thereof, or in the event such contract contains no expiration date, 60 days prior to the time it is proposed to make such termination or modification;

(2) offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications;

(3) notifies the Board within 30 days after such notice of the existence of a dispute, provided no agreement has been reached by that time; and

(4) continues in full force and effect, without resorting to strike or lockout, all the terms and conditions of the existing contract for a period of 60 days after such notice is given to the other party or until the expiration date of such contract, whichever occurs later.

The duties imposed upon employers, employees and labor organizations by paragraphs (2), (3) and (4) shall become inapplicable upon an intervening certification of the Board, under which the labor organization, which is a party to the contract, has been superseded as or ceased to be the exclusive representative of the employees pursuant to the provisions of subsection (a) of Section 9, and the duties so imposed shall not be construed as requiring either party to discuss or agree to any modification of the terms and conditions contained in a contract for a fixed period, if such modification is to become effective before such terms and conditions can be reopened under the provisions of the contract.

Collective bargaining for personal care attendants and personal assistants under the Home Services Program shall be limited to the terms and conditions of employment under the State's control, as defined in ~~the~~ this amendatory Act of the 93rd General Assembly.

Collective bargaining for child and day care home providers under the child care assistance program shall be limited to the terms and conditions of employment under the State's control, as defined in this amendatory Act of the 94th General Assembly.

(Source: P.A. 93-204, eff. 7-16-03.)

Section 10. The Illinois Public Aid Code is amended by changing Section 9A-11 as follows:

(305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

Sec. 9A-11. Child Care.

(a) The General Assembly recognizes that families with children need child care in order to work. Child care is expensive and families with low incomes, including those who are transitioning from welfare to work, often struggle to pay the costs of day care. The General Assembly understands the importance of helping low income working families become and remain self-sufficient. The General Assembly also believes that it is the responsibility of families to share in the costs of child care. It is also the preference of the General Assembly that all working poor families should be treated equally, regardless of their welfare status.

(b) To the extent resources permit, the Illinois Department shall provide child care services to parents or other relatives as defined by rule who are working or participating in employment or Department approved education or training programs. At a minimum, the Illinois Department shall cover the following categories of families:

(1) recipients of TANF under Article IV participating in work and training activities

as specified in the personal plan for employment and self-sufficiency;

(2) families transitioning from TANF to work;

- (3) families at risk of becoming recipients of TANF;
- (4) families with special needs as defined by rule; and
- (5) working families with very low incomes as defined by rule.

The Department shall specify by rule the conditions of eligibility, the application process, and the types, amounts, and duration of services. Eligibility for child care benefits and the amount of child care provided may vary based on family size, income, and other factors as specified by rule.

In determining income eligibility for child care benefits, the Department annually, at the beginning of each fiscal year, shall establish, by rule, one income threshold for each family size, in relation to percentage of State median income for a family of that size, that makes families with incomes below the specified threshold eligible for assistance and families with incomes above the specified threshold ineligible for assistance. The specified threshold must be no less than 50% of the then-current State median income for each family size.

In determining eligibility for assistance, the Department shall not give preference to any category of recipients or give preference to individuals based on their receipt of benefits under this Code.

The Department shall allocate \$7,500,000 annually for a test program for families who are income-eligible for child care assistance, who are not recipients of TANF under Article IV, and who need child care assistance to participate in education and training activities. The Department shall specify by rule the conditions of eligibility for this test program.

Nothing in this Section shall be construed as conferring entitlement status to eligible families.

The Illinois Department is authorized to lower income eligibility ceilings, raise parent co-payments, create waiting lists, or take such other actions during a fiscal year as are necessary to ensure that child care benefits paid under this Article do not exceed the amounts appropriated for those child care benefits. These changes may be accomplished by emergency rule under Section 5-45 of the Illinois Administrative Procedure Act, except that the limitation on the number of emergency rules that may be adopted in a 24-month period shall not apply.

The Illinois Department may contract with other State agencies or child care organizations for the administration of child care services.

(c) Payment shall be made for child care that otherwise meets the requirements of this Section and applicable standards of State and local law and regulation, including any requirements the Illinois Department promulgates by rule in addition to the licensure requirements promulgated by the Department of Children and Family Services and Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshal and is provided in any of the following:

- (1) a child care center which is licensed or exempt from licensure pursuant to Section 2.09 of the Child Care Act of 1969;
- (2) a licensed child care home or home exempt from licensing;
- (3) a licensed group child care home;
- (4) other types of child care, including child care provided by relatives or persons living in the same home as the child, as determined by the Illinois Department by rule.

(b-5) Solely for the purposes of coverage under the Illinois Public Labor Relations Act, child and day care home providers, including licensed and license exempt, participating in the Department's child care assistance program shall be considered to be public employees and the State of Illinois shall be considered to be their employer as of the effective date of this amendatory Act of the 94th General Assembly, but not before. The State shall engage in collective bargaining with an exclusive representative of child and day care home providers participating in the child care assistance program concerning their terms and conditions of employment that are within the State's control. Nothing in this subsection shall be understood to limit the right of families receiving services defined in this Section to select child and day care home providers or supervise them within the limits of this Section. The State shall not be considered to be the employer of child and day care home providers for any purposes not specifically provided in this amendatory Act of the 94th General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Child and day care home providers shall not be covered by the State Employees Group Insurance Act of 1971.

In according child and day care home providers and their selected representative rights under the Illinois Public Labor Relations Act, the State intends that the State action exemption to application of federal and State antitrust laws be fully available to the extent that their activities are authorized by this amendatory Act of the 94th General Assembly.

(d) The Illinois Department shall, by rule, require co-payments for child care services by any parent, including parents whose only income is from assistance under this Code. The co-payment shall be assessed based on a sliding scale based on family income, family size, and the number of children in

care. Co-payments shall not be increased due solely to a change in the methodology for counting family income.

