



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FOURTH GENERAL ASSEMBLY

105TH LEGISLATIVE DAY

Perfunctory Session

THURSDAY, APRIL 27, 2006

3:09 O'CLOCK P.M.

SENATE
Daily Journal Index
105th Legislative Day

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The Senate met pursuant to adjournment.
Pursuant to the Senate Rule 2-5(c)2, the Secretary of the Senate conducted the perfunctory session.
Silent prayer was observed.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 725

Offered by Senator Link and all Senators:
Mourns the death of Janet Doreen Turner of Gurnee.

SENATE RESOLUTION 726

Offered by Senator Link and all Senators:
Mourns the death of Luigia Pilibosian of Waukegan.

SENATE RESOLUTION 727

Offered by Senator Link and all Senators:
Mourns the death of Peter A. Baker of Winter Haven, Florida, formerly of Mundelein.

SENATE RESOLUTION 728

Offered by Senator Link and all Senators:
Mourns the death of Robert Lee Humphrey of Zion.

SENATE RESOLUTION 729

Offered by Senator Link and all Senators:
Mourns the death of Evelyn M. Swanson (nee Gronwall) of Park City.

SENATE RESOLUTION 730

Offered by Senator Link and all Senators:
Mourns the death of Joseph A. Favero of Waukegan.

SENATE RESOLUTION 731

Offered by Senator Link and all Senators:
Mourns the death of Lorraine M. Larsen of Waukegan.

SENATE RESOLUTION 732

Offered by Senator Haine and all Senators:
Mourns the death of Petra Maclas of Alton.

SENATE RESOLUTION 733

Offered by Senator Haine and all Senators:
Mourns the death of U.S. Army Corporal Shawn T. Lasswell, Jr., of Las Vegas, Nevada, formerly of Alton.

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

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

SENATE RESOLUTION NO. 734

WHEREAS, The General Assembly considered and passed unanimously House Bill 2449 as amended (Public Act 094-0318); and

WHEREAS, House Bill 2449 prohibited the railroads operating within Illinois from denying medical treatment to or interfering with the medical treatment of injured railroad workers; and

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WHEREAS, The bill as introduced in the House of Representatives would have made a violation of the proposed Act a business offense; House Bill 2449 would have also conferred enforcement authority upon the State's Attorney in whose county the offense allegedly occurred; and

WHEREAS, The railroads in the State represented by the Illinois Railroad Association strongly opposed the bill as introduced and passed by the House of Representatives; when the House Bill was filed with the Secretary of the Senate, the Railroad Association offered an amendment in the Senate which, among other things, deleted the House language and substituted language that conferred exclusive enforcement authority for any violations of the Act upon the Illinois Commerce Commission, the Commission having an historic regulatory jurisdiction over Illinois railroads; in addition, the amendment supported by the railroads deleted language as to a business offense and substituted language conferring authority upon the Illinois Commerce Commission to levy fines within the Commission's discretion; and

WHEREAS, The railroads' stated to the Senate sponsors and supporters that, in consideration of the adoption of the Senate amendment, the railroads would not oppose the legislation or the public policy that was the gist of the legislation; the Senate sponsors and co-sponsors, by reasonable inference, moreover, assumed that the railroads would not challenge the legality of this legislation upon its passage and enactment into law, especially prior to a pattern of enforcement being developed by the Illinois Commerce Commission; and

WHEREAS, The railroads, on March 14, 2006, filed in the United States District Court for the Central District of Illinois, Springfield Division, in the case of BNSF Railway Company, et al., v. Charles E. Box, et al., Case No. 3:06-CV-03052, a complaint for a declaratory judgment that Public Act 94-0318 is preempted by federal regulations; and

WHEREAS, The Illinois General Assembly finds that the recent legal action of the railroads in the State regarding this legislation is a breach of faith with the General Assembly; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we respectfully request the United States District Court for the Central District of Illinois, Springfield Division, to find that the plaintiff railroads within the State of Illinois, in the case of BNSF Railway Company, et al., v. Charles E. Box, et al., Case No. 3:06-CV-03052, are estopped from challenging the legality of Public Act 94-0318; and be it further

RESOLVED, That suitable copies of this resolution be delivered to Honorable Jeanne E. Scott, United States District Judge, and Honorable Byron G. Cudmore, United States Magistrate Judge, of the United States District Court for the Central District of Illinois, Springfield Division.

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 2202

A bill for AN ACT concerning education.

