



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIFTH GENERAL ASSEMBLY

13TH LEGISLATIVE DAY

FRIDAY, MARCH 2, 2007

11:02 O'CLOCK A.M.

SENATE
Daily Journal Index
13th Legislative Day

Action	Page(s)
Introduction of Senate Bill No. 1759	7
Legislative Measure(s) Filed	6
Presentation of Senate Joint Resolution No. 34	28
Presentation of Senate Joint Resolution No. 35	27
Presentation of Senate Resolution No. 82	26
Presentation of Senate Resolution No. 83	26
Presentation of Senate Resolution No. 84	27
Reports Received	5

Bill Number	Legislative Action	Page(s)
SB 0001	Second Reading	22
SB 0002	Second Reading	22
SB 0003	Second Reading	23
SB 0005	Second Reading	8
SB 0006	Second Reading	8
SB 0010	Second Reading	8
SB 0011	Second Reading	23
SB 0018	Second Reading	23
SB 0019	Second Reading	9
SB 0038	Second Reading	9
SB 0047	Second Reading	9
SB 0048	Second Reading	23
SB 0056	Second Reading	9
SB 0071	Second Reading	9
SB 0073	Second Reading	9
SB 0075	Second Reading	9
SB 0076	Second Reading	9
SB 0077	Third Reading	22
SB 0080	Second Reading	9
SB 0097	Second Reading	9
SB 0108	Second Reading	12
SB 0110	Second Reading	23
SB 0116	Second Reading	23
SB 0122	Second Reading	23
SB 0124	Second Reading	12
SB 0129	Second Reading	12
SB 0132	Second Reading	12
SB 0140	Second Reading	12
SB 0144	Second Reading	23
SB 0153	Second Reading	12
SB 0158	Second Reading	23
SB 0162	Second Reading	24
SB 0169	Second Reading	16
SB 0170	Second Reading	16
SB 0172	Second Reading	16
SB 0174	Second Reading	16
SB 0182	Second Reading	26
SB 0199	Second Reading	24
SB 0202	Second Reading	16
SB 0206	Second Reading	16
SB 0207	Second Reading	26

[March 2, 2007]

SB 0223	Second Reading	24
SB 0226	Second Reading	16
SB 0247	Second Reading	24
SB 0249	Second Reading	16
SB 0252	Second Reading	24
SB 0255	Second Reading	16
SB 0259	Second Reading	24
SB 0263	Second Reading	17
SB 0270	Second Reading	17
SB 0274	Second Reading	17
SB 0284	Second Reading	17
SB 0299	Second Reading	17
SB 0304	Second Reading	24
SB 0305	Second Reading	17
SB 0309	Second Reading	27
SB 0321	Second Reading	24
SB 0333	Second Reading	17
SB 0335	Second Reading	17
SB 0336	Second Reading	24
SB 0337	Second Reading	18
SB 0338	Second Reading	26
SB 0341	Second Reading	18
SB 0343	Second Reading	18
SB 0355	Second Reading	18
SB 0363	Second Reading	18
SB 0368	Second Reading	27
SB 0374	Second Reading	18
SB 0376	Second Reading	18
SB 0377	Second Reading	18
SB 0384	Second Reading	18
SB 0387	Second Reading	24
SB 0394	Second Reading	24
SB 0395	Second Reading	24
SB 0397	Second Reading	25
SB 0401	Second Reading	25
SB 0402	Second Reading	25
SB 0434	Second Reading	18
SB 0436	Second Reading	19
SB 0439	Second Reading	19
SB 0446	Second Reading	25
SB 0479	Second Reading	25
SB 0481	Second Reading	19
SB 0486	Second Reading	19
SB 0493	Second Reading	19
SB 0497	Second Reading	19
SB 0498	Second Reading	20
SB 0513	Second Reading	20
SB 0518	Second Reading	20
SB 0527	Second Reading	20
SB 0528	Second Reading	20
SB 0529	Second Reading	20
SB 0531	Second Reading	20
SB 0534	Second Reading	20
SB 0557	Second Reading	20
SB 0560	Second Reading	20
SB 0569	Second Reading	20
SB 0571	Second Reading	25
SB 0576	Second Reading	25
SB 0594	Second Reading	20