(e) The Illinois Department shall conduct a market rate survey based on the cost of care and other relevant factors which shall be completed by July 1, 1998.

(f) The Illinois Department shall, by rule, set rates to be paid for the various types of child care. Child care may be provided through one of the following methods:

- (1) arranging the child care through eligible providers by use of purchase of service contracts or vouchers;
- (2) arranging with other agencies and community volunteer groups for non-reimbursed child care;
- (3) (blank); or
- (4) adopting such other arrangements as the Department determines appropriate.

(f-5) The Illinois Department, in consultation with its Child Care and Development Advisory Council, shall develop a comprehensive plan to revise the State's rates for the various types of child care. The plan shall be completed no later than January 1, 2005 and shall include:

- (1) Base reimbursement rates that are adequate to provide children receiving child care services from the Department equal access to quality child care, utilizing data from the most current market rate survey.
- (2) A tiered reimbursement rate system that financially rewards providers of child care services that meet defined benchmarks of higher-quality care.
- (3) Consideration of revisions to existing county groupings and age classifications, utilizing data from the most current market rate survey.
- (4) Consideration of special rates for certain types of care such as caring for a child with a disability.

(g) Families eligible for assistance under this Section shall be given the following options:

- (1) receiving a child care certificate issued by the Department or a subcontractor of the Department that may be used by the parents as payment for child care and development services only; or
  - (2) if space is available, enrolling the child with a child care provider that has a purchase of service contract with the Department or a subcontractor of the Department for the provision of child care and development services. The Department may identify particular priority populations for whom they may request special consideration by a provider with purchase of service contracts, provided that the providers shall be permitted to maintain a balance of clients in terms of household incomes and families and children with special needs, as defined by rule.
- (Source: P.A. 93-361, eff. 9-1-03; 93-1062, eff. 12-23-04.)"

Under the rules, the foregoing **Senate Bill No. 143**, with House Amendment No. 1 was referred to the Secretary's Desk.

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

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

SENATE BILL NO. 158

A bill for AN ACT concerning regulation.

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

House Amendment No. 1 to SENATE BILL NO. 158

Passed the House, as amended, May 20, 2005.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 158**

AMENDMENT NO. 1. Amend Senate Bill 158 by deleting lines 4 through 32 on page 1 and lines 1 through 30 on page 2; and

on page 3, by deleting lines 26 through 29.

[May 20, 2005]

Under the rules, the foregoing **Senate Bill No. 158**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 232

A bill for AN ACT in relation to public health.

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

House Amendment No. 1 to SENATE BILL NO. 232

Passed the House, as amended, May 20, 2005.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 232**

AMENDMENT NO. 1. Amend Senate Bill 232 on page 4, line 16, after the period, by inserting the following: "This immunity applies only to causes of action accruing on or after the effective date of this amendatory Act of the 94th General Assembly.".

Under the rules, the foregoing **Senate Bill No. 232**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 468

A bill for AN ACT concerning business.

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

House Amendment No. 1 to SENATE BILL NO. 468

Passed the House, as amended, May 20, 2005.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 468**

AMENDMENT NO. 1. Amend Senate Bill 468 by replacing everything after the enacting clause with the following:

"Section 5. The Business Corporation Act of 1983 is amended by changing Sections 9.05, 9.20, 12.45, and 13.60, as follows:

(805 ILCS 5/9.05) (from Ch. 32, par. 9.05)

Sec. 9.05. Power of corporation to acquire its own shares.

(a) A corporation may acquire its own shares, subject to limitations set forth in Section 9.10 of this Act.

(b) If a corporation acquires its own shares after the effective date of this amendatory Act of 1993, the shares constitute treasury shares until cancelled as provided by subsection (d) of this Section.

(c) A corporation shall file a report under Section 14.25 of this Act in the case of its acquisition of its own shares that occurs either prior to January 1, 1991 or on or prior to the last day of the third month immediately preceding the corporation's anniversary month in 1991. A corporation shall file a report under Section 14.30 of this Act in the case of its acquisition and cancellation of its own shares that occurs after both December 31, 1990 and the last day of such third month. However, if the articles of incorporation provide that the number of authorized shares is reduced by an acquisition and cancellation of shares, then the corporation shall, within 60 days after the date of acquisition, execute and file in duplicate in accordance with Section 1.10 of this Act, a statement of cancellation which sets forth:

[May 20, 2005]

- (1) The name of the corporation.
- (2) The aggregate number of shares which the corporation has authority to issue, itemized by classes and series, if any, within a class before giving effect to the cancellation.
- (3) The aggregate number of issued shares, itemized by classes and series, if any, within a class before giving effect to the cancellation.
- (4) The number of shares cancelled, itemized by classes and series, if any, within a class.
- (5) The aggregate number of shares which the corporation has the authority to issue, itemized by classes and series, if any, within a class after giving effect to the cancellation.
- (6) The aggregate number of issued shares, itemized by classes and series, if any, within a class, after giving effect to the cancellation.
- (7) A statement, expressed in dollars, of the amount of the paid-in capital of the corporation before giving effect to the cancellation.
- (8) A statement, expressed in dollars, of the amount of the paid-in capital of the corporation after giving effect to the cancellation.

Upon the filing of the statement of cancellation by the Secretary of State, the paid-in capital of the corporation shall be deemed to be reduced by that part of the paid-in capital which was, at the time of the cancellation, represented by the shares so cancelled, to the extent of the cost from the paid-in capital of the reacquired and cancelled shares or a lesser amount as may be elected by the corporation, and the statement of cancellation shall operate as an amendment to the articles of incorporation so as to reduce the number of authorized shares by the number of shares so cancelled.