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

House Amendment No. 1 to SENATE BILL NO. 2202

Passed the House, as amended, April 25, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2202

AMENDMENT NO. 1. Amend Senate Bill 2202 by replacing everything after the enacting clause with the following:

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"Section 5. The School Code is amended by changing Section 21-2.1 as follows:
(105 ILCS 5/21-2.1) (from Ch. 122, par. 21-2.1)

Sec. 21-2.1. Early childhood certificate.

(a) An early childhood certificate shall be valid for 4 years for teaching children up to 6 years of age, exclusive of children enrolled in kindergarten, in facilities approved by the State Superintendent of Education. Beginning July 1, 1988, such certificate shall be valid for 4 years for Teaching children through grade 3 in facilities approved by the State Superintendent of Education. Subject to the provisions of Section 21-1a, it shall be issued to persons who have graduated from a recognized institution of higher learning with a bachelor's degree and with not fewer than 120 semester hours including professional education or human development or, until July 1, 1992, to persons who have early childhood education instruction and practical experience involving supervised work with children under 6 years of age or with children through grade 3. Such persons shall be recommended for the early childhood certificate by a recognized institution as having completed an approved program of preparation which includes the requisite hours and academic and professional courses and practical experience approved by the State Superintendent of Education in consultation with the State Teacher Certification Board. The student teaching portion of such practical experience may be satisfied through placement in any of grades pre-kindergarten (which consists of children from 3 years through 5 years of age) through 3, provided that the student is under the active supervision of a cooperating teacher who is certified and qualified in early childhood education. Paraprofessionals with at least one year of experience in a school or community-based early childhood setting who are enrolled in early-childhood teacher preparation programs may be paid and receive credit while student teaching with their current employer, provided that their student teaching experience meets the requirements of their early-childhood teacher preparation program.

(b) Beginning February 15, 2000, Initial and Standard Early Childhood Education Certificates shall be issued to persons who meet the criteria established by the State Board of Education. (Source: P.A. 90-548, eff. 1-1-98; 90-811, eff. 1-26-99; 91-102, eff. 7-12-99.)".

Under the rules, the foregoing **Senate Bill No. 2202**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 279

A bill for AN ACT concerning regulation.

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

House Amendment No. 1 to SENATE BILL NO. 279

House Amendment No. 2 to SENATE BILL NO. 279

Passed the House, as amended, April 26, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 279

AMENDMENT NO. 1. Amend Senate Bill 279 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Dental Practice Act is amended by changing Sections 37 and 38.1 and by adding Section 38.2 as follows:

(225 ILCS 25/37) (from Ch. 111, par. 2337)

(Section scheduled to be repealed on January 1, 2016)

Sec. 37. Unlicensed practice; injunctions. The practice of dentistry by any person not holding a valid and current license under this Act is declared to be inimical to the public welfare, to constitute a public nuisance, and to cause irreparable harm to the public welfare.

A person is considered to practice dentistry who:

(1) employs a dentist, dental hygienist, or other entity which can provide dental

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services under this Act;

(2) directs or controls the use of any dental equipment or material while such equipment or material is being used for the provision of dental services, provided that this provision shall not be construed to prohibit a person from obtaining professional advice or assistance in obtaining or from leasing the equipment or material, provided the advice, assistance, or lease does not restrict or interfere with the custody, control, or use of the equipment or material by the person;

(3) directs, controls or interferes with a dentist's or dental hygienist's clinical judgment; or

(4) exercises direction or control, by written contract, license, or otherwise, over a dentist, dental hygienist, or other entity which can provide dental services under this Act in the selection of a course of treatment; limitation of patient referrals; content of patient records; policies and decisions relating to refunds (if the refund payment would be reportable under federal law to the National Practitioner Data Bank) and warranties and the clinical content of advertising; and final decisions relating to employment of dental assistants and dental hygienists. Nothing in this Act shall, however, be construed as prohibiting the seeking or giving of advice or assistance with respect to these matters.

The purpose of this Section is to prevent a non-dentist from influencing or otherwise interfering with the exercise of independent professional judgment by a dentist, dental hygienist, or other entity which can provide dental services under this Act. Nothing in this Section shall be construed to prohibit insurers and managed care plans from operating pursuant to the applicable provisions of the Illinois Insurance Code under which the entities are licensed.