SB 0597	Second Reading	25
SB 0611	Second Reading	20
SB 0620	Second Reading	20
SB 0627	Second Reading	20
SB 0715	Second Reading	20
SB 0730	Second Reading	26
SB 0746	Second Reading	26
SB 1174	Second Reading	20
SB 1242	Second Reading	21
SB 1243	Second Reading	27
SB 1260	Second Reading	21
SB 1296	Second Reading	21
SB 1299	Second Reading	21
SB 1361	Second Reading	26
SB 1363	Second Reading	26
SB 1364	Second Reading	21
SB 1366	Second Reading	21
SB 1368	Second Reading	21
SB 1370	Second Reading	26
SB 1379	Second Reading	21
SB 1380	Second Reading	22
SB 1392	Second Reading	22
SB 1414	Second Reading	26
SB 1422	Second Reading	22
SB 1433	Second Reading	26
SB 1457	Second Reading	27
SB 1467	Second Reading	26
SB 1479	Second Reading	26
SB 1523	Second Reading	26
SB 1544	Second Reading	26
SB 1560	Second Reading	26
SB 1663	Second Reading	22
SJR 0034	Adopted.....	29
SJR 0035	Committee on Rules	28
SR 0083	Committee on Rules	27
SR 0084	Committee on Rules	28

The Senate met pursuant to adjournment.
 Senator Rickey R. Hendon, Chicago, Illinois, presiding.
 Prayer by Reverend James Johnson, Monroe Street Christian Church, Springfield, Illinois.
 Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Thursday, March 1, 2007, was being read when on motion of Senator Collins, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

IHDA Report of Activities for Fiscal Year 2006 and Projected Activities for Fiscal Year 2007, submitted by the Illinois Housing Development Authority.

ISFA Annual MBE/WBE Report for 2006, submitted by the Illinois Sports Facilities Authority.

IGAC Plan to Reduce Day Care Needs for Commission Employees, submitted by the Illinois Guardianship and Advocacy Commission.

IHRM Public Act 87-552 Reporting (Flex time), submitted by the Illinois Human Rights Commission.

FY 2006 Annual Report of the Educational Labor Relations Board, submitted by the Educational Labor Relations Board.

ISBE 2006 Education Mandates Report, submitted by the Illinois State Board of Education.

State Fire Marshal's Policy on Flex Hours, submitted by the Illinois State Fire Marshal.

CDB Policy on Flex Time, submitted by the Capital Development Board.

DES 2007 Agency Plan to Reduce Employees' Need for Day Care outside the Home, submitted by the Department of Employment Security.

ICC Report on Flexible Work Schedules, submitted by the Illinois Commerce Commission.

DCEO Affirmative Action Program, submitted by the Department of Commerce and Economic Opportunity.

DMA State Employees Flexible Hours Plan, submitted by the Department of Military Affairs.

Illinois Educational Labor Relations Board's Policy Statement on Flexible Work Requirements, submitted by the Illinois Educational Labor Relations Board.

Illinois State Board of Investment's Day Care Plan, submitted by the Illinois State Board of Investment.

Illinois Workers' Compensation Commission Public Act 87-552 Report (Flex Time), submitted by the Illinois Workers' Compensation Commission.

2006 Annual Report of JCAR, submitted by the Joint Committee on Administrative Rules.

IEMA Flexible Work Hours Plan, submitted by the Illinois Emergency Management Agency.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

[March 2, 2007]

LEGISLATIVE MEASURES FILED

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

Senate Committee Amendment No. 1 to Senate Bill 148
 Senate Committee Amendment No. to Senate Bill 390
 Senate Committee Amendment No. 1 to Senate Bill 581
 Senate Committee Amendment No. 1 to Senate Bill 610
 Senate Committee Amendment No. 1 to Senate Bill 1179
 Senate Committee Amendment No. 2 to Senate Bill 1511
 Senate Committee Amendment No. 1 to Senate Bill 1699

REPORTS FROM STANDING COMMITTEES

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred **Senate Bills Numbered 2, 3, 11, 18, 142, 182, 392, 1370, 1467 and 1544**, reported the same back with the recommendation that the bills do pass.

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

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred **Senate Bill No. 158**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Forby, Chairperson of the Committee on Labor, to which was referred **Senate Bill No. 110**, reported the same back with the recommendation that the bill do pass.

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

Senator Harmon, Chairperson of the Committee on Revenue, to which was referred **Senate Bills Numbered 247, 267, 304, 338, 1363 and 1433**, reported the same back with the recommendation that the bills do pass.

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

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Bills Numbered 199, 223, 252, 321, 336, 479, 576 and 1479**, reported the same back with the recommendation that the bills do pass.

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

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Bills Numbered 116 and 597**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Ronen, Chairperson of the Committee on Licensed Activities, to which was referred **Senate Bills Numbered 259, 730 and 1384**, reported the same back with the recommendation that the bills do pass.

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

Senator Ronen, Chairperson of the Committee on Licensed Activities, to which was referred **Senate Bills Numbered 509 and 571**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

[March 2, 2007]

Senator Maloney, Chairperson of the Committee on Higher Education, to which was referred **Senate Bills Numbered 162, 387, 394, 401, 402, 437 and 1414**, reported the same back with the recommendation that the bills do pass.

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

Senator Maloney, Chairperson of the Committee on Higher Education, to which was referred **Senate Bill No. 395**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Haine, Chairperson of the Committee on Insurance, to which was referred **Senate Bills Numbered 144, 1328 and 1523**, reported the same back with the recommendation that the bills do pass.