(d) A corporation, by resolution of the board of directors, may cancel any of its treasury shares. When cancelled, the shares shall constitute authorized but unissued shares unless the articles of incorporation provide that the shares shall not be reissued, in which case the number of authorized shares shall be reduced by the number of shares cancelled.

(e) Until the report required by subsection (c) of this Section, or the report required by Section 14.25 or Section 14.30 of this Act reporting a reduction in paid-in capital, shall have been filed in the office of the Secretary of State, the basis of the annual franchise tax payable by the corporation shall not be reduced, provided, however, in no event shall the annual franchise tax for any taxable year be reduced if such report is not filed prior to the first day of the anniversary month or, in the case of a corporation which has established an extended filing month, the extended filing month of that taxable year and before payment of its annual franchise tax.

(Source: P.A. 88-151.)

(805 ILCS 5/9.20)

Sec. 9.20. Reduction of paid-in capital.

(a) A corporation may reduce its paid-in capital:

(1) by resolution of its board of directors by charging against its paid-in capital (i) the paid-in capital represented by shares acquired and cancelled by the corporation as permitted by law, to the extent of the cost from the paid-in capital of the reacquired and cancelled shares or a lesser amount as may be elected by the corporation, (ii) dividends paid on preferred shares, or (iii) distributions as liquidating dividends; or

(2) pursuant to an approved reorganization in bankruptcy that specifically directs the reduction to be effected.

(b) Notwithstanding anything to the contrary contained in this Act, at no time shall the paid-in capital be reduced to an amount less than the aggregate par value of all issued shares having a par value.

(c) Until the report under Section 14.30 has been filed in the Office of the Secretary of State showing a reduction in paid-in capital, the basis of the annual franchise tax payable by the corporation shall not be reduced; provided, however, that in no event shall the annual franchise tax for any taxable year be reduced if the report is not filed prior to the first day of the anniversary month or, in the case of a corporation that has established an extended filing month, the extended filing month of the corporation of that taxable year and before payment of its annual franchise tax.

(d) A corporation that reduced its paid-in capital after December 31, 1986 by one or more of the methods described in subsection (a) may report the reduction pursuant to Section 14.30, subject to the restrictions of subsections (b) and (c) of this Section. ~~A reduction in paid-in capital reported pursuant to this subsection shall have no effect for any purpose under this Act with respect to a taxable year ending before the report is filed.~~

(e) Nothing in this Section shall be construed to forbid any reduction in paid-in capital to be effected under Section 9.05 of this Act.

(f) In the case of a vertical merger, the paid-in capital of a subsidiary may be eliminated if either (1) it

was created, totally funded, ~~and~~ or wholly owned by the parent or (2) the amount of the parent's investment in the subsidiary was equal to or exceeded the subsidiary's paid-in capital.

(Source: P.A. 92-33, eff. 7-1-01.)

(805 ILCS 5/12.45) (from Ch. 32, par. 12.45)

Sec. 12.45. Reinstatement following administrative dissolution.

(a) A domestic corporation administratively dissolved under Section 12.40 may be reinstated by the Secretary of State ~~within five years~~ following the date of issuance of the certificate of dissolution upon:

- (1) The filing of an application for reinstatement.
- (2) The filing with the Secretary of State by the corporation of all reports then due and theretofore becoming due.
- (3) The payment to the Secretary of State by the corporation of all fees, franchise taxes, and penalties then due and theretofore becoming due.

(b) The application for reinstatement shall be executed and filed in duplicate in accordance with Section 1.10 of this Act and shall set forth:

- (1) The name of the corporation at the time of the issuance of the certificate of dissolution.

(2) If such name is not available for use as determined by the Secretary of State at the time of filing the application for reinstatement, the name of the corporation as changed, provided however, and any change of name is properly effected pursuant to Section 10.05 and Section 10.30 of this Act.

- (3) The date of the issuance of the certificate of dissolution.

(4) The address, including street and number, or rural route number of the registered office of the corporation upon reinstatement thereof, and the name of its registered agent at such address upon the reinstatement of the corporation, provided however, that any change from either the registered office or the registered agent at the time of dissolution is properly reported pursuant to Section 5.10 of this Act.

(c) When a dissolved corporation has complied with the provisions of this Sec the Secretary of State shall file the application for reinstatement.

(d) Upon the filing of the application for reinstatement, the corporate existence shall be deemed to have continued without interruption from the date of the issuance of the certificate of dissolution, and the corporation shall stand revived with such powers, duties and obligations as if it had not been dissolved; and all acts and proceedings of its officers, directors and shareholders, acting or purporting to act as such, which would have been legal and valid but for such dissolution, shall stand ratified and confirmed.

(Source: P.A. 92-33, eff. 7-1-01.)

(805 ILCS 5/13.60) (from Ch. 32, par. 13.60)

Sec. 13.60. Reinstatement following revocation.

(a) A foreign corporation revoked under Section 13.55 may be reinstated by the Secretary of State ~~within five years~~ following the date of issuance of the certificate of revocation upon:

- (1) The filing of an application for reinstatement.
- (2) The filing with the Secretary of State by the corporation of all reports then due and theretofore becoming due.
- (3) The payment to the Secretary of State by the corporation of all fees, franchise taxes, and penalties then due and theretofore becoming due.

(b) The application for reinstatement shall be executed and filed in duplicate in accordance with Section 1.10 of this Act and shall set forth:

- (1) The name of the corporation at the time of the issuance of the certificate of revocation.

(2) If such name is not available for use as determined by the Secretary of State at the time of filing the application for reinstatement, the name of the corporation as changed; provided, however, that any change of name is properly effected pursuant to Section 13.30 and Section 13.40 of this Act.