The Director, the Attorney General, the State's attorney of any county in the State, or any person may maintain an action in the name of the People of the State of Illinois, and may apply for injunctive relief in any circuit court to enjoin such person from engaging in such practice; and upon the filing of a verified petition in such court, the court if satisfied by affidavit, or otherwise, that such person has been engaged in such practice without a valid and current license so to do, may enter a temporary restraining order without notice or bond, enjoining the defendant from such further practice. Only the showing of non-licensure, by affidavit or otherwise, is necessary in order for a temporary injunction to issue. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases except as modified by this Section. If it is established that the defendant has been, or is engaged in such unlawful practice, the court may enter an order or judgment perpetually enjoining the defendant from further such practice. In all proceedings hereunder the court, in its discretion, may apportion the costs among the parties interested in the action, including cost of filing the complaint, service of process, witness fees and expenses, court reporter charges and reasonable attorneys' fees. In case of violation of any injunctive order entered under the provisions of this Section, the court may summarily try and punish the offender for contempt of court. Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this Act.

This Section does not apply to an executor, administrator, guardian, or authorized representative contracting with another dentist or dentists to continue the operations of a deceased or incapacitated dentist's practice under Section 38.2 of this Act.

(Source: P.A. 91-520, eff. 1-1-00.)

(225 ILCS 25/38.1)

(Section scheduled to be repealed on January 1, 2016)

Sec. 38.1. Prohibition against interference by non-dentists. The purpose of this Section is to ensure that each dentist or dental hygienist practicing in this State meets minimum requirements for safe practice without clinical interference by persons not licensed under this Act. It is the legislative intent that dental services be provided only in accordance with the provisions of this Act and not be delegated to unlicensed persons.

Unless otherwise authorized by this Act, a dentist or dental hygienist is prohibited from providing dental services in this State, if the dentist or dental hygienist:

(1) is employed by any person other than a dentist to provide dental services, except as set forth in Section 38.2 of this Act; or

(2) allows any person other than another dentist to direct, control, or interfere with the dentist's or dental hygienist's clinical judgment. Clinical judgment shall include but not be limited to such matters as the dentist's or dental hygienist's selection of a course of treatment, limitation of patient referrals, content of patient records, policies and decisions relating to refunds (if the refund payment would be reportable under federal law to the National Practitioner Data Bank) and warranties and the clinical content of advertising, and final decisions relating to employment of dental assistants and dental hygienists. This paragraph shall not be construed to limit a patient's right of informed

consent. An executor, administrator, guardian, or authorized representative contracting with another dentist or dentists to continue the operations of a deceased or incapacitated dentist's practice under Section 38.2 of this Act who violates this paragraph (2) is subject to the civil penalties set forth in Section 8.5 of this Act.

(Source: P.A. 91-520, eff. 1-1-00.)

(225 ILCS 25/38.2 new)

(Section scheduled to be repealed on January 1, 2016)

Sec. 38.2. Death or incapacitation of dentist.

(a) The executor or administrator of a dentist's estate or the legal guardian or authorized representative of a dentist who has become incapacitated may contract with another dentist or dentists to continue the operations of the deceased or incapacitated dentist's practice (if the practice of the deceased or incapacitated dentist is a sole proprietorship, a corporation where the deceased or incapacitated dentist is the sole shareholder, or a limited liability company where the deceased or incapacitated dentist is the sole member) for a period of no more than one year from the time of death or incapacitation of the dentist or until the practice is sold, whichever occurs first, if all the following conditions are met:

(1) The executor, administrator, guardian, or authorized representative executes and files with the Department a notification of death or incapacitation on a form provided by the Department, which notification shall include the following:

(A) the name and license number of the deceased or incapacitated dentist;

(B) the name and address of the dental practice;

(C) the name, address, and tax identification number of the estate;

(D) the name and license number of each dentist who will operate the dental practice; and

(E) an affirmation, under penalty of perjury, that the information provided is true and correct and that the executor, administrator, guardian, or authorized representative understands that any interference by the executor, administrator, guardian, or authorized representative or any agent or assignee of the executor, administrator, guardian, or authorized representative with the contracting dentist's or dentists' practice of dentistry or professional judgment or any other violation of this Section is grounds for an immediate termination of the operations of the dental practice.

(2) Within 30 days after the death or incapacitation of a dentist, the executor, administrator, guardian, or authorized representative shall send notification of the death or incapacitation by mail to the last known address of each patient of record that has seen the deceased or incapacitated dentist within the previous 12 months, with an explanation of how copies of the practitioner's records may be obtained. This notice may also contain any other relevant information concerning the continuation of the dental practice.

Continuation of the operations of the dental practice of a deceased or incapacitated dentist shall not begin until the provisions of this subsection (a) have been met.