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

Senator Lightford, Chairperson of the Committee on Education, to which was referred **Senate Bills Numbered 1, 48, 122, 194, 397, 423, 446, 746, 1361 and 1560**, reported the same back with the recommendation that the bills do pass.

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

Senator Sandoval, Chairperson of the Committee on Commerce and Economic Development, to which was referred **Senate Bills Numbered 309, 1243 and 1457**, reported the same back with the recommendation that the bills do pass.

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

Senator Sandoval, Chairperson of the Committee on Commerce and Economic Development, to which was referred **Senate Bills Numbered 207 and 368**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Collins, Chairperson of the Committee on Financial Institutions, to which was referred **Senate Bill No. 310**, reported the same back with the recommendation that the bill do pass.

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

INTRODUCTION OF BILLS

SENATE BILL NO. 1759. Introduced by Senator Viverito, a bill for AN ACT concerning regulation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Trotter, **Senate Bill No. 5**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 6**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **Senate Bill No. 10** having been printed, was taken up, read by title a second time.

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

[March 2, 2007]

AMENDMENT NO. 1 TO SENATE BILL 10

AMENDMENT NO. 1. Amend Senate Bill 10 on page 1, line 14, by replacing "fifth" with "~~four~~"; and

on page 1, line 14, by inserting "sixth" immediately before "and"; and

on page 5, by replacing lines 6 and 7 with the following: "2011 a female student who is enrolled in 6th grade may not attend a public, private or parochial school unless the"; and

on page 7, by replacing lines 20 through 22 with the following: "who are enrolled in 6th grade who have received an HPV vaccination and the number of female students who are enrolled in 6th grade who have not received an HPV vaccination. Every".

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

On motion of Senator Haine, **Senate Bill No. 19**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Brady, **Senate Bill No. 38**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 47**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 56**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 71**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 73**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **Senate Bill No. 75**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 76**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **Senate Bill No. 80**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 97** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Judiciary Criminal Law, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 97

AMENDMENT NO. 1. Amend Senate Bill 97 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Sections 14-1 and 14-3 as follows:

(720 ILCS 5/14-1) (from Ch. 38, par. 14-1)

Sec. 14-1. Definition.

(a) Eavesdropping device.

An eavesdropping device is any device capable of being used to hear or record oral conversation or intercept, retain, or transcribe electronic communications whether such conversation or electronic

[March 2, 2007]

communication is conducted in person, by telephone, or by any other means; Provided, however, that this definition shall not include devices used for the restoration of the deaf or hard-of-hearing to normal or partial hearing.

(b) Eavesdropper.

An eavesdropper is any person, including law enforcement officers, who is a principal, as defined in this Article, or who operates or participates in the operation of any eavesdropping device contrary to the provisions of this Article.

(c) Principal.

A principal is any person who:

- (1) Knowingly employs another who illegally uses an eavesdropping device in the course of such employment; or
- (2) Knowingly derives any benefit or information from the illegal use of an eavesdropping device by another; or
- (3) Directs another to use an eavesdropping device illegally on his behalf.

(d) Conversation.

For the purposes of this Article, the term conversation means any oral communication between 2 or more persons regardless of whether one or more of the parties intended their communication to be of a private nature under circumstances justifying that expectation.

(e) Electronic communication.

For purposes of this Article, the term electronic communication means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or part by a wire, radio, pager, computer, electromagnetic, photo electronic or photo optical system, where the sending and receiving parties intend the electronic communication to be private and the interception, recording, or transcription of the electronic communication is accomplished by a device in a surreptitious manner contrary to the provisions of this Article. Electronic communication does not include any communication from a tracking device.

(f) Bait car.

For purposes of this Article, the term bait car means any motor vehicle that is not occupied by a law enforcement officer and is used by a law enforcement agency to deter, detect, identify, and assist in the apprehension of an auto theft suspect in the act of stealing a motor vehicle.

(Source: P.A. 91-657, eff. 1-1-00.)

(720 ILCS 5/14-3) (from Ch. 38, par. 14-3)

Sec. 14-3. Exemptions. The following activities shall be exempt from the provisions of this Article:

(a) Listening to radio, wireless and television communications of any sort where the same are publicly made;

(b) Hearing conversation when heard by employees of any common carrier by wire incidental to the normal course of their employment in the operation, maintenance or repair of the equipment of such common carrier by wire so long as no information obtained thereby is used or divulged by the hearer;

(c) Any broadcast by radio, television or otherwise whether it be a broadcast or recorded for the purpose of later broadcasts of any function where the public is in attendance and the conversations are overheard incidental to the main purpose for which such broadcasts are then being made;

