



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FOURTH GENERAL ASSEMBLY

94TH LEGISLATIVE DAY

WEDNESDAY, MARCH 29, 2006

10:43 O'CLOCK A.M.

SENATE
Daily Journal Index
94th Legislative Day

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The Senate met pursuant to adjournment.
 Honorable Emil Jones, Jr., President of the Senate, presiding.
 Prayer by Pastor Michael Keppler, Springfield Southern Baptist Church, Springfield, Illinois.
 Senator Maloney led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Tuesday, March 28, 2006, be postponed, pending arrival of the printed Journal.

The motion prevailed.

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 1 to House Bill 4339
 Senate Floor Amendment No. 2 to House Bill 4357
 Senate Floor Amendment No. 1 to House Bill 4853
 Senate Floor Amendment No. 2 to House Bill 5555

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

Senate Floor Amendment No. 1 to Senate Bill 626
 Senate Floor Amendment No. 2 to Senate Bill 848

REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its March 29, 2006 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture & Conservation: **Senate Floor Amendment No. 2 to House Bill 5407.**

Education: **Senate Floor Amendment No. 1 to Senate Bill 857; Senate Floor Amendment No. 1 to Senate Bill 858; Senate Floor Amendment No. 1 to Senate Bill 859; Senate Floor Amendment No. 1 to Senate Bill 861; Senate Floor Amendment No. 1 to House Bill 4987.**

Environment & Energy: **Senate Floor Amendment No. 1 to Senate Bill 928; Senate Floor Amendment No. 1 to Senate Bill 929; Senate Floor Amendment No. 3 to Senate Bill 1028; Senate Floor Amendment No. 1 to House Bill 4977; Senate Floor Amendment No. 1 to House Bill 5555.**

Executive: **Senate Floor Amendment No. 1 to Senate Bill 946; Senate Floor Amendment No. 1 to Senate Bill 1089; Senate Floor Amendment No. 1 to Senate Bill 1204; Senate Floor Amendment No. 1 to House Bill 4449; Senate Floor Amendment No. 1 to House Bill 4752; Senate Floor Amendment No. 1 to House Bill 5524.**

Health & Human Services: **Senate Floor Amendment No. 1 to Senate Bill 927; Senate Floor Amendment No. 1 to Senate Bill 1001; Senate Floor Amendment No. 2 to House Bill 4186; Senate Floor Amendment No. 1 to House Bill 4195; Senate Floor Amendment No. 2 to House Bill 5348.**

Higher Education: **Senate Floor Amendment No. 1 to Senate Bill 881; Senate Floor Amendment No. 1 to Senate Bill 882; Senate Floor Amendment No. 1 to House Bill 4406.**

Housing & Community Affairs: **Senate Floor Amendment No. 1 to House Bill 4719; Senate Floor Amendment No. 2 to House Bill 5299; Senate Floor Amendment No. 1 to House Bill 5377.**

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Insurance: **Senate Floor Amendment No. 1 to Senate Bill 916.**

Judiciary: **Senate Floor Amendment No. 2 to Senate Bill 622; Senate Floor Amendment No. 1 to Senate Bill 1088; Senate Floor Amendment No. 1 to Senate Bill 1143; Senate Floor Amendment No. 1 to Senate Bill 1144; Senate Floor Amendment No. 1 to Senate Bill 1145; Senate Floor Amendment No. 5 to House Bill 1299; Senate Floor Amendment No. 2 to House Bill 2067; Senate Floor Amendment No. 1 to House Bill 4193; Senate Floor Amendment No. 2 to House Bill 4222; Senate Floor Amendment No. 3 to House Bill 4222; Senate Floor Amendment No. 2 to House Bill 4238; Senate Floor Amendment No. 2 to House Bill 4298; Senate Floor Amendment No. 1 to House Bill 4357; Senate Floor Amendment No. 1 to House Bill 4398; Senate Floor Amendment No. 2 to House Bill 4438; Senate Floor Amendment No. 1 to House Bill 4788; Senate Floor Amendment No. 1 to House Bill 5249; Senate Floor Amendment No. 2 to House Bill 5342.**

Local Government: **Senate Floor Amendment No. 1 to Senate Bill 848; Senate Floor Amendment No. 1 to House Bill 874; Senate Floor Amendment No. 1 to House Bill 4960.**

Pensions & Investments: **Senate Floor Amendment No. 3 to Senate Bill 789; Senate Floor Amendment No. 1 to Senate Bill 796.**

Revenue: **Senate Floor Amendment No. 1 to Senate Bill 680; Senate Floor Amendment No. 1 to Senate Bill 711; Senate Floor Amendment No. 1 to Senate Bill 836; Senate Floor Amendment No. 2 to Senate Bill 837; Senate Floor Amendment No. 1 to Senate Bill 842; Senate Floor Amendment No. 2 to House Bill 4789.**

State Government: **Senate Floor Amendment No. 1 to Senate Bill 623; Senate Floor Amendment No. 1 to House Bill 4461.**

Transportation: **Senate Floor Amendment No. 1 to Senate Bill 624; Senate Floor Amendment No. 1 to House Bill 3126; Senate Floor Amendment No. 1 to House Bill 5506; Senate Floor Amendment No. 2 to House Bill 5506.**

COMMITTEE MEETING ANNOUNCEMENTS

Senator Garrett, Member of the Committee on Education, announced that the Education Committee will meet today in Room 212, at 12:00 o'clock p.m.

Senator Garrett, Chairperson of the Committee on State Government, announced that the State Government Committee will meet today in Room A-1 Stratton Building, at 4:00 o'clock p.m.

Senator Haine, Chairperson of the Committee on Insurance, announced that the Insurance Committee will meet today in Room 400, at 12:00 o'clock p.m.

Senator Crotty, Chairperson of the Committee on Local Government, announced that the Local Government Committee will meet today in Room A-1 Stratton Building, at 12:00 o'clock p.m.

Senator Clayborne, Chairperson of the Committee on Environment & Energy, announced that the Environment & Energy Committee will meet today in Room 212, at 3:00 o'clock p.m.

Senator Shadid, Vice-Chairperson of the Committee on Transportation, announced that the Transportation Committee will meet today in Room 400, at 1:00 o'clock p.m.

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

Senator Harmon, Chairperson of the Committee on Revenue, announced that the Revenue Committee will meet today in Room 400, at 4:00 o'clock p.m.

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Senator Silverstein, Chairperson of the Committee on Executive, announced that the Executive Committee will meet today in Room 212, at 4:00 o'clock p.m.

Senator Demuzio, Member of the Committee on Agriculture & Conservation, announced that the Agriculture & Conservation Committee will meet today in Room A-1 Stratton Building, at 3:00 o'clock p.m.

Senator Maloney, Chairperson of the Committee on Higher Education, announced that the Higher Education Committee will meet today in Room 400, at 5:00 o'clock p.m.

Senator Cullerton, Co-Chairperson of the Committee on Judiciary, announced that the Judiciary Committee will meet today in Room 212, at 1:00 o'clock p.m.

Senator Martinez, Chairperson of the Committee on Pensions & Investments, announced that the Pensions & Investments Committee will meet today in Room 400, at 2:30 o'clock p.m.

Senator Martinez, Vice-Chairperson of the Committee on Housing & Community Affairs, announced that the Housing & Community Affairs Committee will meet today in Room A-1 Stratton Building, at 1:00 o'clock p.m.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Garrett, **House Bill No. 4125**, 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 44; Nays 11.

The following voted in the affirmative:

| | | | |
|-----------|-------------|------------|---------------|
| Althoff | Garrett | Maloney | Schoenberg |
| Axley | Geo-Karis | Martinez | Shadid |
| Clayborne | Haine | Meeks | Silverstein |
| Collins | Halvorson | Millner | Sullivan |
| Cronin | Harmon | Pankau | Trotter |
| Crotty | Hendon | Peterson | Viverito |
| Cullerton | Hunter | Radogno | Wilhelmi |
| del Valle | Jacobs | Raoul | Mr. President |
| DeLeo | Jones, W. | Ronen | |
| Demuzio | Lightford | Roskam | |
| Dillard | Link | Rutherford | |
| Forby | Luechtefeld | Sandoval | |

The following voted in the negative:

| | | | |
|-----------|-----------|----------|--------|
| Bomke | Dahl | Risinger | Watson |
| Brady | Jones, J. | Sieben | Winkel |
| Burzynski | Righter | Syverson | |

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.

[March 29, 2006]

On motion of Senator Viverito, **House Bill No. 4217**, 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 | Forby | Maloney | Schoenberg |
| Axley | Garrett | Martinez | Shadid |
| Bomke | Geo-Karis | Meeks | Sieben |
| Brady | Haine | Millner | Silverstein |
| Burzynski | Halvorson | Munoz | Sullivan |
| Clayborne | Harmon | Pankau | Syverson |
| Collins | Hendon | Peterson | Trotter |
| Cronin | Hunter | Radogno | Viverito |
| Crotty | Jacobs | Raoul | Watson |
| Cullerton | Jones, J. | Righter | Wilhelmi |
| Dahl | Jones, W. | Risinger | Winkel |
| del Valle | Lauzen | Ronen | Mr. President |
| DeLeo | Lightford | Roskam | |
| Demuzio | Link | Rutherford | |
| Dillard | Luechtefeld | Sandoval | |

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. 4308**, 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 | Forby | Maloney | Schoenberg |
| Axley | Garrett | Martinez | Shadid |
| Bomke | Geo-Karis | Meeks | Sieben |
| Brady | Haine | Millner | Silverstein |
| Burzynski | Halvorson | Munoz | Sullivan |
| Clayborne | Harmon | Pankau | Syverson |
| Collins | Hendon | Peterson | Trotter |
| Cronin | Hunter | Radogno | Viverito |
| Crotty | Jacobs | Raoul | Watson |
| Cullerton | Jones, J. | Righter | Wilhelmi |
| Dahl | Jones, W. | Risinger | Winkel |
| del Valle | Lauzen | Ronen | Mr. President |
| DeLeo | Lightford | Roskam | |
| Demuzio | Link | Rutherford | |
| Dillard | Luechtefeld | Sandoval | |

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).