(b) The Secretary may terminate the operations of a dental practice operating pursuant to this Section if the Department has evidence of a violation of this Section or Section 23 or 24 of this Act. The Secretary must conduct a hearing before terminating the operations of a dental practice operating pursuant to this Section. At least 15 days before the hearing date, the Department (i) must notify, in writing, the executor, administrator, guardian, or authorized representative at the address provided, pursuant to item (C) of subdivision (1) of subsection (a) of this Section, and to the contracting dentist or dentists at the address of the dental practice provided pursuant to item (B) of subdivision (1) of subsection (a) of this Section, of any charges made and of the time and place of the hearing on the charges before the Secretary or hearing officer, as provided in Section 30 of this Act, (ii) direct the executor, administrator, guardian, or authorized representative to file his or her written answer to such charges with the Secretary under oath within 10 days after the service on the executor, administrator, guardian, or authorized representative of the notice, and (iii) inform the executor, administrator, guardian, or authorized representative that if he or she fails to file such answer, a default judgment will be entered against him or her and the operations of the dental practice shall be terminated.

(c) If the Secretary finds that evidence in his or her possession indicates that a violation of this Section or Section 23 or 24 of this Act constitutes an immediate threat to the public health, safety, or welfare, the Secretary may immediately terminate the operations of the dental practice without a hearing. Upon service by certified mail to the executor, or guardian, at the address provided pursuant to item (C) of subdivision (1) of subsection (a) of this Section, and the contracting dentist or dentists, at the address of the dental practice provided pursuant to item (B) of subdivision (1) of subsection (a) of this Section, of notice of an order immediately terminating the operations of the dental practice, the executor or guardian may petition the Department within 30 days for a hearing to take place within 30 days after the petition is filed.

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(d) The Department may require, by rule, the submission to the Department of any additional information necessary for the administration of this Section."

AMENDMENT NO. 2 TO SENATE BILL 279

AMENDMENT NO. 2. Amend Senate Bill 279, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 7, line 11, by replacing "or guardian" with "administrator, guardian, or authorized representative"; and

on page 7, line 17, by replacing "executor or guardian" with "executor, administrator, guardian, or authorized representative".

Under the rules, the foregoing **Senate Bill No. 279**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 859

A bill for AN ACT concerning education.

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

House Amendment No. 1 to SENATE BILL NO. 859

Passed the House, as amended, April 26, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 859

AMENDMENT NO. 1. Amend Senate Bill 859 on page 2, lines 15 through 17, by deleting "Prior to the hearing, however, the individual may be suspended from his or her duties if it is deemed necessary for the safety of students.".

Under the rules, the foregoing **Senate Bill No. 859**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 861

A bill for AN ACT concerning education.

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

House Amendment No. 1 to SENATE BILL NO. 861

Passed the House, as amended, April 26, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 861

AMENDMENT NO. 1. Amend Senate Bill 861 by replacing everything after the enacting clause with the following:

"Section 5. The Private Business and Vocational Schools Act is amended by changing Sections 6 and 11 as follows:

(105 ILCS 425/6) (from Ch. 144, par. 141)

Sec. 6. Application for certificate - Contents. Every person, partnership or corporation doing business in Illinois desiring to obtain a certificate of approval shall make a signed and verified application to the

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Superintendent upon forms prepared and furnished by the Superintendent, which forms shall include the following information:

1. The legal title and name of the school, together with ownership and controlling officers, members, and managing employees. ;
2. The specific courses of instruction which will be offered, and the specific purposes of such instruction. ;
3. The place or places where such instruction will be given and a description of the physical and sanitary facilities thereof. ;
4. A written inspection report of approval by the State Fire Marshal or his designee for use of the premises as a school. ;
5. A specific listing of the equipment available for instruction in each course of instruction, with the maximum enrollment that such equipment will accommodate. ;
6. The names, addresses and current status of all schools of which each applicant has previously owned any interest, and a declaration as to whether any of these schools were ever denied accreditation or licensing, or, lost accreditation or licensing from any governmental body or accrediting agency. ;
7. The educational and teaching qualifications of instructors in each course and subject of instruction, and the teacher to student ratio established by rule by the superintendent pursuant to industry standards and after soliciting and receiving comments by the schools in each industry. ;
- 7.1. The qualifications of administrators. ;
8. The financial resources available to establish and maintain the school, documented by a current balance sheet and income statement prepared and certified by an accountant or any such similar evidence as required by the Superintendent. ;
9. A continuous surety company bond, written by a company authorized to do business in this State, for the protection of the contractual rights including faithful performance of all contracts and agreements for students, their parents, guardians, or sponsors in a sum of up to \$100,000, except that when the unearned prepaid tuition for Illinois students in the possession of the school, as annually determined by the Superintendent, exceeds \$100,000 the bond shall be in an amount equal to the greatest amount of prepaid tuition in the school's possession. In lieu of a surety bond, an applicant may, with the advanced approval of the State Board of Education prior to January 1, 2007, deposit with the State Board of Education as security a certificate of deposit of any bank organized or transacting business in the United States in an amount equal to or greater than the amount of the required bond. The applicant must first satisfy the State Board of Education that the certificate of deposit is free and clear of all liens, pledges, security interests, and other encumbrances. The State Board of Education shall perfect a first priority security interest in the certificate of deposit to provide the protection required under this item 9. The certificate of deposit must be held and made payable in accordance with terms and provisions approved in advance by the State Board of Education and must be replaced by a bond meeting the requirements set forth in this item 9 within 180 days after the issuance of the certificate of approval to the applicant. Failure to replace the certificate of deposit with a continuous surety company bond shall result in revocation of the certificate of approval. ;
10. Annual reports reflecting teacher, equipment and curriculum evaluations. ;
11. Copies of enrollment agreements and retail installment contracts to be used in Illinois. ;
12. Methods used to collect tuition and procedures for collecting delinquent payments. ;
13. Copies of all brochures, films, promotional material and written scripts, and media advertising and promotional literature that may be used to induce students to enroll in courses of instruction. ;
14. Evidence of liability insurance, in such form and amount as the Board shall from time to time prescribe pursuant to rules and regulations promulgated hereunder, to protect its students and employees at its places of business and at all classroom extensions including any work experience locations. ;
15. Each application for a certificate of approval shall be signed and certified under oath by the school's chief managing employee and also by its individual owner or owners; provided, that if the applicant is a partnership or a corporation, then such application shall be signed and certified under oath by the school's chief managing employee and also by each member of the partnership or each officer of the corporation, as the case may be. ;
16. If the evaluation of a particular course or facility requires the services of an expert not employed by the State Board of Education or if in the interest of expediting the approval, a school requests the State Board of Education to employ such an expert, the school shall reimburse the State Board of Education for the reasonable cost of such services.

(Source: P.A. 85-1382.)

(105 ILCS 425/11) (from Ch. 144, par. 146)

Sec. 11. Sales representative permits - Application - Contents - Fees - Separate permits.) Every sales

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representative representing a school, whether located in the State of Illinois or without, shall make application for a Sales Representative Permit to the Superintendent in writing upon forms prepared and furnished by the Superintendent. The sales representative shall be approved by the Superintendent prior to solicitation of students. Each application shall state the name of the school which the applicant will represent, contain evidence of the honesty, truthfulness, and integrity of the applicant and shall be accompanied by the recommendation of two reputable persons, neither of whom shall be in the employ of the school or members of the applicant's immediate family, certifying that the applicant is truthful, honest, and of good reputation, and recommending that a permit as a sales representative be granted. The fee for an original permit as a sales representative shall be \$100. The annual renewal fee shall be \$50. A separate permit shall be obtained for each school represented by a sales representative.

In determining honesty, truthfulness and integrity under this Section, the Superintendent may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to approval unless a court or parole authority has determined that the applicant is not rehabilitated sufficiently to serve as a sales representative.

Each sales representative shall provide a continuous surety company bond for the protection of the contractual rights, including loss resulting from any fraud or misrepresentation used by the sales representative, of students, their parents, guardians or sponsors, in the penal sum of \$2,000, except under exceptional circumstances up to \$10,000, upon the order of the Superintendent. The surety company bond shall be written by a company authorized to do business in this State. In lieu of a surety bond, an applicant may, with the advanced approval of the State Board of Education prior to January 1, 2007, deposit with the State Board of Education as security a certificate of deposit of any bank organized or transacting business in the United States in an amount equal to or greater than the amount of the required bond. The applicant must first satisfy the State Board of Education that the certificate of deposit is free and clear of all liens, pledges, security interests, and other encumbrances. The State Board of Education shall perfect a first priority security interest in the certificate of deposit to provide the protection required under this paragraph. The certificate of deposit must be held and made payable in accordance with terms and provisions approved in advance by the State Board of Education and must be replaced by a bond meeting the requirements set forth in this paragraph within 180 days after the issuance of the Sales Representative Permit to the applicant. Failure to replace the certificate of deposit with a continuous surety company bond shall result in revocation of the Sales Representative Permit.

(Source: P.A. 83-1484.)

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

Under the rules, the foregoing **Senate Bill No. 861**, with House Amendment No. 1, was referred to the Secretary's Desk.

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

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

SENATE BILL NO. 2795

A bill for AN ACT concerning education.