- (3) The date of the issuance of the certificate of revocation.

(4) The address, including street and number, or rural route number, of the registered office of the corporation upon reinstatement thereof, and the name of its registered agent at such address upon the reinstatement of the corporation; provided, however, that any change from either the registered office or the registered agent at the time of revocation is properly reported pursuant to Section 5.10 of this act.

(c) When a revoked corporation has complied with the provisions of this Section, the Secretary of State shall file the application for reinstatement.

(d) Upon the filing of the application for reinstatement, the authority of the corporation to transact business in this State shall be deemed to have continued without interruption from the date of the issuance of the certificate of revocation, and the corporation shall stand revived as if its ~~certificate of~~ authority had not been revoked; and all acts and proceedings of its officers, directors and shareholders, acting or purporting to act as such, which would have been legal and valid but for such revocation, shall stand ratified and confirmed.  
(Source: P.A. 92-33, eff. 7-1-01.)

Section 10. The General Not For Profit Corporation Act of 1986 is amended by changing Sections 105.10, 112.45, 113.60, 114.05, and 115.10 as follows:

(805 ILCS 105/105.10) (from Ch. 32, par. 105.10)

Sec. 105.10. Change of registered office or registered agent.

(a) A domestic corporation or a foreign corporation may from time to time change the address of its registered office. A domestic corporation or a foreign corporation shall change its registered agent if the office of registered agent shall become vacant for any reason, or if its registered agent becomes disqualified or incapacitated to act, or if the corporation revokes the appointment of its registered agent.

(b) A domestic corporation or a foreign corporation may change the address of its registered office or change its registered agent, or both, ~~by so indicating on the statement of change on the annual report of that corporation filed pursuant to Section 114.10 of this Act or~~ by executing and filing in duplicate, in accordance with Section 101.10 of this Act, a statement setting forth:

- (1) the name of the corporation;
- (2) the address, including street and number, or rural route number, of its then registered office;
- (3) if the address of its registered office be changed, the address, including street and number, or rural route number, to which the registered office is to be changed;
- (4) the name of its then registered agent;
- (5) if its registered agent be changed, the name of its successor registered agent;
- (6) that the address of its registered office and the address of the business office of its registered agent, as changed, will be identical;
- (7) that such change was authorized by resolution duly adopted by the board of directors.

(c) ~~(Blank). A legible copy of the statement of change as on the annual report returned by the Secretary of State shall be filed for record within the time prescribed by this Act in the office of the Recorder of the county in which the registered office of the corporation in this State was situated before the filing of the statement in the Office of the Secretary of State.~~

(d) If the registered office is changed from one county to another county, then the corporation shall also file for record within the time prescribed by this Act in the office of the Recorder of the county to which such registered office is changed:

- (1) In the case of a domestic corporation:
  - (i) A copy of its articles of incorporation certified by the Secretary of State.
  - (ii) A copy of the statement of change of address of its registered office, certified by the Secretary of State.
- (2) In the case of a foreign corporation:
  - (i) A copy of its application for authority to transact business in this State, certified by the Secretary of State.
  - (ii) A copy of all amendments to such ~~certificate of~~ authority, if any, likewise certified by the Secretary of State.
  - (iii) A copy of the statement of change of address of its registered office certified by the Secretary of State.

(e) The change of address of the registered office, or the change of registered agent, or both, as the case may be, shall become effective upon the filing of such statement by the Secretary of State.

(Source: P.A. 91-357, eff. 7-29-99; 92-33, eff. 7-1-01.)

(805 ILCS 105/112.45) (from Ch. 32, par. 112.45)

Sec. 112.45. Reinstatement following administrative dissolution.

(a) A domestic corporation administratively dissolved under Section 112.40 of this Act may be reinstated by the Secretary of State ~~within five years~~ following the date of issuance of the certificate of dissolution upon:

- (1) The filing of an application for reinstatement;
- (2) The filing with the Secretary of State by the corporation of all reports then due

and theretofore becoming due;

(3) The payment to the Secretary of State by the corporation of all fees and penalties then due and theretofore becoming due.

(b) The application for reinstatement shall be executed and filed in duplicate in accordance with Section 101.10 of this Act and shall set forth:

(1) The name of the corporation at the time of the issuance of the certificate of dissolution;

(2) If such name is not available for use as determined by the Secretary of State at the time of filing the application for reinstatement, the name of the corporation as changed; provided, however, that any change of name is properly effected pursuant to Section 110.05 and Section 110.30 of this Act;

(3) The date of the issuance of the certificate of dissolution;

(4) The address, including street and number, or rural route number, of the registered office of the corporation upon reinstatement thereof, and the name of its registered agent at such address upon the reinstatement of the corporation, provided however, that any change from either the registered office or the registered agent at the time of dissolution is properly reported pursuant to Section 105.10 of this Act.

(c) When a dissolved corporation has complied with the provisions of this Section, the Secretary of State shall file the application for reinstatement.

(d) Upon the filing of the application for reinstatement, the corporate existence shall be deemed to have continued without interruption from the date of the issuance of the certificate of dissolution, and the corporation shall stand revived with such powers, duties and obligations as if it had not been dissolved; and all acts and proceedings of its officers, directors and members, acting or purporting to act as such, which would have been legal and valid but for such dissolution, shall stand ratified and confirmed.

(Source: P.A. 92-33, eff. 7-1-01.)

(805 ILCS 105/113.60) (from Ch. 32, par. 113.60)

Sec. 113.60. Reinstatement following revocation.

(a) A foreign corporation revoked under Section 113.55 of this Act may be reinstated by the Secretary of State ~~within five years~~ following the date of issuance of the certificate of revocation upon:

(1) The filing of an application for reinstatement;

(2) The filing with the Secretary of State by the corporation of all reports then due and theretofore becoming due; and

(3) The payment to the Secretary of State by the corporation of all fees and penalties then due and theretofore becoming due.