(d) Recording or listening with the aid of any device to any emergency communication made in the normal course of operations by any federal, state or local law enforcement agency or institutions dealing in emergency services, including, but not limited to, hospitals, clinics, ambulance services, fire fighting agencies, any public utility, emergency repair facility, civilian defense establishment or military installation;

(e) Recording the proceedings of any meeting required to be open by the Open Meetings Act, as amended;

(f) Recording or listening with the aid of any device to incoming telephone calls of phone lines publicly listed or advertised as consumer "hotlines" by manufacturers or retailers of food and drug products. Such recordings must be destroyed, erased or turned over to local law enforcement authorities within 24 hours from the time of such recording and shall not be otherwise disseminated. Failure on the part of the individual or business operating any such recording or listening device to comply with the requirements of this subsection shall eliminate any civil or criminal immunity conferred upon that individual or business by the operation of this Section;

(g) With prior notification to the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded under circumstances where the use of the device is necessary for the protection

[March 2, 2007]

of the law enforcement officer or any person acting at the direction of law enforcement, in the course of an investigation of a forcible felony, a felony violation of the Illinois Controlled Substances Act, a felony violation of the Cannabis Control Act, a felony violation of the Methamphetamine Control and Community Protection Act, or any "streetgang related" or "gang-related" felony as those terms are defined in the Illinois Streetgang Terrorism Omnibus Prevention Act. Any recording or evidence derived as the result of this exemption shall be inadmissible in any proceeding, criminal, civil or administrative, except (i) where a party to the conversation suffers great bodily injury or is killed during such conversation, or (ii) when used as direct impeachment of a witness concerning matters contained in the interception or recording. The Director of the Department of State Police shall issue regulations as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use;

(g-5) With approval of the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded in the course of an investigation of any offense defined in Article 29D of this Code. In all such cases, an application for an order approving the previous or continuing use of an eavesdropping device must be made within 48 hours of the commencement of such use. In the absence of such an order, or upon its denial, any continuing use shall immediately terminate. The Director of State Police shall issue rules as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use.

Any recording or evidence obtained or derived in the course of an investigation of any offense defined in Article 29D of this Code shall, upon motion of the State's Attorney or Attorney General prosecuting any violation of Article 29D, be reviewed in camera with notice to all parties present by the court presiding over the criminal case, and, if ruled by the court to be relevant and otherwise admissible, it shall be admissible at the trial of the criminal case.

This subsection (g-5) is inoperative on and after January 1, 2005. No conversations recorded or monitored pursuant to this subsection (g-5) shall be inadmissible in a court of law by virtue of the repeal of this subsection (g-5) on January 1, 2005;

(h) Recordings made simultaneously with a video recording of an oral conversation between a peace officer, who has identified his or her office, and a person stopped for an investigation of an offense under the Illinois Vehicle Code;

(i) Recording of a conversation made by or at the request of a person, not a law enforcement officer or agent of a law enforcement officer, who is a party to the conversation, under reasonable suspicion that another party to the conversation is committing, is about to commit, or has committed a criminal offense against the person or a member of his or her immediate household, and there is reason to believe that evidence of the criminal offense may be obtained by the recording;

(j) The use of a telephone monitoring device by either (1) a corporation or other business entity engaged in marketing or opinion research or (2) a corporation or other business entity engaged in telephone solicitation, as defined in this subsection, to record or listen to oral telephone solicitation conversations or marketing or opinion research conversations by an employee of the corporation or other business entity when:

(i) the monitoring is used for the purpose of service quality control of marketing or opinion research or telephone solicitation, the education or training of employees or contractors engaged in marketing or opinion research or telephone solicitation, or internal research related to marketing or opinion research or telephone solicitation; and

(ii) the monitoring is used with the consent of at least one person who is an active party to the marketing or opinion research conversation or telephone solicitation conversation being monitored.

No communication or conversation or any part, portion, or aspect of the communication or conversation made, acquired, or obtained, directly or indirectly, under this exemption (j), may be, directly or indirectly, furnished to any law enforcement officer, agency, or official for any purpose or used in any inquiry or investigation, or used, directly or indirectly, in any administrative, judicial, or other proceeding, or divulged to any third party.

When recording or listening authorized by this subsection (j) on telephone lines used for marketing or opinion research or telephone solicitation purposes results in recording or listening to a conversation that does not relate to marketing or opinion research or telephone solicitation; the person recording or listening shall, immediately upon determining that the conversation does not relate to marketing or opinion research or telephone solicitation, terminate the recording or listening and destroy any such recording as soon as is practicable.

Business entities that use a telephone monitoring or telephone recording system pursuant to this

exemption (j) shall provide current and prospective employees with notice that the monitoring or recordings may occur during the course of their employment. The notice shall include prominent signage notification within the workplace.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide their employees or agents with access to personal-only telephone lines which may be pay telephones, that are not subject to telephone monitoring or telephone recording.

