



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-FOURTH GENERAL ASSEMBLY**

**70TH LEGISLATIVE DAY**

**THURSDAY, FEBRUARY 2, 2006**

**10:07 O'CLOCK A.M.**

NO. 70

[February 2, 2006]

**SENATE**  
**Daily Journal Index**  
**70th Legislative Day**

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The Senate met pursuant to adjournment.  
 Senator Rickey Hendon, Chicago, Illinois, presiding.  
 Prayer by Reverend Brandon Boyd, Loami Christian Church, Loami, Illinois.  
 Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, February 1, 2006, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

### **LEGISLATIVE MEASURES FILED**

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

Senate Committee Amendment No. 1 to Senate Bill 2197  
 Senate Committee Amendment No. 1 to Senate Bill 2237  
 Senate Committee Amendment No. 1 to Senate Bill 2277  
 Senate Committee Amendment No. 2 to Senate Bill 2283  
 Senate Committee Amendment No. 1 to Senate Bill 2615  
 Senate Committee Amendment No. 1 to Senate Bill 2639

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

Senate Floor Amendment No. 1 to Senate Bill 2513

### **JOINT ACTION MOTION FILED**

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendments numbered 1 and 2 to Senate Bill 1681

### **PRESENTATION OF RESOLUTIONS**

#### **SENATE RESOLUTION 600**

Offered by Senator Lightford and all Senators:  
 Mourns the death of Ennis Thomas Lightford of Chicago.

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

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

#### **SENATE RESOLUTION NO. 601**

WHEREAS, The highest award the National Council of the Boy Scouts of America can bestow upon a Scout is that of Eagle Scout; and

WHEREAS, Jonathan Tyler Bangert of Boy Scout Troop 156 will receive the Eagle Scout Award at a Court of Honor to be held on February 12, 2006; and

WHEREAS, In order to qualify as an Eagle Scout, a young man must demonstrate outstanding

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qualities of leadership, a willingness to be of help to others, and superior skills in camping, lifesaving, and first aid; and

WHEREAS, In earning this high rank, Jonathan Bangert joins an elite and honorable fraternity of achievers that counts among its members an extraordinary number of this nation's great leaders in business, government, education, and other sectors of society; and

WHEREAS, The achievement of the rank of Eagle Scout reflects favorably upon the recipient, his justly proud family, his Scoutmaster, and his fellow scouts; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we join his family and friends in congratulating Jonathan Tyler Bangert upon attaining the coveted rank of Eagle Scout, and we commend him upon the unswerving dedication to excellence that is the hallmark of the Eagle Scout; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Eagle Scout Jonathan Tyler Bangert as an expression of our respect and esteem.

### MESSAGES FROM THE GOVERNOR

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

November 2, 2005

Mr. President,

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

#### STATE OF ILLINOIS EXECUTIVE DEPARTMENT

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

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

#### **PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN OF JO DAVIESS COUNTY**

To be the Public Administrator and Public Guardian for Jo Daviess County for a term commencing December 5, 2005 and ending December 7, 2009:

Anthony J. Quinn of East Dubuque  
Non-Salaried

Rod Blagojevich  
GOVERNOR

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

January 12, 2006

Mr. President,  
[February 2, 2006]

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

STATE OF ILLINOIS  
EXECUTIVE DEPARTMENT

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

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

**COMMERCE COMMISSION, ILLINOIS**

To be Member and Chair of the Illinois Commerce Commission for a term commencing January 10, 2006 and ending January 9, 2009:

Charles E. Box of Rockford  
Salaried

**EMPLOYMENT SECURITY REVIEW BOARD, DEPARTMENT OF**

To be a Member of the Department of Employment Security Review Board for a term commencing December 5, 2005 and ending January 15, 2007:

Stanley Drassler of Kankakee  
Salaried

**INTERNATIONAL PORT DISTRICT BOARD, ILLINOIS**

To be a Member of the Illinois International Port District Board for a term commencing upon confirmation by the Illinois State Senate and ending June 1, 2010:

Paul Jenkins of Chicago  
Salaried

**AGRICULTURAL EDUCATION, ILLINOIS COMMITTEE FOR**

To be a Member of the Illinois Committee for Agricultural Education for a term commencing November 7, 2005 and ending March 13, 2008:

Lisa M. Martin of Pontiac  
Non-Salaried

**BANKING BOARD, ILLINOIS STATE**

To be a Member of the Illinois State Banking Board for a term commencing November 7, 2005 and ending December 31, 2008:

Philip D. Cacciatore of Elmhurst  
Non-Salaried

**BI-STATE DEVELOPMENT AGENCY, ILLINOIS & MISSOURI**

To be a Member of the Illinois and Missouri Bi-State Development Agency for a term commencing January 18, 2005 and ending January 18, 2010:

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Jeffrey K. Watson of Belleville  
Non-Salaried

**FINANCE AUTHORITY, ILLINOIS**

To be a Member of the Illinois Finance Authority for a term commencing November 8, 2005 and ending July 16, 2006:

Lynn E. Talbott of Berwyn  
Non-Salaried

**ILLINOIS STATE UNIVERSITY BOARD OF TRUSTEES**

To be a Member of the Illinois State University Board of Trustees for a term commencing December 21, 2005 and ending January 17, 2011:

Betty J. Kinser of Normal  
Non-Salaried

**INVESTMENT, ILLINOIS STATE BOARD OF**

To be a Member of the Illinois State Board of Investment for a term commencing December 27, 2005 and ending January 19, 2009:

Michael Goetz of Springfield  
Non-Salaried

**LABOR ADVISORY BOARD, DEPARTMENT OF**

To be a Member of the Department of Labor Advisory Board for a term commencing December 13, 2005 and ending January 15, 2007:

Terry L. Fairclough of Springfield  
Non-Salaried

To be a Member of the Department of Labor Advisory Board for a term commencing December 19, 2005 and ending January 16, 2006:

Dennis J. Gannon of Chicago  
Non-Salaried

To be a Member of the Department of Labor Advisory Board for a term commencing January 17, 2006 and ending January 21, 2008:

Dennis J. Gannon of Chicago  
Non-Salaried

To be a Member of the Department of Labor Advisory Board for a term commencing December 19, 2005 and ending January 16, 2006:

Edward M. Smith of Olive Branch  
Non-Salaried

To be a Member of the Department of Labor Advisory Board for a term commencing January 17, 2006 and ending January 21, 2008:

Edward M. Smith of Olive Branch  
Non-Salaried

[February 2, 2006]

To be a Member of the Department of Labor Advisory Board for a term commencing December 19, 2005 and ending January 15, 2007:

Thomas Villanova of Orland Park  
Non-Salaried

**NORTHEASTERN ILLINOIS UNIVERSITY BOARD OF TRUSTEES**

To be a Member of the Northeastern Illinois University Board of Trustees for a term commencing November 16, 2005 and ending January 17, 2011:

James W. Barushok of Chicago  
Non-Salaried

**PUBLIC ADMINISTRATOR & PUBLIC GUARDIAN OF ADAMS COUNTY**

To be the Public Administrator and Public Guardian of Adams County for a term commencing December 6, 2005 and ending December 3, 2007:

Bruce A. Alford of Quincy  
Non-Salaried

**PUBLIC ADMINISTRATOR & PUBLIC GUARDIAN OF CLAY COUNTY**

To be the Public Administrator and Public Guardian of Clay County for a term commencing December 6, 2005 and ending December 7, 2009:

Diane Frye of Louisville  
Non-Salaried

**PUBLIC ADMINISTRATOR OF COOK COUNTY**

To be the Public Administrator Cook County for a term commencing December 13, 2005 and ending December 5, 2009:

Michael Ian Bender of Skokie  
Non-Salaried

**PUBLIC ADMINISTRATOR & PUBLIC GUARDIAN OF MARION COUNTY**

To be the Public Administrator and Public Guardian of Marion County for a term commencing December 14, 2005 and ending December 3, 2009:

Earl M. White of Salem  
Non-Salaried

**PUBLIC ADMINISTRATOR & PUBLIC GUARDIAN OF PIKE COUNTY**

To be the of Pike County for a term commencing December 6, 2005 and ending December 7, 2009:

D. Kay Connors of Pleasant Hill  
Non-Salaried

**PUBLIC ADMINISTRATOR & PUBLIC GUARDIAN OF SANGAMON COUNTY**

To be the Public Administrator and Public Guardian of Sangamon County for a term commencing December 6, 2005 and ending December 7, 2009:

Kevin N. McDermott of Springfield

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Non-Salaried

**SOUTHERN ILLINOIS UNIVERSITY BOARD OF TRUSTEES**

To be a Member of the Southern Illinois University Board of Trustees for a term commencing November 7, 2005 and ending January 19, 2009:

Marquita T. Wiley of Belleville  
Non-Salaried

**STUDENT ASSISTANCE COMMISSION, ILLINOIS**

To be a Member of the Illinois Student Assistance Commission for a term commencing November 17, 2005 and ending June 30, 2011:

Sharon Taylor Alpi of Decatur  
Non-Salaried

To be a Member of the Illinois Student Assistance Commission for a term commencing November 17, 2005 and ending June 30, 2009:

Lynda C. Andre of Edwardsville  
Non-Salaried

To be a Member of the Illinois Student Assistance Commission for a term commencing November 17, 2005 and ending June 30, 2011:

Warren Daniels, Jr. of Chicago  
Non-Salaried

To be a Member of the Illinois Student Assistance Commission for a term commencing November 17, 2005 and ending June 30, 2011:

David H. Vaught of Naperville  
Non-Salaried

**TICKET FOR A CURE BOARD**

To be a Member and Chair of the Ticket for a Cure Board for a term commencing November 30, 2005:

Leonard Thomas of Naperville  
Non-Salaried

**WAUKEGAN PORT DISTRICT BOARD**

To be a Member of the Waukegan Port District Board for a term commencing December 14, 2005 and ending May 31, 2009:

Dale R. Johnson of Chicago  
Non-Salaried

**WORKERS' COMPENSATION ADVISORY BOARD**

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

Gerald J. Roper of Chicago  
Non-Salaried

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**WORKERS' COMPENSATION MEDICAL FEE ADVISORY BOARD**

To be a Member of the Workers' Compensation Medical Fee Advisory Board for a term commencing December 5, 2005 and ending December 5, 2009:

Maddy Bowling of Wheaton  
Non-Salaried

To be a Member of the Workers' Compensation Medical Fee Advisory Board for a term commencing December 12, 2005 and ending December 5, 2009:

Elena Butkus of LaGrange  
Non-Salaried

To be a Member of the Workers' Compensation Medical Fee Advisory Board for a term commencing December 27, 2005 and ending December 5, 2009:

Eric M. Dean of Elmwood Park  
Non-Salaried

To be a Member of the Workers' Compensation Medical Fee Advisory Board for a term commencing January 9, 2006 and ending December 5, 2009:

Roger E. Poole of Smithton  
Non-Salaried

To be a Member of the Workers' Compensation Medical Fee Advisory Board for a term commencing December 5, 2005 and ending December 5, 2009:

Ronald Powell of Mundelein  
Non-Salaried

To be a Member of the Workers' Compensation Medical Fee Advisory Board for a term commencing December 14, 2005 and ending December 5, 2009:

Edward L. Scramberg of Evanston  
Non-Salaried

To be a Member of the Workers' Compensation Medical Fee Advisory Board for a term commencing December 13, 2005 and ending December 5, 2009:

John Allen Smolk of Wheaton  
Non-Salaried

**WORKFORCE INVESTMENT BOARD, ILLINOIS**

To be a Member of the Illinois Workforce Investment Board for a term commencing November 7, 2005 and ending July 1, 2006:

Douglas M. Parsons of Pekin  
Non-Salaried

To be a Member of the Illinois Workforce Investment Board for a term commencing November 29, 2005 and ending July 1, 2007:

Thomas J. Prinske of Chicago  
Non-Salaried

To be a Member of the Illinois Workforce Investment Board for a term commencing November 7, 2005 and ending July 1, 2006:

Greg Sutton of Naperville  
Non-Salaried

Rod Blagojevich  
GOVERNOR

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

January 19, 2006

Mr. President,

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

STATE OF ILLINOIS  
EXECUTIVE DEPARTMENT

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

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

**AGRICULTURAL EDUCATION, ILLINOIS COMMITTEE FOR**

To be a Member of the Illinois Committee for Agricultural Education for a term commencing January 18, 2006 and ending March 13, 2006:

Donald E. Meyer of Lexington  
Non-Salaried

**HEALTH, STATE BOARD OF**

To be a Member of the State Board of Health for a term commencing January 17, 2006 and ending November 1, 2008:

Kevin D. Hutchison of Mascoutah  
Non-Salaried

To be a Member of the State Board of Health for a term commencing January 17, 2006 and ending November 1, 2006:

Herbert E. Whiteley of Champaign  
Non-Salaried

**JOLIET ARSENAL DEVELOPMENT AUTHORITY**

To be a Member of the Joliet Arsenal Development Authority for a term commencing January 18, 2006 and ending January 19, 2009:

William L. Koehler of New Lenox  
[February 2, 2006]

Non-Salaried

**WORKERS' COMPENSATION ADVISORY BOARD**

To be a Member of the Workers' Compensation Advisory Board for a term commencing January 13, 2006 and ending January 15, 2007:

James E. Brown of Naperville  
Non-Salaried

**WORKERS' COMPENSATION MEDICAL FEE ADVISORY BOARD**

To be a Member of the Workers' Compensation Medical Fee Advisory Board for a term commencing January 13, 2006 and ending December 5, 2009:

Jesse Butler of Evanston  
Non-Salaried

To be a Member of the Workers' Compensation Medical Fee Advisory Board for a term commencing January 13, 2006 and ending December 5, 2009:

Kathryn M. Tazic of Naperville  
Non-Salaried

Rod Blagojevich  
GOVERNOR

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

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

**House Bill No. 4137**, sponsored by Senator Demuzio, was taken up, read by title a first time and referred to the Committee on Rules.