(b) The application for reinstatement shall be executed and filed in duplicate in accordance with Section 101.10 of this Act and shall set forth:

(1) The name of the corporation at the time of the issuance of the certificate of revocation;

(2) If such name is not available for use as determined by the Secretary of State at the time of filing the application for reinstatement, the name of the corporation as changed, or the assumed corporate name which the corporation elects to adopt for use in this State in accordance with Section 104.05; provided, however, that any change of name is properly effected pursuant to Sections 113.30 and Section 113.40 of this Act, and any adoption of assumed corporate name is properly effected pursuant to Section 104.15 of this Act;

(3) The date of the issuance of the certificate of revocation; and

(4) The address, including street and number, or rural route number, of the registered office of the corporation upon reinstatement thereof, and the name of its registered agent at such address upon the reinstatement of the corporation; provided, however, that any change from either the registered office or the registered agent at the time of revocation is properly reported pursuant to Section 105.10 of this Act.

(c) When a revoked corporation has complied with the provisions of this Section, the Secretary of State shall file the application for reinstatement.

(d) Upon the filing of the application for reinstatement, the authority of the corporation to conduct affairs in this State shall be deemed to have continued without interruption from the date of the issuance of the certificate of revocation, and the corporation shall stand revived as if its authority had not been revoked; and all acts and proceedings of its officers, directors and members, acting or purporting to act as such, which would have been legal and valid but for such revocation, shall stand ratified and confirmed.

(Source: P.A. 92-33, eff. 7-1-01.)

[May 20, 2005]



(805 ILCS 105/114.05) (from Ch. 32, par. 114.05)

Sec. 114.05. Annual report of domestic or foreign corporation. Each domestic corporation organized under this Act, and each foreign corporation authorized to conduct affairs in this State, shall file, within the time prescribed by this Act, an annual report setting forth:

- (a) The name of the corporation.
  - (b) The address, including street and number, or rural route number, of its registered office in this State, and the name of its registered agent at such address ~~and a statement of change of its registered office or registered agent, or both, if any.~~
  - (c) The address, including street and number, if any, of its principal office.
  - (d) The names and respective addresses, including street and number, or rural route number, of its directors and officers.
  - (e) A brief statement of the character of the affairs which the corporation is actually conducting from among the purposes authorized in Section 103.05 of this Act.
  - (f) Whether the corporation is a Condominium Association as established under the Condominium Property Act, a Cooperative Housing Corporation defined in Section 216 of the Internal Revenue Code of 1954 or a Homeowner Association which administers a common-interest community as defined in subsection (c) of Section 9-102 of the Code of Civil Procedure.
  - (g) Such additional information as may be necessary or appropriate in order to enable the Secretary of State to administer this Act and to verify the proper amount of fees payable by the corporation.
- Such annual report shall be made on forms prescribed and furnished by the Secretary of State, and the information therein required by subsections (a) to (d), both inclusive, of this Section, shall be given as of the date of the execution of the annual report. It shall be executed by the corporation by any authorized officer and verified by him or her, or, if the corporation is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation and verified by such receiver or trustee.

(Source: P.A. 92-33, eff. 7-1-01; 93-59, eff. 7-1-03.)

(805 ILCS 105/115.10) (from Ch. 32, par. 115.10)

Sec. 115.10. Fees for filing documents. The Secretary of State shall charge and collect for:

- (a) Filing articles of incorporation, \$50.
- (b) Filing articles of amendment, \$25, unless the amendment is a restatement of the articles of incorporation, in which case the fee shall be \$100.
- (c) Filing articles of merger or consolidation, \$25.
- (d) Filing articles of dissolution, \$5.
- (e) Filing application to reserve a corporate name, \$25.
- (f) Filing a notice of transfer or cancellation of a reserved corporate name, \$25.
- (g) Filing statement of change of address of registered office or change of registered agent, or both, ~~if other than on an annual report~~, \$5.
- (h) Filing an application of a foreign corporation for authority to conduct affairs in this State, \$50.
- (i) Filing an application of a foreign corporation for amended authority to conduct affairs in this State, \$25.
- (j) Filing a copy of amendment to the articles of incorporation of a foreign corporation holding authority to conduct affairs in this State, \$25, unless the amendment is a restatement of the articles of incorporation, in which case the fee shall be \$100.
- (k) Filing a copy of articles of merger of a foreign corporation holding authority to conduct affairs in this State, \$25.
- (l) Filing an application for withdrawal and final report or a copy of articles of dissolution of a foreign corporation, \$5.
- (m) Filing an annual report of a domestic or foreign corporation, \$5.
- (n) Filing an application for reinstatement of a domestic or a foreign corporation, \$25.
- (o) Filing an application for use of an assumed corporate name, \$150 for each year or part thereof ending in 0 or 5, \$120 for each year or part thereof ending in 1 or 6, \$90 for each year or part thereof ending in 2 or 7, \$60 for each year or part thereof ending in 3 or 8, \$30 for each year or part thereof ending in 4 or 9, and a renewal fee for each assumed corporate name, \$150.
- (p) Filing an application for change or cancellation of an assumed corporate name, \$5.
- (q) Filing an application to register the corporate name of a foreign corporation, \$50; and an annual renewal fee for the registered name, \$50.
- (r) Filing an application for cancellation of a registered name of a foreign corporation, \$5.
- (s) Filing a statement of correction, \$25.
- (t) Filing an election to accept this Act, \$25.
- (u) Filing any other statement or report, \$5.