For the purposes of this subsection (j), "telephone solicitation" means a communication through the use of a telephone by live operators:

- (i) soliciting the sale of goods or services;
- (ii) receiving orders for the sale of goods or services;
- (iii) assisting in the use of goods or services; or
- (iv) engaging in the solicitation, administration, or collection of bank or retail credit accounts.

For the purposes of this subsection (j), "marketing or opinion research" means a marketing or opinion research interview conducted by a live telephone interviewer engaged by a corporation or other business entity whose principal business is the design, conduct, and analysis of polls and surveys measuring the opinions, attitudes, and responses of respondents toward products and services, or social or political issues, or both;

(k) Electronic recordings, including but not limited to, a motion picture, videotape, digital, or other visual or audio recording, made of a custodial interrogation of an individual at a police station or other place of detention by a law enforcement officer under Section 5-401.5 of the Juvenile Court Act of 1987 or Section 103-2.1 of the Code of Criminal Procedure of 1963; ~~and~~

(l) Recording the interview or statement of any person when the person knows that the interview is being conducted by a law enforcement officer or prosecutor and the interview takes place at a police station that is currently participating in the Custodial Interview Pilot Program established under the Illinois Criminal Justice Information Act; ~~and~~ -

(m) Recording or listening to an audio transmission from a microphone placed by a person under the authority of a law enforcement agency inside a bait car surveillance vehicle while simultaneously capturing a photographic or video image.

(Source: P.A. 93-206, eff. 7-18-03; 93-517, eff. 8-6-03; 93-605, eff. 11-19-03; 94-556, eff. 9-11-05)."

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

On motion of Senator Haine, **Senate Bill No. 108**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **Senate Bill No. 124**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **Senate Bill No. 129**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Jones, **Senate Bill No. 132**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 140**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **Senate Bill No. 153** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 153

AMENDMENT NO. 1. Amend Senate Bill 153 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 16-127 and 16-128 and by

[March 2, 2007]

adding Section 16-203.1 as follows:

(40 ILCS 5/16-127) (from Ch. 108 1/2, par. 16-127)

Sec. 16-127. Computation of creditable service.

(a) Each member shall receive regular credit for all service as a teacher from the date membership begins, for which satisfactory evidence is supplied and all contributions have been paid.

(b) The following periods of service shall earn optional credit and each member shall receive credit for all such service for which satisfactory evidence is supplied and all contributions have been paid as of the date specified:

(1) Prior service as a teacher.

(2) Service in a capacity essentially similar or equivalent to that of a teacher, in the public common schools in school districts in this State not included within the provisions of this System, or of any other State, territory, dependency or possession of the United States, or in schools operated by or under the auspices of the United States, or under the auspices of any agency or department of any other State, and service during any period of professional speech correction or special education experience for a public agency within this State or any other State, territory, dependency or possession of the United States, and service prior to February 1, 1951 as a recreation worker for the Illinois Department of Public Safety, for a period not exceeding the lesser of 2/5 of the total creditable service of the member or 10 years. The maximum service of 10 years which is allowable under this paragraph shall be reduced by the service credit which is validated by other retirement systems under paragraph (i) of Section 15-113 and paragraph 1 of Section 17-133. Credit granted under this paragraph may not be used in determination of a retirement annuity or disability benefits unless the member has at least 5 years of creditable service earned subsequent to this employment with one or more of the following systems: Teachers' Retirement System of the State of Illinois, State Universities Retirement System, and the Public School Teachers' Pension and Retirement Fund of Chicago. Whenever such service credit exceeds the maximum allowed for all purposes of this Article, the first service rendered in point of time shall be considered. The changes to this subdivision (b)(2) made by Public Act 86-272 shall apply not only to persons who on or after its effective date (August 23, 1989) are in service as a teacher under the System, but also to persons whose status as such a teacher terminated prior to such effective date, whether or not such person is an annuitant on that date.

(3) Any periods immediately following teaching service, under this System or under Article 17, (or immediately following service prior to February 1, 1951 as a recreation worker for the Illinois Department of Public Safety) spent in active service with the military forces of the United States; periods spent in educational programs that prepare for return to teaching sponsored by the federal government following such active military service; if a teacher returns to teaching service within one calendar year after discharge or after the completion of the educational program, a further period, not exceeding one calendar year, between time spent in military service or in such educational programs and the return to employment as a teacher under this System; and a period of up to 2 years of active military service not immediately following employment as a teacher.