**EXCUSED FROM ATTENDANCE**

On motion of Senator Link, Senator Meeks was excused from attendance due to business in his district.

**READING BILLS OF THE SENATE A SECOND TIME**

On motion of Senator Althoff, **Senate Bill No. 2129** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 2129**

AMENDMENT NO. 1. Amend Senate Bill 2129 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Section 3.330 as follows:

(415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

Sec. 3.330. Pollution control facility.

(a) "Pollution control facility" is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under the Metropolitan

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## Water Reclamation District Act.

The following are not pollution control facilities:

- (1) (Blank);
- (2) waste storage sites regulated under 40 CFR, Part 761.42;
- (3) sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person;
- (4) sites or facilities at which the State is performing removal or remedial action pursuant to Section 22.2 or 55.3;
- (5) abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by a public utility;
- (6) sites or facilities used by any person to specifically conduct a landscape composting operation;
- (7) regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;
- (8) the portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (r)(2) or (r)(3) of Section 21;
- (9) the portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV;
- (10) the portion of a site or facility used for treatment of petroleum contaminated materials by application onto or incorporation into the soil surface and any portion of that site or facility used for storage of petroleum contaminated materials before treatment. Only those categories of petroleum listed in Section 57.9(a)(3) are exempt under this subdivision (10);
- (11) the portion of a site or facility where used oil is collected or stored prior to shipment to a recycling or energy recovery facility, provided that the used oil is generated by households or commercial establishments, and the site or facility is a recycling center or a business where oil or gasoline is sold at retail;
- (12) the portion of a site or facility utilizing coal combustion waste for stabilization and treatment of only waste generated on that site or facility when used in connection with response actions pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the federal Resource Conservation and Recovery Act of 1976, or the Illinois Environmental Protection Act or as authorized by the Agency;
- (13) the portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 700,000 as of January 1, 2000, and operated and located in accordance with Section 22.38 of this Act;
- (14) the portion of a site or facility, located within a unit of local government that has enacted local zoning requirements, used to accept, separate, and process uncontaminated broken concrete, with or without protruding metal bars, provided that the uncontaminated broken concrete and metal bars are not speculatively accumulated, are at the site or facility no longer than one year after their acceptance, and are returned to the economic mainstream in the form of raw materials or products; ~~and~~
- (15) the portion of a site or facility located in a county with a population over 3,000,000 that has obtained local siting approval under Section 39.2 of this Act for a municipal waste incinerator on or before July 1, 2005 and that is used for a non-hazardous waste transfer station; -
- (16) the portion of a site or facility, that has no more than 10,000 cubic yards of raw materials, composting material, or end-product compost on-site at any one time that uses only livestock waste, crop residue, uncontaminated wood waste, and landscape waste as raw materials for composting, or that has no more than 30,000 cubic yards if the compost facility is part of a required Waste Management Plan that has been developed in accordance with the standards of the Livestock Management Facilities Act that meets the following:
  - (i) the location criteria of Section 39(m)(1) through (m)(4);
  - (ii) the location criteria of 35 Ill. Admin. Code Part 830.203(a)(3); and
  - (iii) that is permitted under 35 Ill. Admin. Code Part 807; and

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(17) the portion of a site or facility, that has no more than 5,000 cubic yards of raw materials, composting material, or end-product compost on-site at any one time, that uses source separated food waste, paper waste, including, but not limited to, corrugated and cardboard, livestock waste, uncontaminated wood waste, and landscape waste as raw materials for composting and meets the location criteria of 39(m)(1) through (4) and 35 Ill. Admin. Code Part 830.203(a)(3). For purposes of this Section, "food waste" means the source separated organic portion of the waste resulting from the handling, processing, preparation, cooking, and consumption of food, and the wastes from the handling, processing, storage, and sale of produce. "Food waste" does not include packaging, utensils, or containers from the handling, processing, preparation, cooking, and consumption of food.

(b) A new pollution control facility is:

- (1) a pollution control facility initially permitted for development or construction after July 1, 1981; or
  - (2) the area of expansion beyond the boundary of a currently permitted pollution control facility; or
  - (3) a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste.
- (Source: P.A. 93-998, eff. 8-23-04; 94-94, eff. 7-1-05; 94-249, eff. 7-19-05; revised 8-18-05.)

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

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

On motion of Senator Watson, **Senate Bill No. 2130**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 2156**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 2195**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 2202**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 2238**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 2247**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Sullivan, **Senate Bill No. 2271** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 2271**

AMENDMENT NO. 1. Amend Senate Bill 2271 on page 1, line 5, by replacing "Sections 2.11 and 2.26" with "Section 2.11".