[March 29, 2006]

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Clayborne, **House Bill No. 4362**, 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 | Forby | Maloney | Schoenberg |
| Axley | Garrett | Martinez | Shadid |
| Bomke | Geo-Karis | Meeks | Sieben |
| Brady | Haine | Millner | Silverstein |
| Burzynski | Halvorson | Munoz | Sullivan |
| Clayborne | Harmon | Pankau | Syverson |
| Collins | Hendon | Peterson | Trotter |
| Cronin | Hunter | Radogno | Viverito |
| Crotty | Jacobs | Raoul | Watson |
| Cullerton | Jones, J. | Righter | Wilhelmi |
| Dahl | Jones, W. | Risinger | Winkel |
| del Valle | Lauzen | Ronen | Mr. President |
| DeLeo | Lightford | Roskam | |
| Demuzio | Link | Rutherford | |
| Dillard | Luechtefeld | Sandoval | |

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 Silverstein, **House Bill No. 4370**, 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 | Forby | Maloney | Schoenberg |
| Axley | Garrett | Martinez | Shadid |
| Bomke | Geo-Karis | Meeks | Sieben |
| Brady | Haine | Millner | Silverstein |
| Burzynski | Halvorson | Munoz | Sullivan |
| Clayborne | Harmon | Pankau | Syverson |
| Collins | Hendon | Peterson | Trotter |
| Cronin | Hunter | Radogno | Viverito |
| Crotty | Jacobs | Raoul | Watson |
| Cullerton | Jones, J. | Righter | Wilhelmi |
| Dahl | Jones, W. | Risinger | Winkel |
| del Valle | Lauzen | Ronen | Mr. President |
| DeLeo | Lightford | Roskam | |
| Demuzio | Link | Rutherford | |
| Dillard | Luechtefeld | Sandoval | |

[March 29, 2006]

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. 4383**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

On motion of Senator Viverito, **House Bill No. 4726**, 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 3.

The following voted in the affirmative:

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

[March 29, 2006]

Forby

Maloney

Sandoval

The following voted in the negative:

Burzynski
Dillard
Lauzen

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sieben, **House Bill No. 4793**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Cullerton, **House Bill No. 4835**, 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; Present 1.

The following voted in the affirmative:

| | | | |
|-----------|-----------|----------|-------------|
| Althoff | Garrett | Maloney | Roskam |
| Axley | Geo-Karis | Martinez | Sandoval |
| Clayborne | Haine | Meeks | Schoenberg |
| Collins | Halvorson | Millner | Silverstein |
| Cronin | Harmon | Munoz | Trotter |
| Crotty | Hunter | Radogno | Viverito |

[March 29, 2006]

| | | | |
|-----------|-----------|-------|---------------|
| del Valle | Lightford | Raoul | Mr. President |
| DeLeo | Link | Ronen | |

The following voted in the negative:

| | | | |
|-----------|-------------|------------|----------|
| Bomke | Jacobs | Peterson | Sullivan |
| Brady | Jones, J. | Righter | Syverson |
| Burzynski | Jones, W. | Risinger | Watson |
| Dahl | Lauzen | Rutherford | Wilhelmi |
| Demuzio | Luechtefeld | Shadid | Winkel |
| Forby | Pankau | Sieben | |

The following voted present:

Hendon

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.

EXCUSED FROM ATTENDANCE

On motion of Senator Burzynski, Senator Rauschenberger was excused from attendance today and tomorrow due to business with NCSL.

REPORTS FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, to which was referred **Senate Bill No. 626** on July 1, 2005, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **Senate Bill No. 626** was returned to the order of third reading.

Senator Viverito, Chairperson of the Committee on Rules, during its March 29, 2006 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Floor Amendment No. 1 to Senate Bill 626.**

MESSAGES FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

March 29, 2006

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

[March 29, 2006]

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Rickey Hendon to resume his position on the following Senate Committees:

Executive Appointments
Executive
Labor

These appointments are effective immediately.

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

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

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

March 29, 2006

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

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Kimberly Lightford to resume her position on the following Senate Committees:

Education
Financial Institutions
Higher Education
Labor

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

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

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

March 29, 2006

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

[March 29, 2006]

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Mattie Hunter to resume her position on the following Senate Committees:

Health & Human Services
Housing & Community Affairs
Pensions & Investments
State Government

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

At the hour of 12:05 o'clock p.m., Senator del Valle presiding.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Link, **House Bill No. 5274**, 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 48; Nays 6.

The following voted in the affirmative:

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

The following voted in the negative:

| | | |
|--------|----------|------------|
| Bomke | Peterson | Roskam |
| Lauzen | Righter | Rutherford |

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Halvorson, **House Bill No. 5283**, 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.

[March 29, 2006]

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

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

On motion of Senator Roskam, **House Bill No. 5336**, 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 | Dillard | Luechtefeld | Rutherford |
| Axley | Forby | Maloney | Sandoval |
| Bomke | Garrett | Martinez | Schoenberg |
| Brady | Geo-Karis | Meeks | Shadid |
| Burzynski | Haine | Millner | Sieben |
| Clayborne | Halvorson | Munoz | Silverstein |
| Collins | Harmon | Pankau | Sullivan |
| Cronin | Hendon | Peterson | Syverson |
| Crotty | Jacobs | Radogno | Trotter |
| Cullerton | Jones, J. | Raoul | Viverito |
| Dahl | Jones, W. | Righter | Watson |
| del Valle | Lauzen | Risinger | Wilhelmi |
| DeLeo | Lightford | Ronen | Mr. President |
| Demuzio | Link | 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.

PRESENTATION OF RESOLUTION

Senators Rutherford - E. Jones - Watson and all Senators offered the following Senate Resolution:

SENATE RESOLUTION NO. 695

WHEREAS, Adeline Geo-Karis was born on March 29, 1918, in Tegeas, Greece, to become known as a proud American, political pioneer, and beloved public steward; and

WHEREAS, State Senator Adeline Geo-Karis has worked hard throughout her lengthy career to advance the public good and safeguard freedom, serving as a lieutenant commander in the U.S. Naval Reserves, Assistant State's Attorney, Justice of the Peace, Mayor of Zion, State Representative, and State Senator; and

WHEREAS, Adeline Geo-Karis has tirelessly served her constituents and the people of Illinois for 33 years, working in a bipartisan manner to enact legislation for strong crime control and to benefit veterans, senior citizens, children, people with disabilities, and the working majority; and

WHEREAS, Senator Geo-Karis was the first woman ever appointed Assistant State's Attorney in Lake County, and went on to become the first Lake County woman elected to the State Senate and House of Representatives; and

WHEREAS, She was the first woman in Illinois history to serve in Senate Leadership, serving for ten years as Assistant Senate Majority Leader; and

WHEREAS, As a strong advocate for veterans, Senator Geo-Karis serves as Chairperson of the Senate Republican Task Force on Veterans, where she has continually worked to protect our men and women in the Armed Forces; and

WHEREAS, As Co-Chair of the Senate Executive Appointments Committee, she is currently one of two Republican Senators to serve as co-chairman of a committee; and

WHEREAS, Senator Geo-Karis pioneered legislation on gasohol, solar energy, and other alternative energy resources, and is cited for her sponsorship of the Nuclear Safety Preparedness Act, the Alternative Energy Act, and many other laws to increase safety on Illinois lakes; and

WHEREAS, She successfully sponsored and supported important crime control legislation, and is a proud sponsor of the "Guilty but Mentally Ill" law; and

WHEREAS, She is active in many civic projects and is a member of several civic organizations, including the American Legion and AmVets; and

WHEREAS, Senator Geo-Karis heads her own law firm in Zion, Illinois, is a former municipal attorney for Mundelein, Vernon Hills, Libertyville Township, and Long Grove School District, and was elected Justice of the Peace in Lake County, Illinois; and

WHEREAS, During her 33 years of service, Adeline Geo-Karis has been consistently recognized for her commitment and support of Illinois' business community, senior citizens, and agriculture; and

WHEREAS, Her commitment to aiding and advancing the needs of Illinois veterans and Armed Forces has displayed the highest form of compassion, patriotism, and human decency; and

WHEREAS, While she values her American citizenship, Adeline Geo-Karis has continued to celebrate her Greek heritage and has remained committed to the Greek community throughout her tenure as a public official; and

WHEREAS, She has been affectionately dubbed "Geo" by her friends and colleagues and is a beloved political icon known throughout Illinois for her hard work, wit, and gracious demeanor; and

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WHEREAS, Geo has been and will continue to be an inspiration to women and men everywhere, for her many achievements, accomplishments, and service to the people of Illinois; and

WHEREAS, March 29, 2006, will be the 88th anniversary of Adeline Geo-Karis' birth; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we proclaim and recognize March 29, 2006, as "Adeline Geo-Karis Day" in the State of Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Senator Geo-Karis as an expression of our admiration and esteem.