The changes to this Section and Section 16-128 relating to military service made by P.A. 87-794 shall apply not only to persons who on or after its effective date are in service as a teacher under the System, but also to persons whose status as a teacher terminated prior to that date, whether or not the person is an annuitant on that date. In the case of an annuitant who applies for credit allowable under this Section for a period of military service that did not immediately follow employment, and who has made the required contributions for such credit, the annuity shall be recalculated to include the additional service credit, with the increase taking effect on the date the System received written notification of the annuitant's intent to purchase the credit, if payment of all the required contributions is made within 60 days of such notice, or else on the first annuity payment date following the date of payment of the required contributions. In calculating the automatic annual increase for an annuity that has been recalculated under this Section, the increase attributable to the additional service allowable under P.A. 87-794 shall be included in the calculation of automatic annual increases accruing after the effective date of the recalculation.

Credit for military service shall be determined as follows: if entry occurs during the months of July, August, or September and the member was a teacher at the end of the immediately preceding school term, credit shall be granted from July 1 of the year in which he or she entered service; if entry occurs during the school term and the teacher was in teaching service at the beginning of the school term, credit shall be granted from July 1 of such year. In all other cases where credit for military service is allowed, credit shall be granted from the date of entry into the service.

The total period of military service for which credit is granted shall not exceed 5

years for any member unless the service: (A) is validated before July 1, 1964, and (B) does not extend beyond July 1, 1963. Credit for military service shall be granted under this Section only if not more than 5 years of the military service for which credit is granted under this Section is used by the member to qualify for a military retirement allotment from any branch of the armed forces of the United States. The changes to this subdivision (b)(3) made by Public Act 86-272 shall apply not only to persons who on or after its effective date (August 23, 1989) are in service as a teacher under the System, but also to persons whose status as such a teacher terminated prior to such effective date, whether or not such person is an annuitant on that date.

(4) Any periods served as a member of the General Assembly.

(5)(i) Any periods for which a teacher, as defined in Section 16-106, is granted a leave of absence, provided he or she returns to teaching service creditable under this System or the State Universities Retirement System following the leave; (ii) periods during which a teacher is involuntarily laid off from teaching, provided he or she returns to teaching following the lay-off; (iii) periods prior to July 1, 1983 during which a teacher ceased covered employment due to pregnancy, provided that the teacher returned to teaching service creditable under this System or the State Universities Retirement System following the pregnancy and submits evidence satisfactory to the Board documenting that the employment ceased due to pregnancy; and (iv) periods prior to July 1, 1983 during which a teacher ceased covered employment for the purpose of adopting an infant under 3 years of age or caring for a newly adopted infant under 3 years of age, provided that the teacher returned to teaching service creditable under this System or the State Universities Retirement System following the adoption and submits evidence satisfactory to the Board documenting that the employment ceased for the purpose of adopting an infant under 3 years of age or caring for a newly adopted infant under 3 years of age. However, total credit under this paragraph (5) may not exceed 3 years.

Any qualified member or annuitant may apply for credit under item (iii) or (iv) of this paragraph (5) without regard to whether service was terminated before the effective date of this amendatory Act of 1997. In the case of an annuitant who establishes credit under item (iii) or (iv), the annuity shall be recalculated to include the additional service credit. The increase in annuity shall take effect on the date the System receives written notification of the annuitant's intent to purchase the credit, if the required evidence is submitted and the required contribution paid within 60 days of that notification, otherwise on the first annuity payment date following the System's receipt of the required evidence and contribution. The increase in an annuity recalculated under this provision shall be included in the calculation of automatic annual increases in the annuity accruing after the effective date of the recalculation.

Optional credit may be purchased under this subsection (b)(5) for periods during which a teacher has been granted a leave of absence pursuant to Section 24-13 of the School Code. A teacher whose service under this Article terminated prior to the effective date of P.A. 86-1488 shall be eligible to purchase such optional credit. If a teacher who purchases this optional credit is already receiving a retirement annuity under this Article, the annuity shall be recalculated as if the annuitant had applied for the leave of absence credit at the time of retirement. The difference between the entitled annuity and the actual annuity shall be credited to the purchase of the optional credit. The remainder of the purchase cost of the optional credit shall be paid on or before April 1, 1992.

The change in this paragraph made by Public Act 86-273 shall be applicable to teachers who retire after June 1, 1989, as well as to teachers who are in service on that date.

(5.1) A leave of absence during which a teacher ceases covered employment as defined in paragraph (2) of subsection (b) due to pregnancy, returns to teaching service as stated in paragraph (2) of subsection (b) following the pregnancy, and submits evidence satisfactory to the Board documenting that the leave of absence was due to pregnancy. However, total credit under paragraph (5) and this paragraph (5.1) may not exceed 3 years.

(6) Any days of unused and uncompensated accumulated sick leave earned by a teacher.

The service credit granted under this paragraph shall be the ratio of the number of unused and uncompensated accumulated sick leave days to 170 days, subject to a maximum of 2 years of service credit. Prior to the member's retirement, each former employer shall certify to the System the number of unused and uncompensated accumulated sick leave days credited to the member at the time of termination of service. The period of unused sick leave shall not be considered in determining the effective date of retirement. A member is not required to make contributions in order to obtain service credit for unused sick leave.