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

House Amendment No. 1 to SENATE BILL NO. 2795

Passed the House, as amended, April 26, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2795

AMENDMENT NO. 1. Amend Senate Bill 2795 as follows:

on page 4, line 18, by deleting "17-2, 17-3, 17-5,"; and

on page 46, line 33, after "Article", by inserting "provided that territory comprising at least 51% of the equalized assessed valuation of the high school district is subject to a combined high school and elementary maximum annual authorized tax rate for educational purposes of 4.0% or less"; and

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on page 75, lines 20 through 23, by deleting "or, for a unit district, authority to levy taxes for capital improvement purposes at a rate authorized by Section 17-2 of this Code"; and

on page 88, by replacing lines 20 through 32 with the following:
"exceed 3.5%. The rate for grade 9 through 12 educational purposes shall not exceed 3.5%. The combined rate for both grade K through 8 and grade 9 through 12 educational purposes shall not exceed"; and

on page 89, by replacing lines 2 through 25 with the following:
"operations and maintenance purposes shall not exceed 0.55%. The rate for grade 9 through 12 operations and maintenance purposes shall not exceed 0.55%. The combined rate for both grade K through 8 and grade 9 through 12 operations and maintenance purposes shall not exceed 0.75%."; and

on page 89, line 26, by replacing "(4)" with "(3)"; and

on page 89, line 33, by replacing "(5)" with "(4)"; and

on page 89, line 35, by replacing "(6)" with "(5)"; and

on page 90, by deleting lines 7 through 12; and

on page 90, line 13, by replacing "(8)" with "(6)"; and

on page 90, by deleting lines 31 through 33;

on page 90, line 36, by replacing "(4)" with "(3)"; and

on page 91, line 2, by replacing "(5)" with "(4)"; and

on page 91, line 6, by replacing "(6)" with "(5)"; and

on page 91, by replacing lines 17 through 20 with the following:
"(2) of subsection (b) of this Section, and the maximum annual"; and

on page 91, line 22, by replacing "(4)" with "(3)"; and

by deleting line 24 on page 91 through line 20 on page 93; and

on page 93, line 21, by replacing "(e)" with "(d)"; and

by replacing line 24 on page 93 through line 4 on page 94 with the following:
"tax rates for any statutorily authorized purpose up to the maximum rate set forth in subsection (b) of this Section or otherwise applicable to unit school districts as specified elsewhere in statute, whichever is less, subject to the following"; and

on page 94, line 19, by replacing "(e)" with "(d)"; and

on page 94, line 24, by replacing "(e)" with "(d)"; and

on page 94, by deleting lines 25 through 29; and

on page 94, line 30, by replacing "(D)" with "(C)"; and

on page 94, line 32, by replacing "(4)" with "(3)"; and

on page 94, line 34, by replacing "Section" with "subsection (d)"; and

on page 94, line 35, by replacing "(E)" with "(D)"; and

on page 95, line 1, by replacing "(5)" with "(4)"; and
on page 95, line 3, by replacing "(e)" with "(d)"; and
on page 95, line 4, by replacing "(F)" with "(E)"; and
on page 95, line 7, by replacing "(6)" with "(5)"; and
on page 95, line 9, by replacing "Section" with "subsection (d)"; and
on page 95, line 22, by replacing "(e)" with "(d)"; and
on page 95, line 27, by replacing "(e)" with "(d)"; and
on page 95, by deleting lines 28 through 32; and
on page 95, line 33, by replacing "(D)" with "(C)"; and
on page 95, line 35, by replacing "(4)" with "(3)"; and
on page 96, line 1, by replacing "Section" with "subsection (d)"; and
on page 96, line 2, by replacing "(f)" with "(e)"; and
on page 96, line 20, by replacing "(f)" with "(e)"; and
on page 96, line 28, by replacing "(g)" with "(f)"; and
on page 97, line 6, by replacing "(g)" with "(f)"; and
on page 97, line 14, by replacing "(g)" with "(f)"; and
on page 97, line 20, by replacing "(g)" with "(f)"; and
on page 97, line 25, by replacing "(h)" with "(g)"; and
on page 97, line 30, by replacing "(h)" with "(g)"; and
on page 99, line 2, by replacing "(i)" with "(h)"; and
on page 99, line 35, by replacing "(j)" with "(i)"; and
on page 100, line 2, by replacing "(4)" with "(3)"; and
on page 100, line 5, by replacing "(h)" with "(g)"; and
on page 100, line 20, by replacing "(k)" with "(j)"; and
on page 100, line 28, by replacing "(l)" with "(k)"; and
by deleting line 28 on page 126 through line 7 on page 134.

Under the rules, the foregoing **Senate Bill No. 2795**, with House Amendment No. 1, was referred to the Secretary's Desk.