Senator Rutherford, 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 1:32 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 5:50 o'clock p.m., the Senate resumed consideration of business.
Honorable Emil Jones, Jr., President of the Senate, presiding.

COMMUNICATION FROM MINORITY LEADER

ILLINOIS STATE SENATE
FRANK C. WATSON
STATE SENATOR
51ST SENATE DISTRICT

March 29, 2006

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

Dear Madam Secretary:

Pursuant to Senate Rule 3-2(c), I hereby appoint Senator Dale Righter to temporarily replace Senator Ed Petka as a member of the Senate Judiciary Committee. This appointment is effective immediately and will expire on March 30, 2006.

Sincerely,
s/Frank Watson
Senate Republican Leader

REPORTS FROM STANDING COMMITTEES

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

[March 29, 2006]

Senate Amendment No. 1 to Senate Bill 857
Senate Amendment No. 1 to Senate Bill 859
Senate Amendment No. 1 to Senate Bill 861

Senate Amendment No. 1 to House Bill 4987

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

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

Senate Amendment No. 1 to Senate Bill 916

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

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

Senate Amendment No. 1 to Senate Bill 848

Senate Amendment No. 1 to House Bill 874
Senate Amendment No. 1 to House Bill 4960

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

Senator Cullerton and Senator Dillard, Chairpersons of the Committee on Judiciary, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 622
Senate Amendment No. 1 to Senate Bill 1088
Senate Amendment No. 1 to Senate Bill 1143
Senate Amendment No. 1 to Senate Bill 1144
Senate Amendment No. 1 to Senate Bill 1145

Senate Amendment No. 5 to House Bill 1299
Senate Amendment No. 2 to House Bill 2067
Senate Amendment No. 1 to House Bill 4193
Senate Amendment No. 2 to House Bill 4222
Senate Amendment No. 3 to House Bill 4222
Senate Amendment No. 2 to House Bill 4238
Senate Amendment No. 2 to House Bill 4298
Senate Amendment No. 1 to House Bill 4398
Senate Amendment No. 2 to House Bill 4438
Senate Amendment No. 1 to House Bill 4788
Senate Amendment No. 1 to House Bill 5249
Senate Amendment No. 2 to House Bill 5342

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

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

Senate Amendment No. 1 to Senate Bill 624

Senate Amendment No. 1 to House Bill 3126
Senate Amendment No. 1 to House Bill 5506
Senate Amendment No. 2 to House Bill 5506

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

[March 29, 2006]

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

Senate Amendment No. 1 to House Bill 4719

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

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

Senate Amendment No. 3 to Senate Bill 789

Senate Amendment No. 1 to Senate Bill 796

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

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

Senate Amendment No. 1 to Senate Bill 929

Senate Amendment No. 3 to Senate Bill 1028

Senate Amendment No. 1 to House Bill 4977

Senate Amendment No. 1 to House Bill 5555

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

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

Senate Amendment No. 1 to Senate Bill 927

Senate Amendment No. 1 to Senate Bill 1001

Senate Amendment No. 2 to House Bill 4186

Senate Amendment No. 1 to House Bill 4195

Senate Amendment No. 2 to House Bill 5348

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

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

Senate Amendment No. 2 to House Bill 5407

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

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

Senate Amendment No. 1 to Senate Bill 626

Senate Amendment No. 1 to Senate Bill 946

Senate Amendment No. 1 to Senate Bill 1089

Senate Amendment No. 1 to Senate Bill 1204

Senate Amendment No. 1 to House Bill 4449

Senate Amendment No. 1 to House Bill 4752

Senate Amendment No. 1 to House Bill 5524

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

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

Senate Amendment No. 1 to Senate Bill 680
Senate Amendment No. 1 to Senate Bill 711
Senate Amendment No. 2 to Senate Bill 837
Senate Amendment No. 1 to Senate Bill 842

Senate Amendment No. 2 to House Bill 4789

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

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

Senate Amendment No. 1 to Senate Bill 623

Senate Amendment No. 1 to House Bill 4461

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

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

Senate Amendment No. 1 to Senate Bill 882

Senate Amendment No. 1 to House Bill 4406

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 693

Offered by Senator Lauzen and all Senators:
Mourns the death of Richard H. Rokop, Sr., of Aurora.

SENATE RESOLUTION 694

Offered by Senators Peterson – Link – Geo-Karis – Garrett and all Senators:
Mourns the death of Ila M. Bauer, Mayor of Round Lake Park.

SENATE RESOLUTION 696

Offered by Senator Petka and all Senators:
Mourns the death of the Reverend Dale A. Hauser, Jr., of Plainfield.

SENATE RESOLUTION 697

Offered by Senator Watson and all Senators:
Mourns the death of Raymond J. Petka of Wheaton.

SENATE RESOLUTION 698

Offered by Senator J. Sullivan and all Senators:
Mourns the death of Robert Francis “RT” Tracy of Mount Sterling.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

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

SENATE JOINT RESOLUTION NO. 88

WHEREAS, The Illinois higher education system is comprised of three main sectors that are each vital to the education, training, and economic vitality of our State; and

WHEREAS, The State's higher education system includes 12 public universities, 49 community colleges, and 90 independent, not-for profit colleges and universities, which are each important to the citizens of Illinois; and

WHEREAS, The State has a vested interest in seeing the continuing development of collaborations between institutions of higher learning and between the sectors in the higher education system; and

WHEREAS, Higher education institutions are good employers and are also vital contributors to many local economies across the State; and

WHEREAS, Community colleges and bachelor's degree-granting institutions often form collaborative, bachelor's degree-completion arrangements to deliver upper level courses on the community college campuses; and

WHEREAS, Community colleges have on occasion formed partnerships with public and private colleges and universities that are from another state; and

WHEREAS, The State of Illinois will benefit from the continued success and growth of Illinois institutions of higher education; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we urge the Board of Higher Education to strongly encourage community colleges seeking baccalaureate-completion partnerships to give preference to Illinois-based private and public institutions as partners, when possible, and to promote those community colleges that give this preference; and be it further

RESOLVED, That we direct the Board of Higher Education to conduct an inventory of baccalaureate-completion programs and partnerships between community colleges and public and private, in-state and out-of-state institutions and report its findings to the Higher Education Committees of the Senate and the House of Representatives on or before December 31, 2006; and be it further

RESOLVED, That we urge the Illinois Community College Board (ICCB) to review its policies and guidelines for Illinois community colleges that are seeking four-year institutions as degree-completion partners, with regard to preferences for Illinois-based institutions, and we urge the ICCB to create guidelines that will guide community colleges to seek Illinois-based institutions as bachelor's degree partners, when possible; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the members of the Board of Higher Education and the Illinois Community College Board.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 4258, sponsored by Senator Cronin, was taken up, read by title a first time and referred to the Committee on Rules.

[March 29, 2006]

COMMITTEE MEETING ANNOUNCEMENT

Senator Hendon, Co-Chairperson of the Committee on Executive Appointments, announced that the Executive Appointments Committee will meet Thursday, March 30, 2006, in Room 212, at 8:30 o'clock a.m.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator del Valle, **House Bill No. 4193** having been printed, was taken up and read by title a second time.

Senator del Valle offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 4193

AMENDMENT NO. 1. Amend House Bill 4193 on page 18, by inserting immediately below line 22 the following:

"(d) The Department of State Police shall commence the duties prescribed in the Child Murderer and Violent Offender Against Youth Registration Act within 12 months after the effective date of this Act."; and

on page 46, by inserting immediately below line 21 the following:

"Section 9999. Effective date. This Act takes effect upon becoming law."

The motion prevailed, and the amendment was adopted and ordered printed.

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

On motion of Senator del Valle, **House Bill No. 4195** having been printed, was taken up and read by title a second time.

Senator del Valle offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 4195

AMENDMENT NO. 1. Amend House Bill 4195 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Public Aid Law of the Civil Administrative Code of Illinois is amended by adding Section 2205-15 as follows:

(20 ILCS 2205/2205-15 new)

Sec. 2205-15. Advisory Committee on Children's Health Insurance Programs.

(a) There is created an Advisory Committee on Children's Health Insurance Programs within the Department of Healthcare and Family Services. In addition to members representing healthcare providers, advocates, consumers, and other parties with an interest in children's health insurance programs, the Director shall appoint to the Advisory Committee one member of the House of Representatives representing the majority party, one member of the House of Representative representing the minority party, one member of the Senate representing the majority party, and one member of the Senate representing the minority party.

(b) The duties of the Advisory Committee shall include the following:

(1) To gather information and make recommendations relating to access to quality, affordable health insurance for children in Illinois. The Advisory Committee shall examine the cost effectiveness of current programs and assess whether programs are meeting goals established for the programs.

(2) To conduct public hearings in locations throughout the State. Comment and testimony at public hearings is to be sought from those served by State programs providing health insurance to children, employers located in Illinois, health care finance experts, and advocates for those receiving or in need of health insurance.

(3) To serve as an official forum for discussions concerning the implementation and oversight of current health insurance programs, including discussion on administrative rules needed to administer the programs.