Credit for sick leave shall, at retirement, be granted by the System for any retiring regional or assistant regional superintendent of schools at the rate of 6 days per year of creditable

[March 2, 2007]

service or portion thereof established while serving as such superintendent or assistant superintendent.

(7) Periods prior to February 1, 1987 served as an employee of the Illinois Mathematics and Science Academy for which credit has not been terminated under Section 15-113.9 of this Code.

(8) Service as a substitute teacher for work performed prior to July 1, 1990.

(9) Service as a part-time teacher for work performed prior to July 1, 1990.

(10) Up to 2 years of employment with Southern Illinois University - Carbondale from September 1, 1959 to August 31, 1961, or with Governors State University from September 1, 1972 to August 31, 1974, for which the teacher has no credit under Article 15. To receive credit under this item (10), a teacher must apply in writing to the Board and pay the required contributions before May 1, 1993 and have at least 12 years of service credit under this Article.

(b-1) A member may establish optional credit for up to 2 years of service as a teacher or administrator employed by a private school recognized by the Illinois State Board of Education, provided that the teacher (i) was certified under the law governing the certification of teachers at the time the service was rendered, (ii) applies in writing on or after June 1, 2002 and on or before June 1, 2005, (iii) supplies satisfactory evidence of the employment, (iv) completes at least 10 years of contributing service as a teacher as defined in Section 16-106, and (v) pays the contribution required in subsection (d-5) of Section 16-128. The member may apply for credit under this subsection and pay the required contribution before completing the 10 years of contributing service required under item (iv), but the credit may not be used until the item (iv) contributing service requirement has been met.

(c) The service credits specified in this Section shall be granted only if: (1) such service credits are not used for credit in any other statutory tax-supported public employee retirement system other than the federal Social Security program; and (2) the member makes the required contributions as specified in Section 16-128. Except as provided in subsection (b-1) of this Section, the service credit shall be effective as of the date the required contributions are completed.

Any service credits granted under this Section shall terminate upon cessation of membership for any cause.

Credit may not be granted under this Section covering any period for which an age retirement or disability retirement allowance has been paid.

(Source: P.A. 92-867, eff. 1-3-03.)

(40 ILCS 5/16-128) (from Ch. 108 1/2, par. 16-128)

Sec. 16-128. Creditable service - required contributions.

(a) In order to receive the creditable service specified under subsection (b) of Section 16-127, a member is required to make the following contributions: (i) an amount equal to the contributions which would have been required had such service been rendered as a member under this System; (ii) for a leave of absence due to pregnancy during creditable service established under subdivision (b) (5.1) of Section 16-127 and (iii) for military service not immediately following employment and for service established under subdivision (b)(10) of Section 16-127, an amount determined by the Board to be equal to the employer's normal cost of the benefits accrued for such service; and (iii) interest from the date the contributions would have been due (or, in the case of a person establishing credit for military service under subdivision (b)(3) of Section 16-127, the date of first membership in the System, if that date is later) to the date of payment, at the following rate of interest, compounded annually: for periods prior to July 1, 1965, regular interest; from July 1, 1965 to June 30, 1977, 4% per year; on and after July 1, 1977, regular interest.

(b) In order to receive creditable service under paragraph (2) of subsection (b) of Section 16-127 for those who were not members on June 30, 1963, the minimum required contribution shall be \$420 per year of service together with interest at 4% per year compounded annually from July 1, preceding the date of membership until June 30, 1977 and at regular interest compounded annually thereafter to the date of payment.

(c) In determining the contribution required in order to receive creditable service under paragraph (3) of subsection (b) of Section 16-127, the salary rate for the remainder of the school term in which a member enters military service shall be assumed to be equal to the member's salary rate at the time of entering military service. However, for military service not immediately following employment, the salary rate on the last date as a participating teacher prior to such military service, or on the first date as a participating teacher after such military service, whichever is greater, shall be assumed to be equal to the member's salary rate at the time of entering military service. For each school term thereafter, the member's salary rate shall be assumed to be 5% higher than the salary rate in the previous school term.

(d) In determining the contribution required in order to receive creditable service under paragraph (5) and (5.1) of subsection (b) of Section 16-127, a member's salary rate during the period for which credit is being established shall be assumed to be equal to the member's last salary rate immediately preceding

that period.

(d-5) For each year of service credit to be established under subsection (b-1) of Section 16-127, a member is required to contribute to the System (i) 16.5% of the annual salary rate during the first year of full-time employment as a teacher under this Article following the private school service, plus (ii) interest thereon from the date of first full-time employment as a teacher under this Article following the private school service to the date of payment, compounded annually, at the rate of 8.5% per year for periods before the effective date of this amendatory Act of the 92nd General Assembly, and for subsequent periods at a rate equal to the System's actuarially assumed rate of return on investments.