(Source: P.A. 92-33, eff. 7-1-01; 92-651, eff. 7-11-02; 93-59, eff. 7-1-03.)

Section 15. The Limited Liability Company Act is amended by changing Sections 1-35, 35-40, 45-65, 50-10, and 50-15 and by adding Sections 1-36 and 1-37 as follows:

(805 ILCS 180/1-35)

Sec. 1-35. Registered office and registered agent.

(a) Each limited liability company and foreign limited liability company shall continuously maintain in this State a registered agent and registered office, which agent must be an individual resident of this State, a domestic corporation, or a foreign corporation having a place of business in, and authorized to do business in, this State. If the agent is a corporation, the corporation must be authorized by its articles of incorporation to act as an agent.

(b) A limited liability company or foreign limited liability company may change its registered agent or the address of its registered office pursuant to Section 1-36 and the registered agent of a limited liability company or a foreign limited liability company may change the address of its registered office pursuant to Section 1-37 ~~5-45~~.

(c) The registered agent may at any time resign by filing in the Office of the Secretary of State written notice thereof and by mailing a copy thereof to the limited liability company or foreign limited liability company at its principal office as it is known to the resigning registered agent. The notice must be mailed at least 10 days before the date of filing thereof with the Secretary of State. The notice shall be executed by the registered agent, if an individual, or by a principal officer, if the registered agent is a corporation. The notice shall set forth all of the following:

- (1) The name of the limited liability company for which the registered agent is acting.
- (2) The name of the registered agent.
- (3) The address, including street, number, city and county of the limited liability company's then registered office in this State.
- (4) That the registered agent resigns.
- (5) The effective date of the resignation, which shall not be sooner than 30 days after the date of filing.
- (6) The address of the principal office of the limited liability company as it is known to the registered agent.

(7) A statement that a copy of the notice has been sent by registered or certified mail to the principal office of the limited liability company within the time and in the manner prescribed by this Section.

(d) A new registered agent must be placed on record within 60 days after a registered agent's notice of resignation under this Section.

(Source: P.A. 90-424, eff. 1-1-98; 91-354, eff. 1-1-00.)

(805 ILCS 180/1-36 new)

Sec. 1-36. Change of registered office or registered agent.

(a) A domestic limited liability company or a foreign limited liability company may from time to time change the address of its registered office. A domestic limited liability company or a foreign limited liability company shall change its registered agent if the office of registered agent shall become vacant for any reason, or if its registered agent becomes disqualified or incapacitated to act.

(b) A domestic limited liability company or a foreign limited liability company may change the address of its registered office or change its registered agent, or both, by executing and filing, in duplicate, in accordance with Section 5-45 of this Act a statement setting forth:

- (1) The name of the limited liability company.
- (2) The address, including street and number, or rural route number, of its then registered office.
- (3) If the address of its registered office be changed, the address, including street and number, or rural route number, to which the registered office is to be changed.
- (4) The name of its then registered agent.
- (5) If its registered agent be changed, the name of its successor registered agent.
- (6) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.

(7) That such change was authorized by resolution duly adopted by the members or managers.

(c) The change of address of the registered office, or the change of registered agent, or both, as the case may be, shall become effective upon the filing of such statement by the Secretary of State.

(805 ILCS 180/1-37 new)

Sec. 1-37. Change of address of registered agent.

(a) A registered agent may change the address of the registered office of the domestic limited liability

company or of the foreign limited liability company, for which he or she or it is a registered agent, to another address in this State, by filing, in duplicate, in accordance with Section 5-45 of this Act a statement setting forth:

(1) The name of the limited liability company.

(2) The address, including street and number, or rural route number, of its then registered office.

(3) The address, including street and number, or rural route number, to which the registered office is to be changed.

(4) The name of its registered agent.

(5) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.

Such statement shall be executed by the registered agent.

(b) The change of address of the registered office shall become effective upon the filing of such statement by the Secretary of State.

(805 ILCS 180/35-40)

Sec. 35-40. Reinstatement following administrative dissolution.

(a) A limited liability company administratively dissolved under Section 35-25 may be reinstated by the Secretary of State ~~within 5 years~~ following the date of issuance of the notice of dissolution upon ~~the occurrence of all of the following:~~

(1) The filing of an application for reinstatement.

(2) The filing with the Secretary of State by the limited liability company of all reports then due and theretofore becoming due.

(3) The payment to the Secretary of State by the limited liability company of all fees and penalties then due and theretofore becoming due.

(b) The application for reinstatement shall be executed and filed in duplicate in accordance with Section 5-45 of this Act and shall set forth all of the following:

(1) The name of the limited liability company at the time of the issuance of the notice of dissolution.

(2) If the name is not available for use as determined by the Secretary of State at the time of filing the application for reinstatement, the name of the limited liability company as changed, provided that any change of name is properly effected under Section 1-10 and Section ~~5.25~~ ~~4-15~~ of this Act.

(3) The date of issuance of the notice of dissolution.

(4) The address, including street and number or rural route number of the registered office of the limited liability company upon reinstatement thereof and the name of its registered agent at that address upon the reinstatement of the limited liability company, provided that any change from either the registered office or the registered agent at the time of dissolution is properly reported under Section 1-35 of this Act.

(c) When a dissolved limited liability company has complied with the provisions of the Section, the Secretary of State shall file the application for reinstatement.

(d) Upon the filing of the application for reinstatement, the limited liability company existence shall be deemed to have continued without interruption from the date of the issuance of the notice of dissolution, and the limited liability company shall stand revived with the powers, duties, and obligations as if it had not been dissolved; and all acts and proceedings of its members or managers, acting or purporting to act in that capacity, that would have been legal and valid but for the dissolution, shall stand ratified and confirmed.

(Source: P.A. 92-33, eff. 7-1-01.)