(4) To file a report with the Director of Healthcare and Family Services, the Governor, and the General Assembly within 12 months after the effective date of this amendatory Act of the 94th General

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Assembly that contains all of the following information:

(A) Enrollment data, including a comparison of enrollment in the Children's Health Insurance Program administered by the Department on November 15, 2005, enrollment in the Children's Health Insurance Program at the time of the report, and enrollment in the Covering ALL KIDS Health Insurance Program at the time of the report.

(B) Demographic information showing enrollment in children's health insurance programs throughout the State.

(C) A description of outreach efforts to the hardest to reach populations to ensure that all families with uninsured children are given an opportunity to enroll in the Children's Health Insurance Program or in the Covering ALL KIDS Health Insurance Program.

(D) A status update on the study required under Section 45 of the Covering ALL KIDS Health Insurance Act.

(E) Information on the total cost to the State and to families to insure newly enrolled children if the children had been insured through the private insurance market.

(F) Data on the benefits of insuring children.

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

The motion prevailed, and the amendment was adopted and ordered printed.

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

On motion of Senator Lightford, **House Bill No. 4339** was taken up, read by title a second time.

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

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

On motion of Senator Collins, **House Bill No. 4406** having been printed, was taken up and read by title a second time.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 4406

AMENDMENT NO. 1. Amend House Bill 4406 by replacing everything after the enacting clause with the following:

"Section 5. The Higher Education Student Assistance Act is amended by adding Section 65.75 as follows:

(110 ILCS 947/65.75 new)

Sec. 65.75. Grant for a person raised by a grandparent.

(a) The Commission shall, each year, receive and consider applications for grant assistance under this Section. An applicant is eligible for a grant under this Section if the Commission finds that the applicant:

(1) has been in the legal custody of his or her grandparent and received public aid assistance under the Illinois Public Aid Code for a period of at least the consecutive 12 months preceding the initial application for assistance under this Section;

(2) has graduated from high school with a cumulative grade point average of at least a 2.7 on a 4.0 scale or its equivalent;

(3) has been recommended for assistance under this Section by the principal or other appropriate administrative officer of his or her high school; and

(4) is enrolled in or plans to enroll in an institution of higher learning in this State full-time.

(b) Applicants who are determined to be eligible for assistance under this Section shall receive, subject to appropriation, a renewable grant of \$1,000 to be applied to tuition and mandatory fees and paid directly to the institution of higher learning at which the applicant is enrolled. However, the total amount of assistance awarded by the Commission under this Section to an individual in any fiscal year, when added to other financial assistance awarded by the Commission to that individual for that fiscal year, must not exceed the cost of attendance at the institution of higher learning at which the student is enrolled.

(c) A grant awarded under this Section may be renewed for a total of up to 4 years of full-time enrollment. All of the following are conditions of grant renewal:

(1) The student must provide the Commission with a recommendation for the grant by an academic counselor, advisor, or instructor at the student's institution of higher learning.

(2) The student must have, at the time of renewal, a cumulative grade point average of at least a 2.7

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on a 4.0 scale or its equivalent at the institution of higher learning.

(d) The Commission shall make all necessary and proper rules not inconsistent with this Section for its effective implementation."

The motion prevailed, and the amendment was adopted and ordered printed.
There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 4461** having been printed, was taken up and read by title a second time.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 4461

AMENDMENT NO. 1. Amend House Bill 4461 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 605-430 as follows:

(20 ILCS 605/605-430 new)

Sec. 605-430. Funding: study. To ensure the availability of a quality health care workforce to meet present and future health care needs within the State, the Department of Commerce and Economic Opportunity may, subject to appropriation, conduct a study of the current and projected academic training capacity in the State of Illinois specific to the nursing profession. The study shall address the current supply and demand for masters-prepared nurses as nursing school faculty and set specific goals for recruiting and training new nursing faculty throughout the region. The study shall also determine the feasibility of the State engaging in the following activities: (i) the establishment of scholarship funds and work-study programs to help recruit potential new nursing school faculty, (ii) the creation of a system to regularly review and increase nurse faculty salary and benefits to make academic practice competitive with clinical practice, and (iii) the development of career track programs for academia that offer advancement and rewards for nursing school faculty comparable to those in clinical management. The study shall include the collaborative input of hospital and other health care provider associations and public and private educational institutions from throughout the State.

Subject to the availability of State funds, the Department of Commerce and Economic Opportunity shall complete the study by July 1, 2007 and shall present its findings to the General Assembly for consideration.

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

The motion prevailed, and the amendment was adopted and ordered printed.
There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Clayborne, **House Bill No. 4527** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 4752** having been printed, was taken up and read by title a second time.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 4752

AMENDMENT NO. 1. Amend House Bill 4752 by replacing lines 7 through 30 on page 1 and all of page 2 with the following:

"Sec. 7-103.125. Quick-take."

The motion prevailed, and the amendment was adopted and ordered printed.
There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 4788** having been printed, was taken up and read by title a second time.

Senator Lightford offered the following amendment and moved its adoption:

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AMENDMENT NO. 1 TO HOUSE BILL 4788

AMENDMENT NO. 1. Amend House Bill 4788 on page 1, line 15, after the period, by inserting the following:

"The rule shall provide that assigned obligations shall be compromised only in exchange for regular payment of support owed to the family and shall require that obligors considered for debt compromise demonstrate inability to pay during the time the assigned obligation accumulated. The rule shall provide for nullification of any compromise agreement and the prohibition of any future compromise agreement if the obligor fails to adhere to the compromise agreement. In addition, the rule shall establish debt compromise criteria calculated to maximize positive effects on families and the level of federal incentive payments payable to the State under Title IV, Part D of the Social Security Act and regulations promulgated thereunder."

The motion prevailed, and the amendment was adopted and ordered printed.

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

On motion of Senator Harmon, **House Bill No. 4789** having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was tabled in the Committee on Revenue.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 4789

AMENDMENT NO. 2. Amend House Bill 4789 by replacing everything after the enacting clause with the following:

"Section 1. Findings; purpose; validation.

(a) The General Assembly finds and declares that:

(1) Public Act 88-669, effective November 29, 1994, created Section 15-172 of the Property Tax Code, then known as the Senior Citizens Tax Freeze Homestead Exemption. Public Act 88-669 also contained other provisions.

(2) The Senior Citizens Tax Freeze Homestead Exemption has been renamed the Senior Citizens Assessment Freeze Homestead Exemption.

(3) The Illinois Supreme Court declared Public Act 88-669 to be unconstitutional as a violation of the single subject clause of the Illinois Constitution in *People v. Olender*, Docket No. 98932, opinion filed December 15, 2005.

(b) Among the purposes of this Act is the re-enactment of the provisions of Section 15-172 of the Property Tax Code and to minimize or prevent any problems concerning those provisions that may arise from the unconstitutionality of Public Act 88-669. This re-enactment is intended to remove any question as to the validity and content of those provisions; it is not intended to supersede any other Public Act that amends the provisions re-enacted in this Act. The re-enacted material is shown in this Act as existing text (i.e., without underscoring) and includes changes made by subsequent amendments. We are also making substantive changes to the Section; these changes are shown with striking and underscoring.

(c) The re-enactment of the provisions of Section 15-172 of the Property Tax Code by this Act is not intended, and shall not be construed, to impair any legal argument concerning whether those provisions were substantially re-enacted by any other Public Act.

(d) All otherwise lawful actions taken before the effective date of this Act in reliance on or pursuant to the provisions re-enacted by this Act, as those provisions were set forth in Public Act 88-669 or as subsequently amended, by any officer, employee, or agency of State government or by any other person or entity, are hereby validated, except to the extent prohibited under the Illinois or United States Constitution.

(e) This Act applies, without limitation, to actions pending on or after the effective date of this Act, except to the extent prohibited under the Illinois or United States Constitution.

Section 5. The Property Tax Code is amended by changing Section 15-170 and by re-enacting and changing Section 15-172 as follows:

(35 ILCS 200/15-170)

Sec. 15-170. Senior Citizens Homestead Exemption. An annual homestead exemption limited, except as described here with relation to cooperatives or life care facilities, to a maximum reduction set forth

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below from the property's value, as equalized or assessed by the Department, is granted for property that is occupied as a residence by a person 65 years of age or older who is liable for paying real estate taxes on the property and is an owner of record of the property or has a legal or equitable interest therein as evidenced by a written instrument, except for a leasehold interest, other than a leasehold interest of land on which a single family residence is located, which is occupied as a residence by a person 65 years or older who has an ownership interest therein, legal, equitable or as a lessee, and on which he or she is liable for the payment of property taxes. Before taxable year 2004, the maximum reduction shall be \$2,500 in counties with 3,000,000 or more inhabitants and \$2,000 in all other counties. For taxable years 2004 through 2005 and thereafter, the maximum reduction shall be \$3,000 in all counties. For taxable years 2006 and thereafter, the maximum reduction shall be \$3,500 in all counties.

For land improved with an apartment building owned and operated as a cooperative, the maximum reduction from the value of the property, as equalized by the Department, shall be multiplied by the number of apartments or units occupied by a person 65 years of age or older who is liable, by contract with the owner or owners of record, for paying property taxes on the property and is an owner of record of a legal or equitable interest in the cooperative apartment building, other than a leasehold interest. For land improved with a life care facility, the maximum reduction from the value of the property, as equalized by the Department, shall be multiplied by the number of apartments or units occupied by persons 65 years of age or older, irrespective of any legal, equitable, or leasehold interest in the facility, who are liable, under a contract with the owner or owners of record of the facility, for paying property taxes on the property. In a cooperative or a life care facility where a homestead exemption has been granted, the cooperative association or the management firm of the cooperative or facility shall credit the savings resulting from that exemption only to the apportioned tax liability of the owner or resident who qualified for the exemption. Any person who willfully refuses to so credit the savings shall be guilty of a Class B misdemeanor. Under this Section and Sections 15-175 and 15-176, "life care facility" means a facility as defined in Section 2 of the Life Care Facilities Act, with which the applicant for the homestead exemption has a life care contract as defined in that Act.