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

On motion of Senator Martinez, **Senate Bill No. 2235** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 2235**

AMENDMENT NO. 1. Amend Senate Bill 2235 on page 10, by replacing lines 9 and 10 with the following:

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

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

On motion of Senator Cullerton, **Senate Bill No. 2272**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 2285**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **Senate Bill No. 2286**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 2300**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 2306**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 2308**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 2330** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 2330**

AMENDMENT NO. 1. Amend Senate Bill 2330 as follows:

on page 15, line 6, by replacing "2005" with "2006".

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

On motion of Senator Luechtefeld, **Senate Bill No. 2334**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 2336**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 2348**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2350**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 2360**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Wilhelmi, **Senate Bill No. 2395**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **Senate Bill No. 2397** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 2397**

[February 2, 2006]

AMENDMENT NO. 1. Amend Senate Bill 2397 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Sections 7-34 and 17-23 as follows:

(10 ILCS 5/7-34) (from Ch. 46, par. 7-34)

Sec. 7-34. Pollwatchers in a primary election shall be authorized in the following manner:

(1) Each established political party shall be entitled to appoint one pollwatcher per precinct. Such pollwatchers must be affiliated with the political party for which they are pollwatching and must be a registered voter in Illinois.

(2) Each candidate shall be entitled to appoint two pollwatchers per precinct. For Federal, State, county, township, and municipal primary elections, the pollwatchers must be registered to vote in Illinois.

(3) Each organization of citizens within the county or political subdivision, which has among its purposes or interests the investigation or prosecution of election frauds, and which shall have registered its name and address and the names and addresses of its principal officers with the proper election authority at least 40 days before the primary election, shall be entitled to appoint one pollwatcher per precinct. For all primary elections, the pollwatcher must be registered to vote in Illinois.

(3.5) Each State non-partisan civic organization within the county or political subdivision, that has among its written purposes the provision of voter information and education, the protection of individual voters' rights, and the provision of free and equal elections, shall be entitled to appoint one pollwatcher per precinct, provided that no more than 2 pollwatchers appointed by non-partisan civic organizations shall be present in a precinct polling place at the same time. Each organization shall have registered the names and addresses of its principal officers with the proper election authority at least 40 days before the primary election. The pollwatchers must be registered to vote in Illinois.

(4) Each organized group of proponents or opponents of a ballot proposition, which shall have registered the name and address of its organization or committee and the name and address of its chairman with the proper election authority at least 40 days before the primary election, shall be entitled to appoint one pollwatcher per precinct. The pollwatcher must be registered to vote in Illinois.

(5) In any primary election held to nominate candidates for the offices of a municipality of less than 3,000,000 population that is situated in 2 or more counties, a pollwatcher who is a resident of a county in which any part of the municipality is situated shall be eligible to serve as a pollwatcher in any polling place located within such municipality, provided that such pollwatcher otherwise complies with the respective requirements of subsections (1) through (4) of this Section and is a registered voter whose residence is within Illinois.

All pollwatchers shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature(s) of the election authority and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be authorized by the real or facsimile signature of the State or local party official or the candidate or the presiding officer of the civic organization or the chairman of the proponent or opponent group, as the case may be.

Pollwatcher credentials shall be in substantially the following form:

POLLWATCHER CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, the undersigned hereby appoints ..... (name of pollwatcher) at ..... (address) in the county of ....., ..... (township or municipality) of ..... (name), State of Illinois and who is duly registered to vote from this address, to act as a pollwatcher in the ..... precinct of the ..... ward (if applicable) of the ..... (township or municipality) of ..... at the ..... election to be held on (insert date).

..... (Signature of Appointing Authority)

..... TITLE (party official, candidate,  
civic organization president,  
proponent or opponent group chairman)

Under penalties provided by law pursuant to Section 29-10 of the Election Code, the undersigned pollwatcher certifies that he or she resides at ..... (address) in the county of ..... (township or municipality) of ..... (name), State of Illinois, and is duly registered to vote in Illinois.

.....  
(Precinct and/or Ward in  
Which Pollwatcher Resides)

.....  
(Signature of Pollwatcher)

Pollwatchers must present their credentials to the Judges of Election upon entering the polling place. Pollwatcher credentials properly executed and signed shall be proof of the qualifications of the pollwatcher authorized thereby. Such credentials are retained by the Judges and returned to the Election Authority at the end of the day of election with the other election materials. Once a pollwatcher has surrendered a valid credential, he may leave and reenter the polling place provided that such continuing action does not disrupt the conduct of the election. Pollwatchers may be substituted during the course of the day, but established political parties, candidates, qualified civic organizations and proponents and opponents of a ballot proposition can have only as many pollwatchers at any given time as are authorized in this Article. A substitute must present his signed credential to the judges of election upon entering the polling place. Election authorities must provide a sufficient number of credentials to allow for substitution of pollwatchers. After the polls have closed, pollwatchers shall be allowed to remain until the canvass of votes is completed; but may leave and reenter only in cases of necessity, provided that such action is not so continuous as to disrupt the canvass of votes.