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

[April 27, 2006]

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

SENATE BILL NO. 3016

A bill for AN ACT concerning sex offenders.

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

House Amendment No. 1 to SENATE BILL NO. 3016

Passed the House, as amended, April 25, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 3016

AMENDMENT NO. 1. Amend Senate Bill 3016 on page 1, line 5, by replacing "Sections 3 and 6" with "Section 3"; and

on page 1, by replacing lines 18 through 21 with the following:

"The information shall also include the county of conviction, license plate numbers for every vehicle registered in the name of the sex offender, the age of the sex offender at the time of the commission of the offense, the age of the victim at the time of the commission of the offense, and"; and

by deleting lines 24 through 35 on page 5, all of page 6, and lines 1 through 6 on page 7; and

on page 7, by replacing lines 30 and 31 with the following:

"Statewide Sex Offender Database searchable via a mapping system which identifies registered sex offenders living within 5 miles of an identified address. The Department"; and

on page 10, by replacing lines 19 and 20 with the following:

"adjudication, the county of"; and

on page 10, line 22, by inserting after the comma the following:

"the age of the sex offender at the time of the commission of the offense, the age of the victim at the time of the commission of the offense."

Under the rules, the foregoing **Senate Bill No. 3016**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE BILL NO. 5475

A bill for AN ACT concerning local government.

Passed the House, April 25, 2006.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 5475** was taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE BILL NO. 1918

A bill for AN ACT concerning gaming.

Passed the House, April 26, 2006.

[April 27, 2006]

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 1918** was taken up, ordered printed and placed on first reading.

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

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

HOUSE JOINT RESOLUTION NO. 102

WHEREAS, In November of 2005, the U.S. Department of Justice notified Southern Illinois University (SIU) that it intended to file a lawsuit against the university related to three of the university's fellowship programs, specifically, the PROMPT, BRIDGE, and GRADUATE DEANS programs; and

WHEREAS, The U.S. Department of Justice has alleged that SIU is in violation of Title VII of the 1964 Civil Rights Act in its administration of these programs; and

WHEREAS, Today, African Americans and Hispanic-Latinos are underrepresented in all graduate programs; the subject matter programs at issue have provided access to graduate programs for approximately 85 minority students; and

WHEREAS, The U.S. Department of Justice and SIU have negotiated a Consent Decree that protects the students currently enrolled in these programs; in addition, the Consent Decree avoids the cost of protracted litigation, with no penalties or fines assessed against SIU, and amends the eligibility requirements of three SIU-C paid fellowship programs; the Consent Decree also allows SIU to avoid potential legal exposure and financial penalty; and

WHEREAS, The Illinois Legislative Black Caucus, the Illinois Legislative Latino Caucus, and the entire General Assembly desire to be updated, annually, on SIU's progress in minority participation in its fellowship programs; both Caucuses have met with the President of SIU and have expressed their grave concerns related to the inclusion of African American and Hispanic-Latino students in the university's fellowship programs, as well as other facets of the university; and

WHEREAS, The Illinois Legislative Black Caucus, the Illinois Legislative Latino Caucus, and the entire General Assembly have indicated their desire to stay informed of the events surrounding the investigations conducted by the U.S. Department of Justice and the progress that SIU is making in increasing the number of African American and Hispanic-Latino students in both fellowship and graduate assistance programs; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that Southern Illinois University provide, on an annual basis, an update on minority participation in all fellowship and graduate assistance programs at SIU to the Illinois Legislative Black Caucus, the Illinois Legislative Latino Caucus, and the entire General Assembly; and be it further

RESOLVED, That the President and the Board of Trustees of Southern Illinois University take the necessary steps to ensure that African Americans and Hispanic-Latinos are provided access to and are allowed to compete in all fellowship and graduate assistance programs; and be it further

RESOLVED, That the President and the Board of Trustees of Southern Illinois University take the necessary steps to ensure that the university establishes and maintains an environment that is conducive to the successful completion of these programs as well as supports the efforts of African American and Hispanic-Latino students in the same or similar manner as it supports all other students; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the President of Southern Illinois

[April 27, 2006]

University and the Board of Trustees of Southern Illinois University.

Adopted by the House, April 18, 2006.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 102 was referred to the Committee on Rules.