When a homestead exemption has been granted under this Section and the person qualifying subsequently becomes a resident of a facility licensed under the Nursing Home Care Act, the exemption shall continue so long as the residence continues to be occupied by the qualifying person's spouse if the spouse is 65 years of age or older, or if the residence remains unoccupied but is still owned by the person qualified for the homestead exemption.

A person who will be 65 years of age during the current assessment year shall be eligible to apply for the homestead exemption during that assessment year. Application shall be made during the application period in effect for the county of his residence.

Beginning with assessment year 2003, for taxes payable in 2004, property that is first occupied as a residence after January 1 of any assessment year by a person who is eligible for the senior citizens homestead exemption under this Section must be granted a pro-rata exemption for the assessment year. The amount of the pro-rata exemption is the exemption allowed in the county under this Section divided by 365 and multiplied by the number of days during the assessment year the property is occupied as a residence by a person eligible for the exemption under this Section. The chief county assessment officer must adopt reasonable procedures to establish eligibility for this pro-rata exemption.

The assessor or chief county assessment officer may determine the eligibility of a life care facility to receive the benefits provided by this Section, by affidavit, application, visual inspection, questionnaire or other reasonable methods in order to insure that the tax savings resulting from the exemption are credited by the management firm to the apportioned tax liability of each qualifying resident. The assessor may request reasonable proof that the management firm has so credited the exemption.

The chief county assessment officer of each county with less than 3,000,000 inhabitants shall provide to each person allowed a homestead exemption under this Section a form to designate any other person to receive a duplicate of any notice of delinquency in the payment of taxes assessed and levied under this Code on the property of the person receiving the exemption. The duplicate notice shall be in addition to the notice required to be provided to the person receiving the exemption, and shall be given in the manner required by this Code. The person filing the request for the duplicate notice shall pay a fee of \$5 to cover administrative costs to the supervisor of assessments, who shall then file the executed designation with the county collector. Notwithstanding any other provision of this Code to the contrary, the filing of such an executed designation requires the county collector to provide duplicate notices as indicated by the designation. A designation may be rescinded by the person who executed such designation at any time, in the manner and form required by the chief county assessment officer.

The assessor or chief county assessment officer may determine the eligibility of residential property to receive the homestead exemption provided by this Section by application, visual inspection,

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questionnaire or other reasonable methods. The determination shall be made in accordance with guidelines established by the Department.

In counties with less than 3,000,000 inhabitants, the county board may by resolution provide that if a person has been granted a homestead exemption under this Section, the person qualifying need not reapply for the exemption.

In counties with less than 3,000,000 inhabitants, if the assessor or chief county assessment officer requires annual application for verification of eligibility for an exemption once granted under this Section, the application shall be mailed to the taxpayer.

The assessor or chief county assessment officer shall notify each person who qualifies for an exemption under this Section that the person may also qualify for deferral of real estate taxes under the Senior Citizens Real Estate Tax Deferral Act. The notice shall set forth the qualifications needed for deferral of real estate taxes, the address and telephone number of county collector, and a statement that applications for deferral of real estate taxes may be obtained from the county collector.

Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.

(Source: P.A. 92-196, eff. 1-1-02; 93-511, eff. 8-11-03; 93-715, eff. 7-12-04.)

(35 ILCS 200/15-172)

Sec. 15-172. Senior Citizens Assessment Freeze Homestead Exemption.

(a) This Section may be cited as the Senior Citizens Assessment Freeze Homestead Exemption.

(b) As used in this Section:

"Applicant" means an individual who has filed an application under this Section.

"Base amount" means the base year equalized assessed value of the residence plus the first year's equalized assessed value of any added improvements which increased the assessed value of the residence after the base year.

"Base year" means the taxable year prior to the taxable year for which the applicant first qualifies and applies for the exemption provided that in the prior taxable year the property was improved with a permanent structure that was occupied as a residence by the applicant who was liable for paying real property taxes on the property and who was either (i) an owner of record of the property or had legal or equitable interest in the property as evidenced by a written instrument or (ii) had a legal or equitable interest as a lessee in the parcel of property that was single family residence. If in any subsequent taxable year for which the applicant applies and qualifies for the exemption the equalized assessed value of the residence is less than the equalized assessed value in the existing base year (provided that such equalized assessed value is not based on an assessed value that results from a temporary irregularity in the property that reduces the assessed value for one or more taxable years), then that subsequent taxable year shall become the base year until a new base year is established under the terms of this paragraph. For taxable year 1999 only, the Chief County Assessment Officer shall review (i) all taxable years for which the applicant applied and qualified for the exemption and (ii) the existing base year. The assessment officer shall select as the new base year the year with the lowest equalized assessed value. An equalized assessed value that is based on an assessed value that results from a temporary irregularity in the property that reduces the assessed value for one or more taxable years shall not be considered the lowest equalized assessed value. The selected year shall be the base year for taxable year 1999 and thereafter until a new base year is established under the terms of this paragraph.

"Chief County Assessment Officer" means the County Assessor or Supervisor of Assessments of the county in which the property is located.

"Equalized assessed value" means the assessed value as equalized by the Illinois Department of Revenue.

"Household" means the applicant, the spouse of the applicant, and all persons using the residence of the applicant as their principal place of residence.

"Household income" means the combined income of the members of a household for the calendar year preceding the taxable year.

"Income" has the same meaning as provided in Section 3.07 of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, except that, beginning in assessment year 2001, "income" does not include veteran's benefits.

"Internal Revenue Code of 1986" means the United States Internal Revenue Code of 1986 or any successor law or laws relating to federal income taxes in effect for the year preceding the taxable year.

"Life care facility that qualifies as a cooperative" means a facility as defined in Section 2 of the Life Care Facilities Act.

"Residence" means the principal dwelling place and appurtenant structures used for residential purposes in this State occupied on January 1 of the taxable year by a household and so much of the

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surrounding land, constituting the parcel upon which the dwelling place is situated, as is used for residential purposes. If the Chief County Assessment Officer has established a specific legal description for a portion of property constituting the residence, then that portion of property shall be deemed the residence for the purposes of this Section.

"Taxable year" means the calendar year during which ad valorem property taxes payable in the next succeeding year are levied.

(c) Beginning in taxable year 1994, a senior citizens assessment freeze homestead exemption is granted for real property that is improved with a permanent structure that is occupied as a residence by an applicant who (i) is 65 years of age or older during the taxable year, (ii) has a household income of \$35,000 or less prior to taxable year 1999, \$40,000 or less in taxable years 1999 through 2003, ~~and~~ \$45,000 or less in taxable year 2004 and 2005, ~~and~~ \$50,000 or less in taxable year 2006 and thereafter, (iii) is liable for paying real property taxes on the property, and (iv) is an owner of record of the property or has a legal or equitable interest in the property as evidenced by a written instrument. This homestead exemption shall also apply to a leasehold interest in a parcel of property improved with a permanent structure that is a single family residence that is occupied as a residence by a person who (i) is 65 years of age or older during the taxable year, (ii) has a household income of \$35,000 or less prior to taxable year 1999, \$40,000 or less in taxable years 1999 through 2003, ~~and~~ \$45,000 or less in taxable year 2004 and 2005, ~~and~~ \$50,000 or less in taxable year 2006 and thereafter, (iii) has a legal or equitable ownership interest in the property as lessee, and (iv) is liable for the payment of real property taxes on that property.

Through taxable year 2005, the ~~The~~ amount of this exemption shall be the equalized assessed value of the residence in the taxable year for which application is made minus the base amount. For taxable year 2006 and thereafter, the amount of the exemption is as follows:

(1) For an applicant who has a household income of \$45,000 or less, the amount of the exemption is the equalized assessed value of the residence in the taxable year for which application is made minus the base amount.

(2) For an applicant who has a household income exceeding \$45,000 but not exceeding \$46,250, the amount of the exemption is (i) the equalized assessed value of the residence in the taxable year for which application is made minus the base amount (ii) multiplied by 0.8.

(3) For an applicant who has a household income exceeding \$46,250 but not exceeding \$47,500, the amount of the exemption is (i) the equalized assessed value of the residence in the taxable year for which application is made minus the base amount (ii) multiplied by 0.6.

(4) For an applicant who has a household income exceeding \$47,500 but not exceeding \$48,750, the amount of the exemption is (i) the equalized assessed value of the residence in the taxable year for which application is made minus the base amount (ii) multiplied by 0.4.

(5) For an applicant who has a household income exceeding \$48,750 but not exceeding \$50,000, the amount of the exemption is (i) the equalized assessed value of the residence in the taxable year for which application is made minus the base amount (ii) multiplied by 0.2.

When the applicant is a surviving spouse of an applicant for a prior year for the same residence for which an exemption under this Section has been granted, the base year and base amount for that residence are the same as for the applicant for the prior year.