Candidates seeking office in a district or municipality encompassing 2 or more counties shall be admitted to any and all polling places throughout such district or municipality without regard to the counties in which such candidates are registered to vote. Actions of such candidates shall be governed in each polling place by the same privileges and limitations that apply to pollwatchers as provided in this Section. Any such candidate who engages in an activity in a polling place which could reasonably be construed by a majority of the judges of election as campaign activity shall be removed forthwith from such polling place.

Candidates seeking office in a district or municipality encompassing 2 or more counties who desire to be admitted to polling places on election day in such district or municipality shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature of the election authority of the election jurisdiction where the polling place in which the candidate seeks admittance is located, and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be signed by the candidate.

Candidate credentials shall be in substantially the following form:

#### CANDIDATE CREDENTIALS

##### TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, I ..... (name of candidate) hereby certify that I am a candidate for ..... (name of office) and seek admittance to ..... precinct of the ..... ward (if applicable) of the ..... (township or municipality) of ..... at the ..... election to be held on (insert date).

.....  
 (Signature of Candidate)                      OFFICE FOR WHICH  
     CANDIDATE SEEKS  
     NOMINATION OR  
     ELECTION

Pollwatchers shall be permitted to observe all proceedings and view all reasonably requested records relating to the conduct of the election, provided the secrecy of the ballot is not impinged, and to station themselves in a position in the voting room as will enable them to observe the judges making the signature comparison between the voter application and the voter registration record card; provided, however, that such pollwatchers shall not be permitted to station themselves in such close proximity to the judges of election so as to interfere with the orderly conduct of the election and shall not, in any event, be permitted to handle election materials. Pollwatchers may challenge for cause the voting qualifications of a person offering to vote and may call to the attention of the judges of election any incorrect procedure or apparent violations of this Code.

If a majority of the judges of election determine that the polling place has become too overcrowded with pollwatchers so as to interfere with the orderly conduct of the election, the judges shall, by lot, limit such pollwatchers to a reasonable number, except that each candidate and each established or new political party shall be permitted to have at least one pollwatcher present.

Representatives of an election authority, with regard to an election under its jurisdiction, the State Board of Elections, and law enforcement agencies, including but not limited to a United States Attorney, a State's attorney, the Attorney General, and a State, county, or local police department, in the performance of their official election duties, shall be permitted at all times to enter and remain in the polling place. Upon entering the polling place, such representatives shall display their official credentials or other identification to the judges of election.

[February 2, 2006]



Uniformed police officers assigned to polling place duty shall follow all lawful instructions of the judges of election.

The provisions of this Section shall also apply to supervised casting of absentee ballots as provided in Section 19-12.2 of this Act.

(Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

(10 ILCS 5/17-23) (from Ch. 46, par. 17-23)

Sec. 17-23. Pollwatchers in a general election shall be authorized in the following manner:

(1) Each established political party shall be entitled to appoint two pollwatchers per precinct. Such pollwatchers must be affiliated with the political party for which they are pollwatching. For all elections, the pollwatchers must be registered to vote in Illinois.

(2) Each candidate shall be entitled to appoint two pollwatchers per precinct. For all elections, the pollwatchers must be registered to vote in Illinois.

(3) Each organization of citizens within the county or political subdivision, which has among its purposes or interests the investigation or prosecution of election frauds, and which shall have registered its name and address and the name and addresses of its principal officers with the proper election authority at least 40 days before the election, shall be entitled to appoint one pollwatcher per precinct. For all elections, the pollwatcher must be registered to vote in Illinois.

(3.5) Each State non-partisan civic organization within the county or political subdivision, that has among its written purposes the provision of voter information and education, the protection of individual voters' rights, and the provision of free and equal elections, shall be entitled to appoint one pollwatcher per precinct, provided that no more than 2 pollwatchers appointed by non-partisan civic organizations shall be present in a precinct polling place at the same time. Each organization shall have registered the names and addresses of its principal officers with the proper election authority at least 40 days before the election. The pollwatchers must be registered to vote in Illinois.

(4) In any general election held to elect candidates for the offices of a municipality of less than 3,000,000 population that is situated in 2 or more counties, a pollwatcher who is a resident of Illinois shall be eligible to serve as a pollwatcher in any poll located within such municipality, provided that such pollwatcher otherwise complies with the respective requirements of subsections (1) through (3) of this Section and is a registered voter in Illinois.

(5) Each organized group of proponents or opponents of a ballot proposition, which shall have registered the name and address of its organization or committee and the name and address of its chairman with the proper election authority at least 40 days before the election, shall be entitled to appoint one pollwatcher per precinct. The pollwatcher must be registered to vote in Illinois.