(805 ILCS 180/45-65)

Sec. 45-65. Reinstatement following revocation.

(a) A limited liability company whose admission has been revoked under Section 45-35 may be reinstated by the Secretary of State ~~within 5 years~~ following the date of issuance of the certificate of revocation upon ~~the occurrence of all of the following:~~

(1) The filing of the application for reinstatement.

(2) The filing with the Secretary of State by the limited liability company of all reports then due and becoming due.

(3) The payment to the Secretary of State by the limited liability company of all fees and penalties then due and becoming due.

(b) The application for reinstatement shall be executed and filed in duplicate in accordance with Section 5-45 and shall set forth all of the following:

(1) The name of the limited liability company at the time of the issuance of the notice

of revocation.

(2) If the name is not available for use as determined by the Secretary of State at the time of filing the application for reinstatement, the name of the limited liability company as changed, provided that any change is properly effected under Sections 1-10 and 45-25.

(3) The date of the issuance of the notice of revocation.

(4) The address, including street and number or rural route number of the registered office of the limited liability company upon reinstatement and the name of its registered agent at that address upon the reinstatement of the limited liability company, provided that any change from either the registered office or the registered agent at the time of revocation is properly reported under Section 1-35.

(c) When a limited liability company whose admission has been revoked has complied with the provisions of this Section, the Secretary of State shall file the application for reinstatement.

(d) Upon the filing of the application for reinstatement: (i) the admission of the limited liability company to transact business in this State shall be deemed to have continued without interruption from the date of the issuance of the notice of revocation, (ii) the limited liability company shall stand revived with the powers, duties, and obligations as if its admission had not been revoked, and (iii) all acts and proceedings of its members or managers, acting or purporting to act in that capacity, that would have been legal and valid but for the revocation, shall stand ratified and confirmed.

(Source: P.A. 92-33, eff. 7-1-01.)

(805 ILCS 180/50-10)

Sec. 50-10. Fees.

(a) The Secretary of State shall charge and collect in accordance with the provisions of this Act and rules promulgated under its authority all of the following:

- (1) Fees for filing documents.
- (2) Miscellaneous charges.
- (3) Fees for the sale of lists of filings and for copies of any documents.

(b) The Secretary of State shall charge and collect for all of the following:

(1) Filing articles of organization ~~of limited liability companies~~ (domestic), application for admission (foreign),

and restated articles of organization (domestic), \$500.

(2) Filing amendments (domestic or foreign), -

~~(A) For other than change of registered agent name or registered office, or both, \$150.~~

~~(B) For the purpose of changing the registered agent name or registered office, or both, \$35.~~

(3) Filing articles of dissolution or application for withdrawal, \$100.

(4) Filing an application to reserve a name, \$300.

(5) Renewal fee for reserved name, \$100. ~~(Blank).~~

(6) Filing a notice of a transfer of a reserved name, \$100.

(7) Registration of a name, \$300.

(8) Renewal of registration of a name, \$100.

(9) Filing an application for use of an assumed name under Section 1-20 of this Act, \$150 for each year or part thereof ending in 0 or 5, \$120 for each year or part thereof ending in 1 or 6, \$90 for each year or part thereof ending in 2 or 7, \$60 for each year or part thereof ending in 3 or 8, \$30 for each year or part thereof ending in 4 or 9, and a renewal for each assumed name, \$150.

(10) Filing an application for change of an assumed name, \$100.

(11) Filing an annual report of a limited liability company or foreign limited liability company, \$250, if filed as required by this Act, plus a penalty if delinquent.

(12) Filing an application for reinstatement of a limited liability company or foreign limited liability company \$500.

(13) Filing Articles of Merger, \$100 plus \$50 for each party to the merger in excess of the first 2 parties.

(14) Filing an Agreement of Conversion or Statement of Conversion, \$100.

(15) Filing a statement of change of address of registered office or change of registered agent, or both, or filing a statement of correction, \$25.

(16) Filing a petition for refund, \$15.

(17) Filing any other document, \$100.

(c) The Secretary of State shall charge and collect all of the following:

(1) For furnishing a copy or certified copy of any document, instrument, or paper relating to a limited liability company or foreign limited liability company, or for a certificate, \$25 \$4 per page, but not less than \$25, and \$25 for the certificate and for affixing the seal thereto.

(2) For the transfer of information by computer process media to any purchaser, fees established by rule.

(Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03; 93-59, eff. 7-1-03; revised 9-5-03.)  
(805 ILCS 180/50-15)

Sec. 50-15. Penalty.

(a) The Secretary of State shall declare any limited liability company or foreign limited liability company to be delinquent and not in good standing if any of the following occur:

(1) It has failed to file its annual report and pay the requisite fee as required by this Act before the first day of the anniversary month in the year in which it is due.

(2) It has failed to appoint and maintain a registered agent in Illinois within 60 days of notification of the Secretary of State by the resigning registered agent.

(3) (Blank).

(b) If the limited liability company or foreign limited liability company has not corrected the default within the time periods prescribed by this Act, the Secretary of State shall be empowered to invoke any of the following penalties:

(1) For failure or refusal to comply with subsection (a) of this Section within 60 days after the due date, a penalty of \$300 plus \$100 for each year or fraction thereof beginning with the second year of delinquency until returned to good standing or until reinstatement is effected.

(2) The Secretary of State shall not file any additional documents, amendments, reports, or other papers relating to any limited liability company or foreign limited liability company organized under or subject to the provisions of this Act until any delinquency under subsection (a) is satisfied.

(3) In response to inquiries received in the Office of the Secretary of State from any party regarding a limited liability company that is delinquent, the Secretary of State may show the limited liability company as not in good standing.

(Source: P.A. 93-32, eff. 12-1-03.)".