Each year at the time the assessment books are certified to the County Clerk, the Board of Review or Board of Appeals shall give to the County Clerk a list of the assessed values of improvements on each parcel qualifying for this exemption that were added after the base year for this parcel and that increased the assessed value of the property.

In the case of land improved with an apartment building owned and operated as a cooperative or a building that is a life care facility that qualifies as a cooperative, the maximum reduction from the equalized assessed value of the property is limited to the sum of the reductions calculated for each unit occupied as a residence by a person or persons (i) 65 years of age or older, (ii) with a household income of \$35,000 or less prior to taxable year 1999, \$40,000 or less in taxable years 1999 through 2003, ~~and~~ \$45,000 or less in taxable year 2004 and 2005, ~~and~~ \$50,000 or less in taxable year 2006 and thereafter, (iii) who is liable, by contract with the owner or owners of record, for paying real property taxes on the property, and (iv) who is an owner of record of a legal or equitable interest in the cooperative apartment building, other than a leasehold interest. In the instance of a cooperative where a homestead exemption has been granted under this Section, the cooperative association or its management firm shall credit the savings resulting from that exemption only to the apportioned tax liability of the owner who qualified for the exemption. Any person who willfully refuses to credit that savings to an owner who qualifies for the exemption is guilty of a Class B misdemeanor.

When a homestead exemption has been granted under this Section and an applicant then becomes a resident of a facility licensed under the Nursing Home Care Act, the exemption shall be granted in

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subsequent years so long as the residence (i) continues to be occupied by the qualified applicant's spouse or (ii) if remaining unoccupied, is still owned by the qualified applicant for the homestead exemption.

Beginning January 1, 1997, when an individual dies who would have qualified for an exemption under this Section, and the surviving spouse does not independently qualify for this exemption because of age, the exemption under this Section shall be granted to the surviving spouse for the taxable year preceding and the taxable year of the death, provided that, except for age, the surviving spouse meets all other qualifications for the granting of this exemption for those years.

When married persons maintain separate residences, the exemption provided for in this Section may be claimed by only one of such persons and for only one residence.

For taxable year 1994 only, in counties having less than 3,000,000 inhabitants, to receive the exemption, a person shall submit an application by February 15, 1995 to the Chief County Assessment Officer of the county in which the property is located. In counties having 3,000,000 or more inhabitants, for taxable year 1994 and all subsequent taxable years, to receive the exemption, a person may submit an application to the Chief County Assessment Officer of the county in which the property is located during such period as may be specified by the Chief County Assessment Officer. The Chief County Assessment Officer in counties of 3,000,000 or more inhabitants shall annually give notice of the application period by mail or by publication. In counties having less than 3,000,000 inhabitants, beginning with taxable year 1995 and thereafter, to receive the exemption, a person shall submit an application by July 1 of each taxable year to the Chief County Assessment Officer of the county in which the property is located. A county may, by ordinance, establish a date for submission of applications that is different than July 1. The applicant shall submit with the application an affidavit of the applicant's total household income, age, marital status (and if married the name and address of the applicant's spouse, if known), and principal dwelling place of members of the household on January 1 of the taxable year. The Department shall establish, by rule, a method for verifying the accuracy of affidavits filed by applicants under this Section. The applications shall be clearly marked as applications for the Senior Citizens Assessment Freeze Homestead Exemption.

Notwithstanding any other provision to the contrary, in counties having fewer than 3,000,000 inhabitants, if an applicant fails to file the application required by this Section in a timely manner and this failure to file is due to a mental or physical condition sufficiently severe so as to render the applicant incapable of filing the application in a timely manner, the Chief County Assessment Officer may extend the filing deadline for a period of 30 days after the applicant regains the capability to file the application, but in no case may the filing deadline be extended beyond 3 months of the original filing deadline. In order to receive the extension provided in this paragraph, the applicant shall provide the Chief County Assessment Officer with a signed statement from the applicant's physician stating the nature and extent of the condition, that, in the physician's opinion, the condition was so severe that it rendered the applicant incapable of filing the application in a timely manner, and the date on which the applicant regained the capability to file the application.

Beginning January 1, 1998, notwithstanding any other provision to the contrary, in counties having fewer than 3,000,000 inhabitants, if an applicant fails to file the application required by this Section in a timely manner and this failure to file is due to a mental or physical condition sufficiently severe so as to render the applicant incapable of filing the application in a timely manner, the Chief County Assessment Officer may extend the filing deadline for a period of 3 months. In order to receive the extension provided in this paragraph, the applicant shall provide the Chief County Assessment Officer with a signed statement from the applicant's physician stating the nature and extent of the condition, and that, in the physician's opinion, the condition was so severe that it rendered the applicant incapable of filing the application in a timely manner.

In counties having less than 3,000,000 inhabitants, if an applicant was denied an exemption in taxable year 1994 and the denial occurred due to an error on the part of an assessment official, or his or her agent or employee, then beginning in taxable year 1997 the applicant's base year, for purposes of determining the amount of the exemption, shall be 1993 rather than 1994. In addition, in taxable year 1997, the applicant's exemption shall also include an amount equal to (i) the amount of any exemption denied to the applicant in taxable year 1995 as a result of using 1994, rather than 1993, as the base year, (ii) the amount of any exemption denied to the applicant in taxable year 1996 as a result of using 1994, rather than 1993, as the base year, and (iii) the amount of the exemption erroneously denied for taxable year 1994.

For purposes of this Section, a person who will be 65 years of age during the current taxable year shall be eligible to apply for the homestead exemption during that taxable year. Application shall be made during the application period in effect for the county of his or her residence.

The Chief County Assessment Officer may determine the eligibility of a life care facility that qualifies

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as a cooperative to receive the benefits provided by this Section by use of an affidavit, application, visual inspection, questionnaire, or other reasonable method in order to insure that the tax savings resulting from the exemption are credited by the management firm to the apportioned tax liability of each qualifying resident. The Chief County Assessment Officer may request reasonable proof that the management firm has so credited that exemption.

Except as provided in this Section, all information received by the chief county assessment officer or the Department from applications filed under this Section, or from any investigation conducted under the provisions of this Section, shall be confidential, except for official purposes or pursuant to official procedures for collection of any State or local tax or enforcement of any civil or criminal penalty or sanction imposed by this Act or by any statute or ordinance imposing a State or local tax. Any person who divulges any such information in any manner, except in accordance with a proper judicial order, is guilty of a Class A misdemeanor.

Nothing contained in this Section shall prevent the Director or chief county assessment officer from publishing or making available reasonable statistics concerning the operation of the exemption contained in this Section in which the contents of claims are grouped into aggregates in such a way that information contained in any individual claim shall not be disclosed.

(d) Each Chief County Assessment Officer shall annually publish a notice of availability of the exemption provided under this Section. The notice shall be published at least 60 days but no more than 75 days prior to the date on which the application must be submitted to the Chief County Assessment Officer of the county in which the property is located. The notice shall appear in a newspaper of general circulation in the county.

Notwithstanding Sections 6 and 8 of the State Mandates Act, no reimbursement by the State is required for the implementation of any mandate created by this Section.

(Source: P.A. 93-715, eff. 7-12-04.)

Section 10. The Senior Citizens Real Estate Tax Deferral Act is amended by changing Section 2 as follows:

(320 ILCS 30/2) (from Ch. 67 1/2, par. 452)

Sec. 2. Definitions. As used in this Act:

(a) "Taxpayer" means an individual whose household income for the year is no greater than: (i) \$40,000 through tax year 2005; and (ii) \$50,000 for tax year 2006 and thereafter.

(b) "Tax deferred property" means the property upon which real estate taxes are deferred under this Act.

(c) "Homestead" means the land and buildings thereon, including a condominium or a dwelling unit in a multidwelling building that is owned and operated as a cooperative, occupied by the taxpayer as his residence or which are temporarily unoccupied by the taxpayer because such taxpayer is temporarily residing, for not more than 1 year, in a licensed facility as defined in Section 1-113 of the Nursing Home Care Act.

(d) "Real estate taxes" or "taxes" means the taxes on real property for which the taxpayer would be liable under the Property Tax Code, including special service area taxes, and special assessments on benefited real property for which the taxpayer would be liable to a unit of local government.

(e) "Department" means the Department of Revenue.

(f) "Qualifying property" means a homestead which (a) the taxpayer or the taxpayer and his spouse own in fee simple or are purchasing in fee simple under a recorded instrument of sale, (b) is not income-producing property, (c) is not subject to a lien for unpaid real estate taxes when a claim under this Act is filed.

(g) "Equity interest" means the current assessed valuation of the qualified property times the fraction necessary to convert that figure to full market value minus any outstanding debts or liens on that property. In the case of qualifying property not having a separate assessed valuation, the appraised value as determined by a qualified real estate appraiser shall be used instead of the current assessed valuation.

(h) "Household income" has the meaning ascribed to that term in the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act.

(i) "Collector" means the county collector or, if the taxes to be deferred are special assessments, an official designated by a unit of local government to collect special assessments.

(Source: P.A. 92-639, eff. 1-1-03.)

Section 90. The State Mandates Act is amended by adding Section 8.30 as follows:

(30 ILCS 805/8.30 new)

Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the

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State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

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

The motion prevailed, and the amendment was adopted and ordered printed.