All pollwatchers shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature(s) of the election authority and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be authorized by the real or facsimile signature of the State or local party official or the candidate or the presiding officer of the civic organization or the chairman of the proponent or opponent group, as the case may be.

Pollwatcher credentials shall be in substantially the following form:

POLLWATCHER CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, the undersigned hereby appoints ..... (name of pollwatcher) who resides at ..... (address) in the county of ....., ..... (township or municipality) of ..... (name), State of Illinois and who is duly registered to vote from this address, to act as a pollwatcher in the ..... precinct of the ..... ward (if applicable) of the ..... (township or municipality) of ..... at the ..... election to be held on (insert date).

..... (Signature of Appointing Authority)

..... TITLE (party official, candidate,  
civic organization president,  
proponent or opponent group chairman)

Under penalties provided by law pursuant to Section 29-10 of the Election Code, the undersigned pollwatcher certifies that he or she resides at ..... (address) in the county of ....., ..... (township or municipality) of ..... (name), State of Illinois, and is duly registered to vote in Illinois.

.....  
(Precinct and/or Ward in  
Which Pollwatcher Resides)

.....  
(Signature of Pollwatcher)

Pollwatchers must present their credentials to the Judges of Election upon entering the polling place. Pollwatcher credentials properly executed and signed shall be proof of the qualifications of the pollwatcher authorized thereby. Such credentials are retained by the Judges and returned to the Election Authority at the end of the day of election with the other election materials. Once a pollwatcher has surrendered a valid credential, he may leave and reenter the polling place provided that such continuing action does not disrupt the conduct of the election. Pollwatchers may be substituted during the course of the day, but established political parties, candidates and qualified civic organizations can have only as many pollwatchers at any given time as are authorized in this Article. A substitute must present his signed credential to the judges of election upon entering the polling place. Election authorities must provide a sufficient number of credentials to allow for substitution of pollwatchers. After the polls have closed pollwatchers shall be allowed to remain until the canvass of votes is completed; but may leave and reenter only in cases of necessity, provided that such action is not so continuous as to disrupt the canvass of votes.

Candidates seeking office in a district or municipality encompassing 2 or more counties shall be admitted to any and all polling places throughout such district or municipality without regard to the counties in which such candidates are registered to vote. Actions of such candidates shall be governed in each polling place by the same privileges and limitations that apply to pollwatchers as provided in this Section. Any such candidate who engages in an activity in a polling place which could reasonably be construed by a majority of the judges of election as campaign activity shall be removed forthwith from such polling place.

Candidates seeking office in a district or municipality encompassing 2 or more counties who desire to be admitted to polling places on election day in such district or municipality shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature of the election authority of the election jurisdiction where the polling place in which the candidate seeks admittance is located, and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be signed by the candidate.

Candidate credentials shall be in substantially the following form:

#### CANDIDATE CREDENTIALS

##### TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, I ..... (name of candidate) hereby certify that I am a candidate for ..... (name of office) and seek admittance to ..... precinct of the ..... ward (if applicable) of the ..... (township or municipality) of ..... at the ..... election to be held on (insert date).

.....  
 (Signature of Candidate) OFFICE FOR WHICH  
 CANDIDATE SEEKS  
 NOMINATION OR  
 ELECTION

Pollwatchers shall be permitted to observe all proceedings and view all reasonably requested records relating to the conduct of the election, provided the secrecy of the ballot is not impinged, and to station themselves in a position in the voting room as will enable them to observe the judges making the signature comparison between the voter application and the voter registration record card; provided, however, that such pollwatchers shall not be permitted to station themselves in such close proximity to the judges of election so as to interfere with the orderly conduct of the election and shall not, in any event, be permitted to handle election materials. Pollwatchers may challenge for cause the voting qualifications of a person offering to vote and may call to the attention of the judges of election any incorrect procedure or apparent violations of this Code.

If a majority of the judges of election determine that the polling place has become too overcrowded with pollwatchers so as to interfere with the orderly conduct of the election, the judges shall, by lot, limit such pollwatchers to a reasonable number, except that each established or new political party shall be permitted to have at least one pollwatcher present.

Representatives of an election authority, with regard to an election under its jurisdiction, the State Board of Elections, and law enforcement agencies, including but not limited to a United States Attorney, a State's attorney, the Attorney General, and a State, county, or local police department, in the performance of their official election duties, shall be permitted at all times to enter and remain in the polling place. Upon entering the polling place, such representatives shall display their official credentials or other identification to the judges of election.

Uniformed police officers assigned to polling place duty shall follow all lawful instructions of the judges of election.

The provisions of this Section shall also apply to supervised casting of absentee ballots as provided in Section 19-12.2 of this Act.

(Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05.)