Under the rules, the foregoing **Senate Bill No. 468**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE BILL NO. 1038

A bill for AN ACT concerning open meetings.

HOUSE BILL NO. 1632

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 1731

A bill for AN ACT concerning revenue.

HOUSE BILL NO. 2002

A bill for AN ACT concerning education.

Passed the House, May 20, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1038, 1632, 1731 and 2002** were taken up, ordered printed and placed on first reading.

#### JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 53

Motion to Concur in House Amendments 1 and 2 to Senate Bill 66

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Motion to Concur in House Amendment 1 to Senate Bill 143  
 Motion to Concur in House Amendment 1 to Senate Bill 383  
 Motion to Concur in House Amendment 1 to Senate Bill 468  
 Motion to Concur in House Amendment 1 to Senate Bill 1698

### MESSAGE FROM THE HOUSE

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

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

### HOUSE JOINT RESOLUTION NO. 60

**RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN**, that when the two Houses adjourn on Friday, May 20, 2005, the House of Representatives stands adjourned until Monday, May 23, 2005 at 2:00 o'clock p.m.; and the Senate stands adjourned until Monday, May 23, 2005.

Adopted by the House, May 20, 2005.

MARK MAHONEY, Clerk of the House

By unanimous consent, on motion of Senator Shadid, the foregoing message reporting House Joint Resolution No. 60, was taken up for immediate consideration.

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

The motion prevailed.

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

Ordered that the Secretary inform the House of Representatives thereof.

### PRESENTATION OF RESOLUTION

Senator E. Jones offered the following Senate Resolution:

### SENATE RESOLUTION NO. 223

WHEREAS, The members of the Senate of the State of Illinois were deeply saddened to learn of the death of their friend and former colleague, State Senator Margaret Smith of Chicago, on Monday, May 16, 2005; and

WHEREAS, She was born Margaret Fort in Chicago and spent her life helping others; she graduated from DuSable High School in Chicago, was educated at Tennessee State University, and was a member of the Chicago Baptist Institute, where she received an honorary doctor of humanities degree; in 1955, she married Fred Smith, a longtime legislator who was known as "Dean of the Senate" before he retired in 1979; he preceded her in death in 1988; and

WHEREAS, Senator Margaret Smith spent 22 years in the Illinois General Assembly; she was first elected to the House of Representatives in 1980 and served one two-year term; she won election to the Senate in 1982 and was re-elected by overwhelming margins for the next 20 years; and

WHEREAS, During her 20 years in the Senate, she served as the chairwoman of the influential Senate Public Health and Welfare Committee, where she had the distinction of being the first female State Senator in the U.S. to serve as the chairperson of the same committee chaired earlier by her spouse the minority spokesperson on the Senate Public Health and Welfare Committee, and as the Democratic Caucus Chair; and

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WHEREAS, She also served on the Senate Committees on Appropriations, Commerce and Industry, Insurance and Pensions, Executive Appointments, the Legislative Space Needs Commission, the Legislative Printing Unit, the Committee of Women Legislators (COWL), the Advisory Board of the Illinois Sports Facility Authority, the Legislative Black Caucus, the Anti-Crime Advisory Committee, and the Illinois Steering Committee for Public Health's Turning Point; and

WHEREAS, Senator Smith served the State of Illinois well as a member of the National Conference of Black State Legislators, the Midwestern Legislative Conference, where she served on the Health and Human Services Committee and the Committee on Children, and the National Conference of State Legislators (NCSL), where she once served as the chairperson of the NCSL's Health and Human Services Committee; and

WHEREAS, Senator Smith amassed numerous legislative accomplishments which enhanced the quality of life for the people in the Third Senate District and of the people of Illinois, including requiring the State to cover the cost of mammograms for poor women, requiring insurance companies to cover mammograms, protecting senior citizens in nursing homes and assisted living facilities, allowing public aid recipients making the transition from welfare to work to receive Medicaid services for 12 months, improving the child immunization system in Illinois, assisting women with ovarian and cervical cancer, mandating businesses to provide an on-site location other than a rest room for working mothers to express milk to feed their infants during office hours, and improving business opportunities for women and minorities; and

WHEREAS, She was recognized for her sponsorship and support of legislation on health care and women's issues and was the recipient of the coveted "Legislator of the Year Award" from every major public health organization in Illinois, including the Illinois Nurses' Association, the Illinois Health Care Association, and the Illinois Hospital and Health Systems Association; and

WHEREAS, Senator Smith is the author of legislation commissioning the creation of statues of Adelbert H. Roberts, the first African American to serve in the State legislature, and Dr. Martin L. King Jr., as well as the portrait of her late husband, Senator Fred J. Smith, all of which are on display in the State Capitol and its complex in Springfield; and

WHEREAS, Margaret Smith was known as "Lady of the Senate" and is remembered for her class, benevolence, and humor; she was dedicated to her church and faith and made numerous mission trips abroad; she visited Africa, Europe, and Asia; in recognition of her work, a school in Haiti was named after her; she was a board member of the Ada S. McKinley Foundation and Beatrice Caffrey Youth Service; she was a member of Sigma Gamma Rho Sorority, Inc., Metropolitan Business and Professional Women International, and Bethsaida Missionary Baptist Church; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of our friend and former colleague, Senator Margaret Smith, who spent a well-lived life dedicated to championing the needs of others; and be it further

RESOLVED, That a suitable copy of this resolution be presented to her family as an expression of our sincere sorrow for this loss.

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

The motion prevailed.

And the resolution was adopted.

At the hour of 2:18 o'clock p.m., pursuant to **House Joint Resolution No. 60**, the Chair announced the Senate stand adjourned until Monday, May 23, 2005, at 12:00 o'clock noon.