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

On motion of Senator Lightford, **House Bill No. 4974** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 4974

AMENDMENT NO. 1. Amend House Bill 4974 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 2-3.136 as follows:
(105 ILCS 5/2-3.136)

Sec. 2-3.136. K-3 class size reduction grant program. A class size reduction grant program is created. The program shall be implemented and administered by ~~the~~ the State Board of Education. From appropriations made for purposes of this Section, the State Board shall award grants to schools that meet the criteria established by this Section for the award of those grants.

Grants shall be awarded pursuant to application. The form and manner of applications and the criteria for the award of grants shall be prescribed by the State Board of Education. The grant criteria as so prescribed, however, shall provide that only those schools that are on the State Board of Education Early Academic Warning List or the academic watch list under Section 2-3.25d that maintain grades kindergarten through 3 are grant eligible.

Grants awarded to eligible schools under this Section shall be used and applied by the schools to defray the costs and expenses of operating and maintaining classes in grades kindergarten through 3 with an average class size within a specific grade of no more than 20 pupils. If a school's facilities are inadequate to allow for this specified class size, then a school may use the grant funds for teacher aides instead.

If a school board determines that a school is using funds awarded under this Section for purposes not authorized by this Section, then the school board, rather than the school, shall determine how the funds are used.

The State Board of Education shall adopt any rules, consistent with the requirements of this Section, that are necessary to implement and administer the K-3 class size reduction grant program.

(Source: P.A. 93-814, eff. 7-27-04; 94-566, eff. 1-1-06.)"

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

On motion of Senator Bomke, **House Bill No. 4987** having been printed, was taken up and read by title a second time.

Senator Bomke offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 4987

AMENDMENT NO. 1. Amend House Bill 4987 on page 1, line 4, after "amended", by inserting "by adding Section 14-1.09d and"; and

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

"(105 ILCS 5/14-1.09d new)

Sec. 14-1.09d. Behavior analyst. "Behavior analyst" means a person who is certified by the Behavior Analyst Certification Board."

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.

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On motion of Senator Lightford, **House Bill No. 5370** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 5382** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **House Bill No. 5407** having been printed, was taken up and read by title a second time.

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

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 5407

AMENDMENT NO. 2. Amend House Bill 5407 by replacing everything after the enacting clause with the following:

"Section 5. The Wildlife Code is amended by changing Section 3.1 and by adding Section 3.1-5 as follows:

(520 ILCS 5/3.1) (from Ch. 61, par. 3.1)

Sec. 3.1. License and stamps required.

(a) Before any person shall take or attempt to take any of the species protected by Section 2.2 for which an open season is established under this Act, he shall first have procured and possess a valid hunting license, except as provided in Section 3.1-5 of this Code.

Before any person 16 years of age or older shall take or attempt to take any bird of the species defined as migratory waterfowl by Section 2.2, including coots, he shall first have procured a State Migratory Waterfowl Stamp.

Before any person 16 years of age or older takes, attempts to take, or pursues any species of wildlife protected by this Code, except migratory waterfowl, coots, and hand-reared birds on licensed game breeding and hunting preserve areas and state controlled pheasant hunting areas, he or she shall first obtain a State Habitat Stamp. Disabled veterans and former prisoners of war shall not be required to obtain State Habitat Stamps. Any person who obtained a lifetime license before January 1, 1993, shall not be required to obtain State Habitat Stamps. Income from the sale of State Furbearer Stamps and State Pheasant Stamps received after the effective date of this amendatory Act of 1992 shall be deposited into the State Furbearer Fund and State Pheasant Fund, respectively.

Before any person 16 years of age or older shall take, attempt to take, or sell the green hide of any mammal of the species defined as fur-bearing mammals by Section 2.2 for which an open season is established under this Act, he shall first have procured a State Habitat Stamp.

(b) Before any person who is a non-resident of the State of Illinois shall take or attempt to take any of the species protected by Section 2.2 for which an open season is established under this Act, he shall, unless specifically exempted by law, first procure a non-resident license as provided by this Act for the taking of any wild game.

Before a nonresident shall take or attempt to take white-tailed deer, he shall first have procured a Deer Hunting Permit as defined in Section 2.26 of this Code.

Before a nonresident shall take or attempt to take wild turkeys, he shall have procured a Wild Turkey Hunting Permit as defined in Section 2.11 of this Code.

(c) The owners residing on, or bona fide tenants of, farm lands and their children, parents, brothers, and sisters actually permanently residing on their lands shall have the right to hunt any of the species protected by Section 2.2 upon their lands and waters without procuring hunting licenses; but the hunting shall be done only during periods of time and with devices and by methods as are permitted by this Act. Any person on active duty with the Armed Forces of the United States who is now and who was at the time of entering the Armed Forces a resident of Illinois and who entered the Armed Forces from this State, and who is presently on ordinary leave from the Armed Forces, and any resident of Illinois who is disabled may hunt any of the species protected by Section 2.2 without procuring a hunting license, but the hunting shall be done only during such periods of time and with devices and by methods as are permitted by this Act. For the purpose of this Section a person is disabled when that person has a Type 1 or Type 4, Class 2 disability as defined in Section 4A of the Illinois Identification Card Act. For purposes of this Section, an Illinois Disabled Person Identification Card issued pursuant to the Illinois Identification Card Act indicating that the person named has a Type 1 or Type 4, Class 2 disability shall be adequate documentation of the disability.

(d) A courtesy non-resident license, permit, or stamp for taking game may be issued at the discretion

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of the Director, without fee, to any person officially employed in the game and fish or conservation department of another state or of the United States who is within the State to assist or consult or cooperate with the Director; or to the officials of other states, the United States, foreign countries, or officers or representatives of conservation organizations or publications while in the State as guests of the Governor or Director. The Director may provide to nonresident participants and official gunners at field trials an exemption from licensure while participating in a field trial.

(e) State Migratory Waterfowl Stamps shall be required for those persons qualifying under subsections (c) and (d) who intend to hunt migratory waterfowl, including coots, to the extent that hunting licenses of the various types are authorized and required by this Section for those persons.

(f) Registration in the U.S. Fish and Wildlife Migratory Bird Harvest Information Program shall be required for those persons who are required to have a hunting license before taking or attempting to take any bird of the species defined as migratory game birds by Section 2.2, except that this subsection shall not apply to crows in this State or hand-reared birds on licensed game breeding and hunting preserve areas, for which an open season is established by this Act. Persons registering with the Program must carry proof of registration with them while migratory bird hunting.

The Department shall publish suitable prescribed regulations pertaining to registration by the migratory bird hunter in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program.

(Source: P.A. 92-177, eff. 7-27-01.)

(520 ILCS 5/3.1-5 new)

Sec. 3.1-5. Apprentice Hunter License Program.

(a) Beginning 120 days after the effective date of this amendatory Act of the 94th General Assembly, the Department shall establish an Apprentice Hunter License Program. The purpose of this Program shall be to extend limited hunting privileges, in lieu of obtaining a valid hunting license, to persons interested in learning about hunting sports.

(b) Any resident who is at least 10 years old may apply to the Department for an Apprentice Hunter License. The Apprentice Hunter License shall be a one-time, non-renewable license that shall expire on the March 31 following the date of issuance.

(c) For persons aged 10 through 17, the Apprentice Hunter License shall entitle the licensee to hunt while supervised by a validly licensed resident parent, guardian, or grandparent. For persons 18 or older, the Apprentice Hunter License shall entitle the licensee to hunt while supervised by a validly licensed resident hunter. Possession of an Apprentice Hunter License shall serve in lieu of a valid hunting license, but does not exempt the licensee from compliance with the requirements of this Code and any rules and regulations adopted pursuant to this Code.

(d) In order to be approved for the Apprentice Hunter License, the applicant must be a resident of Illinois, request an Apprentice Hunter License on a form designated and made available by the Department, and submit a \$7 fee, which shall be separate from and additional to any other stamp, permit, tag, or license fee that may be required for hunting under this Code. The Department shall adopt suitable administrative rules that are reasonable and necessary for the administration of the program, but shall not require any certificate of competency or other hunting education as a condition of the Apprentice Hunter License.

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

The motion prevailed, and the amendment was adopted and ordered printed.

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

On motion of Senator Lightford, **House Bill No. 5550** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **House Bill No. 5555** having been printed, was taken up and read by title a second time.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 5555

AMENDMENT NO. 1. Amend House Bill 5555 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Section 8-306 and by changing Section

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9-223 as follows:

(220 ILCS 5/8-306 new)

Sec. 8-306. Special provisions relating to water and sewer utilities.

(a) No later than 120 days after the effective date of this amendatory Act of the 94th General Assembly, the Commission shall prepare, make available to customers upon request, and post on its Internet web site information concerning the service obligations of water and sewer utilities and remedies that a customer may pursue for a violation of the customer's rights. The information shall specifically address the rights of a customer of a water or sewer utility in the following situations:

- (1) The customer's water meter is replaced.
- (2) The customer's bill increases by more than 50% within one billing period.
- (3) The customer's water service is terminated.
- (4) The customer wishes to complain after receiving a termination of service notice.
- (5) The customer is unable to make payment on a billing statement.
- (6) A rate is filed, including without limitation a surcharge or annual reconciliation filing, that will increase the amount billed to the customer.
- (7) The customer is billed for services provided prior to the date covered by the billing statement.
- (8) The customer is due to receive a credit.

Each billing statement issued by a water or sewer utility shall include an Internet web site address where the customer can view the information required under this subsection (a) and a telephone number that the customer may call to request a copy of the information.