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE JOINT RESOLUTION NO. 115

WHEREAS, The Meat and Poultry Inspection Act provides for the licensing of meat processors and slaughterers; and

WHEREAS, The Act establishes a license for Type I establishments that sell or offer to sell meat, meat product, poultry, and poultry product; and

WHEREAS, The Act establishes a license for Type II establishments that custom slaughter and are not to sell the meat they slaughter; and

WHEREAS, Questions and concerns have arisen in regards to the increased regulations Type I establishments must adhere to that are not imposed on Type II establishments; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there is created the Joint Task Force on Meat and Poultry Inspection under the Department of Agriculture for the purpose of reviewing current law and regulations pertaining to the licensing and regulation of meat and poultry processors and slaughterers and determining whether changes are warranted in the licensing and regulation of these entities; and be it further

RESOLVED, That the Joint Task Force on Meat and Poultry Inspection shall consist of the following members: one member appointed by the President of the Senate; one member appointed by the Minority Leader of the Senate; one member appointed by the Speaker of the House; one member appointed by the Minority Leader of the House; the Chairman of the Senate Agriculture and Conservation Committee or his or her designee; the Minority Spokesman of the Senate Agriculture and Conservation Committee or his or her designee; the Chairman of the House Agriculture and Conservation Committee or his or her designee; the Minority Spokesman of the House Agriculture and Conservation Committee or his or her designee; the Director of Agriculture or his or her designee; two members representing Type I licensees appointed by the Director of Agriculture; two members representing Type II licensees appointed by the Director of Agriculture; one member who is an expert from academia on meat and poultry inspection appointed by the Director of Agriculture; one member appointed by an association representing meat processors; one member appointed by an association representing beef producers; one member appointed by an association representing pork producers; and one member appointed by an association representing farmers; and be it further

RESOLVED, That the Joint Task Force shall meet initially at the call of the Director of Agriculture and thereafter as necessary and shall report its findings and recommendations to the General Assembly by filing copies of its report with the Clerk of the House and the Secretary of the Senate no later than December 1, 2006; and that upon filing its report the Joint Task Force is dissolved; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Illinois Director of Agriculture.

[April 27, 2006]

Adopted by the House, April 25, 2006.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 115 was referred to the Committee on Rules.

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

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

HOUSE JOINT RESOLUTION NO. 121

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the 2006 report of the Compensation Review Board is hereby disapproved in whole in accordance with Section 5 of the Compensation Review Act; and be it further

RESOLVED, That a copy of this resolution be directed to the Compensation Review Board.

Adopted by the House, April 25, 2006.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 121 was referred to the Committee on Rules.

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

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

SENATE BILL NO. 623

A bill for AN ACT concerning State government.

SENATE BILL NO. 624

A bill for AN ACT concerning State government.

SENATE BILL NO. 680

A bill for AN ACT concerning revenue.

SENATE BILL NO. 837

A bill for AN ACT concerning local government.

Passed the House, April 25, 2006.

MARK MAHONEY, Clerk of the House

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

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

SENATE BILL NO. 848

A bill for AN ACT concerning local government.

SENATE BILL NO. 857

A bill for AN ACT concerning education.

SENATE BILL NO. 916

A bill for AN ACT concerning regulation.

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SENATE BILL NO. 927

A bill for AN ACT concerning regulation.
Passed the House, April 25, 2006.

MARK MAHONEY, Clerk of the House

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

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

SENATE BILL NO. 1001

A bill for AN ACT concerning health.

SENATE BILL NO. 1088

A bill for AN ACT concerning transportation.

SENATE BILL NO. 1144

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 1145

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 2310

A bill for AN ACT concerning business.

Passed the House, April 25, 2006.

MARK MAHONEY, Clerk of the House

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

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

HOUSE BILL 4715

A bill for AN ACT concerning housing.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4715

Senate Amendment No. 2 to HOUSE BILL NO. 4715

Concurred in by the House, April 25, 2006.

MARK MAHONEY, Clerk of the House

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

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

SENATE BILL NO. 946

A bill for AN ACT concerning liquor.

SENATE BILL NO. 2871

A bill for AN ACT concerning local government.

Passed the House, April 26, 2006.

MARK MAHONEY, Clerk of the House

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 66

[April 27, 2006]

Concurred in by the House, April 26, 2006.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 74

Concurred in by the House, April 26, 2006.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 82

Concurred in by the House, April 26, 2006.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 83

Concurred in by the House, April 26, 2006.

MARK MAHONEY, Clerk of the House

JOINT ACTION MOTIONS FILED

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

Motion to Concur in House Amendments 1 and 2 to Senate Bill 279

Motion to Concur in House Amendment 1 to Senate Bill 2202

Motion to Concur in House Amendment 1 to Senate Bill 2795

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 1918, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5475, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

At the hour of 3:13 o'clock p.m., by direction of the President, the Secretary announced that the Senate stand adjourned until Tuesday, May 2, 2006, at 12:00 o'clock noon.

[April 27, 2006]