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

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

On motion of Senator Halvorson, **Senate Bill No. 2399**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Millner, **Senate Bill No. 2402**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 2412**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 2475**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **Senate Bill No. 2489** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 2489**

AMENDMENT NO. 1. Amend Senate Bill 2489 on page 3, line 19, by replacing "fences," with "fences entirely surrounded by non-electric perimeter fences,".

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

On motion of Senator Garrett, **Senate Bill No. 2491**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Sullivan, **Senate Bill No. 2513**, having been printed, was taken up, read by title a second time and ordered to a third reading.

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

**REPORTS FROM STANDING COMMITTEES**

Senator Sandoval, Chairperson of the Committee on Commerce & Economic Development, to which was referred **Senate Bill No. 2196**, reported the same back with the recommendation that the bill do pass.

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

Senator Collins, Chairperson of the Committee on Financial Institutions, to which was referred **Senate Bill No. 2325**, reported the same back with the recommendation that the bill do pass.

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

Senator Collins, Chairperson of the Committee on Financial Institutions, to which was referred **Senate Bills numbered 2305 and 2495**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

**RESOLUTIONS CONSENT CALENDAR**

**SENATE RESOLUTION 581**

Offered by Senator Haine and all Senators:  
Mourns the death of James H. "Jeep" Greer, Jr., of Alton.

**SENATE RESOLUTION 582**

Offered by Senator Hunter and all Senators:  
Mourns the death of Richard G. Moore of North Aurora.

**SENATE RESOLUTION 583**

Offered by Senator Forby and all Senators:  
Mourns the death of Gregory Allen Barlow of Anna.

**SENATE RESOLUTION 584**

Offered by Senator Forby and all Senators:  
Mourns the death of Vernell "Bud" Baggett of Herrin.

**SENATE RESOLUTION 585**

Offered by Senator Forby and all Senators:  
Mourns the death of David Wasson Hindman of Herrin.

**SENATE RESOLUTION 586**

Offered by Senator Halvorson and all Senators:  
Mourns the death of Wilfred "Bill" Goreham, Jr., of Kankakee.

**SENATE RESOLUTION 587**

Offered by Senator Forby and all Senators:  
Mourns the death of Kenneth James Lampley of Benton.

**SENATE RESOLUTION 588**

Offered by Senator John Jones and all Senators:  
Mourns the death of USMC Lance Corporal Jonathan Kyle Price of Woodlawn.

**SENATE RESOLUTION 589**

Offered by Senator Shadid and all Senators:  
Mourns the death of Dr. Irving Favus of Peoria.

**SENATE RESOLUTION 590**

Offered by Senator Dillard and all Senators:  
Mourns the death of Paul Edward Toon of Lisle and Downers Grove.

**SENATE RESOLUTION 591**

Offered by Senator Dillard and all Senators:  
Mourns the death of Francis "Frank" R. Bridge of Downers Grove.

**SENATE RESOLUTION 592**

Offered by Senator Hunter and all Senators:  
Mourns the death of Barry Crown, recently of Jupiter, Florida.

**SENATE RESOLUTION 596**

Offered by Senator Link and all Senators:  
Mourns the death of Sergeant First Class James Scott Ochsner of Waukegan.

**SENATE RESOLUTION 597**

Offered by Senator Link and all Senators:  
Mourns the death of the Reverend Frank W. Plotka of Waukegan.

**SENATE RESOLUTION 598**

Offered by Senator Link and all Senators:  
Mourns the death of Anton "Tony" Urbancic of Waukegan.

**SENATE RESOLUTION 599**

Offered by Senator Link and all Senators:  
Mourns the death of Bernard J. Lachner.

**SENATE RESOLUTION 600**

Offered by Senator Lightford and all Senators:  
Mourns the death of Ennis Thomas Lightford of Chicago.

The Chair moved the adoption of the foregoing resolutions.  
The motion prevailed, and the resolutions were adopted.

**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 House Joint Resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

**HOUSE JOINT RESOLUTION NO. 94**

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the House of Representatives adjourns on Wednesday, February 1, 2006, it stands adjourned until Friday, February 3, 2006, in perfunctory session, and when it adjourns on that day, it stands adjourned until Monday, February 06, 2006, in perfunctory session, and when it adjourns on that day, it stands adjourned until Tuesday, February 07, 2006, at 12:00 o'clock noon; and when the Senate adjourns on Thursday, February 2, 2006, it stands adjourned until Tuesday, February 7, 2006, at 12:00 o'clock noon.

Adopted by the House, February 1, 2006.

MARK MAHONEY, Clerk of the House

By unanimous consent, on motion of Senator Halvorson, the foregoing message reporting House Joint Resolution No. 94 was taken up for immediate consideration.

Senator Halvorson 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.

At the hour of 10:30 o'clock p.m., pursuant to **House Joint Resolution No. 94**, the Chair announced the Senate stand adjourned until Tuesday, February 7, 2006, at 12:00 o'clock noon.