(b) A water or sewer utility may discontinue service only after it has mailed or delivered by other means a written notice of discontinuance substantially in the form of Appendix A of 83 Ill. Adm. Code 280. The notice must include the Internet web site address where the customer can view the information required under subsection (a) and a telephone number that the customer may call to request a copy of the information. Any notice required to be delivered or mailed to a customer prior to discontinuance of service shall be delivered or mailed separately from any bill. Service shall not be discontinued until at least 5 days after delivery or 8 days after the mailing of this notice. Service shall not be discontinued and shall be restored if discontinued for the reason which is the subject of a dispute or complaint during the pendency of informal or formal complaint procedures of the Illinois Commerce Commission under 83 Ill. Adm. Code 280.160 or 280.170, where the customer has complied with those rules. Service shall not be discontinued and shall be restored if discontinued where a customer has established a deferred payment agreement pursuant to 83 Ill. Adm. Code 280.110 and has not defaulted on such agreement. Residential customers who are indebted to a utility for past due utility service shall have the opportunity to make arrangements with the utility to retire the debt by periodic payments, referred to as a deferred payment agreement, unless this customer has failed to make payment under such a plan during the past 12 months. The terms and conditions of a reasonable deferred payment agreement shall be determined by the utility after consideration of the following factors, based upon information available from current utility records or provided by the customer or applicant:

- (1) size of the past due account;
- (2) customer or applicant's ability to pay;
- (3) customer or applicant's payment history;
- (4) reason for the outstanding indebtedness; and
- (5) any other relevant factors relating to the circumstances of the customer or applicant's service.

A residential customer shall pay a maximum of one-fourth of the amount past due and owing at the time of entering into the deferred payment agreement, and the water or sewer utility shall allow a minimum of 2 months from the date of the agreement and a maximum of 12 months for payment to be made under a deferred payment agreement. Late payment charges may be assessed against the amount owing that is the subject of a deferred payment agreement.

(c) A water or sewer utility shall provide notice as required by subsection (a) of Section 9-201 after the filing of each information sheet under a purchased water surcharge, purchased sewage treatment surcharge, or qualifying infrastructure plant surcharge. The utility also shall post notice of the filing in accordance with the requirements of 83 Ill. Adm. Code 255. Unless filed as part of a general rate increase, notice of the filing of a purchased water surcharge rider, purchased sewage treatment surcharge rider, or qualifying infrastructure plant surcharge rider also shall be given in the manner required by this subsection (c) for the filing of information sheets.

(d) Commission rules pertaining to formal and informal complaints against public utilities shall apply with full and equal force to water and sewer utilities and their customers, including provisions of 83 Ill. Adm. Code 280.170, and the Commission shall respond to each complaint by providing the consumer with a copy of the utility's response to the complaint and a copy of the Commission's review of the

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complaint and its findings. The Commission shall also provide the consumer with all available options for recourse.

(e) Any refund shown on the billing statement of a customer of a water or sewer utility must be itemized and must state if the refund is an adjustment or credit.

(f) Water service for building construction purposes. At the request of any municipality or township within the service area of a public utility that provides water service to customers within the municipality or township, a public utility must (1) require all water service used for building construction purposes to be measured by meter and subject to approved rates and charges for metered water service and (2) prohibit the unauthorized use of water taken from hydrants or service lines installed at construction sites.

(g) Water meters.

(1) Periodic testing. Unless otherwise approved by the Commission, each service water meter shall be periodically inspected and tested in accordance with the schedule specified in 35 Ill. Adm. Code 600.340, or more frequently as the results may warrant, to insure that the meter accuracy is maintained within the limits set out in 83 Ill. Adm. Code 600.310.

(2) Meter tests requested by customer.

(A) Each utility furnishing metered water service shall, without charge, test the accuracy of any meter upon request by the customer served by such meter, provided that the meter in question has not been tested by the utility or by the Commission within 2 years previous to such request. The customer or his or her representatives shall have the privilege of witnessing the test at the option of the customer. A written report, giving the results of the test, shall be made to the customer.

(B) When a meter that has been in service less than 2 years since its last test is found to be accurate within the limits specified in 83 Ill. Adm. Code 600.310, the customer shall pay a fee to the utility not to exceed the amounts specified in 83 Ill. Adm. Code 600.350(b). Fees for testing meters not included in this Section or so located that the cost will be out of proportion to the fee specified will be determined by the Commission upon receipt of a complete description of the case.

(3) Commission referee tests. Upon written application to the Commission by any customer, a test will be made of the customer's meter by a representative of the Commission. For such a test, a fee as provided for in subsection (g)(2) shall accompany the application. If the meter is found to be registering more than 1.5% fast on the average when tested as prescribed in 83 Ill. Adm. Code 600.310, the utility shall refund to the customer the amount of the fee. The utility shall in no way disturb the meter after a customer has made an application for a referee test until authority to do so is given by the Commission or the customer in writing.

(h) Water and sewer utilities; low usage. Each public utility that provides water and sewer service must establish a unit sewer rate, subject to review by the Commission, that applies only to those customers who use less than 1,000 gallons of water in any billing period.

(i) Water and sewer utilities; separate meters. Each public utility that provides water and sewer service must offer separate rates for water and sewer service to any commercial or residential customer who uses separate meters to measure each of those services. In order for the separate rate to apply, a combination of meters must be used to measure the amount of water that reaches the sewer system and the amount of water that does not reach the sewer system.

(j) Each water or sewer public utility must disclose on each billing statement any amount billed that is for service provided prior to the date covered by the billing statement. The disclosure must include the dates for which the prior service is being billed. Each billing statement that includes an amount billed for service provided prior to the date covered by the billing statement must disclose the dates for which that amount is billed and must include a copy of the document created under subsection (a) and a statement of current Commission rules concerning unbilled or misbilled service.

(k) When the customer is due a refund resulting from payment of an overcharge, the utility shall credit the customer in the amount of overpayment with interest from the date of overpayment by the customer. The rate for interest shall be at the appropriate rate determined by the Commission under 83 Ill. Adm. Code 280.70.

(l) Water and sewer public utilities; subcontractors. The Commission shall adopt rules for water and sewer public utilities to provide notice to the customers of the proper kind of identification that a subcontractor must present to the customer, to prohibit a subcontractor from soliciting or receiving payment of any kind for any service provided by the water or sewer public utility or the subcontractor, and to establish sanctions for violations.

(m) Water and sewer public utilities; unaccounted-for water. By December 31, 2006, each water public utility shall file tariffs with the Commission to establish the maximum percentage of unaccounted-for water that would be considered in the determination of any rates or surcharges. The rates or surcharges approved for a water public utility shall not include charges for unaccounted-for

water in excess of this maximum percentage without well-documented support and justification for the Commission to consider in any request to recover charges in excess of the tariffed maximum percentage.

(n) Rate increases; public forums. When any public utility providing water or sewer service proposes a general rate increase, in addition to other notice requirements, the water or sewer public utility must notify its customers of their right to request a public forum. A customer or group of customers must make written request to the Commission for a public forum and must also provide written notification of the request to the customer's municipal or, for unincorporated areas, township government. The Commission, at its discretion, may schedule the public forum. If it is determined that public forums are required for multiple municipalities or townships, the Commission shall schedule these public forums, in locations within approximately 45 minutes drive time of the municipalities or townships for which the public forums have been scheduled. The public utility must provide advance notice of 30 days for each public forum to the governing bodies of those units of local government affected by the increase. The day of each public forum shall be selected so as to encourage the greatest public participation. Each public forum will begin at 7:00 p.m. Reports and comments made during or as a result of each public forum must be made available to the hearing officials and reviewed when drafting a recommended or tentative decision, finding or order pursuant to Section 10-111 of this Act.

(220 ILCS 5/9-223) (from Ch. 111 2/3, par. 9-223)

Sec. 9-223. Fire protection charge.

(a) The Commission may authorize any public utility engaged in the production, storage, transmission, sale, delivery or furnishing of water to impose a fire protection charge, in addition to any rate authorized by this Act, sufficient to cover a reasonable portion of the cost of providing the capacity, facilities and the water necessary to meet the fire protection needs of any municipality or public fire protection district. Such fire protection charge shall be in the form of a fixed amount per bill and shall be shown separately on the utility bill of each customer of the municipality or fire protection district. Any filing by a public utility to impose such a fire protection charge or to modify a charge shall be made pursuant to Section 9-201 of this Act. Any fire protection charge imposed shall reflect the costs associated with providing fire protection service for each municipality or fire protection district. No such charge shall be imposed directly on any municipality or fire protection district for a reasonable level of fire protection services unless provided for in a separate agreement between the municipality or the fire protection district and the utility.

(b) By December 31, 2007, the Commission shall conduct at least 3 public forums to evaluate the purpose and use of each fire protection charge imposed under this Section. At least one forum must be held in northern Illinois, at least one forum must be held in central Illinois, and at least one forum must be held in southern Illinois. The Commission must invite a representative from each municipality and fire protection district affected by a fire protection charge under this Section to attend a public forum. The Commission shall report its findings concerning recommendations concerning the purpose and use of each fire protection charge to the General Assembly no later than the last day of the veto session in 2008.

(Source: P.A. 84-617.)

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

The motion prevailed, and the amendment was adopted and ordered printed.

Floor Amendment No. 2 was referred to the Committee on Rules earlier today.

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

At the hour of 6:10 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, March 30, 2006, at 10:00 o'clock a.m.