(d-10) For service credit established under paragraph (6) of subsection (b) of Section 16-127 for days granted by an employer in excess of the member's normal annual sick leave allotment, the employer is required to pay the normal cost of benefits based upon such service credit. This subsection (d-10) does not apply to sick leave granted to teachers under contracts or collective bargaining agreements entered into, amended, or renewed before June 1, 2005 (the effective date of Public Act 94-4). The employer contributions required under this subsection (d-10) shall be paid in the form of a lump sum within 30 days after receipt of the bill after the teacher begins receiving benefits under this Article.

(e) Except for contributions under subsection (d-10), the contributions required under this Section may be made from the date the statement for such creditable service is issued until retirement date. All such required contributions must be made before any retirement annuity is granted.

(Source: P.A. 94-4, eff. 6-1-05; 94-1057, eff. 7-31-06.)

(40 ILCS 5/16-203.1 new)

Sec. 16-203.1. New benefit increases. The General Assembly finds and declares that the amendment to Sections 16-127 made by this amendatory Act of the 95th General Assembly that allows a teacher to establish credit for a leave of absence due to a pregnancy constitutes a new benefit increase within the meaning of Section 16-203. This new benefit increase will expire 5 years after the effective date of this amendatory Act. The additional funding required under Section 16-203 for this new benefit increase shall be provided by the contributions from the employee required under Section 16-128.

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

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

On motion of Senator Link, **Senate Bill No. 169**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 170**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **Senate Bill No. 174**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **Senate Bill No. 206**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 172**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bomke, **Senate Bill No. 202**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Millner, **Senate Bill No. 226**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Millner, **Senate Bill No. 249**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **Senate Bill No. 255**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **Senate Bill No. 263**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 270** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 270

AMENDMENT NO. 1. Amend Senate Bill 270 on page 1, line 20, after, "Lots 2," by inserting "3,".

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

On motion of Senator Bomke, **Senate Bill No. 274**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 284**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **Senate Bill No. 299**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 305**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 333** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Judiciary Civil Law, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 333

AMENDMENT NO. 1. Amend Senate Bill 333 by replacing everything after the enacting clause with the following:

"Section 5. The Recreational Use of Land and Water Areas Act is amended by changing Section 1 as follows:

(745 ILCS 65/1) (from Ch. 70, par. 31)

Sec. 1. This Act shall be known ~~and~~ and may be cited as the "Recreational Use of Land and Water Areas Act".

The purpose of this Act is to encourage owners of land to make land and water areas available to any individual or members of the public for recreational or conservation purposes by limiting their liability toward persons entering thereon for such purposes.

(Source: P.A. 94-625, eff. 8-18-05.)"

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

On motion of Senator Trotter, **Senate Bill No. 335** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 335

AMENDMENT NO. 1. Amend Senate Bill 335 on page 1, after line 15, by inserting the following:

"This Section does not apply to a hospital, fire station, emergency medical facility, or police station that has a sign that is consistent with the requirements of this Section that is posted on the effective date

[March 2, 2007]

of this amendatory Act of the 95th General Assembly."

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

On motion of Senator Harmon, **Senate Bill No. 337**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 341**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Risinger, **Senate Bill No. 343**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 355**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 363** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Judiciary Criminal Law, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 363

AMENDMENT NO. 1. Amend Senate Bill 363 by replacing all of subsection (e-10) of Sec. 9-3 of Section 5 with the following:

"(e-10) In cases involving reckless homicide in which the defendant unintentionally kills an individual while driving in a posted school zone, as defined in Section 11-605 of the Illinois Vehicle Code, or in a construction or maintenance zone, as defined in Section 11-605.1 of the Illinois Vehicle Code, the trier of fact may infer that the defendant's actions were performed recklessly where he or she was also either driving at a speed of more than 10 miles per hour in excess of the posted speed limit or violating Section 11-501 of the Illinois Vehicle Code."

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

On motion of Senator Crotty, **Senate Bill No. 374**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 376** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 376

AMENDMENT NO. 1. Amend Senate Bill 376 as follows:

on page 1, line 7, by replacing "January 1, 2010" with "July 1, 2010".

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

On motion of Senator Harmon, **Senate Bill No. 377**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 384**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **Senate Bill No. 434**, having been printed, was taken up, read by title a second time and ordered to a third reading.

[March 2, 2007]

On motion of Senator Maloney, **Senate Bill No. 436**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **Senate Bill No. 439**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 481**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 486** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Judiciary Civil Law, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 486

AMENDMENT NO. 1. Amend Senate Bill 486 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by adding Section 2-807 as follows:
(735 ILCS 5/2-807 new)

Sec. 2-807. Residual funds in a common fund created in a class action.

(a) Definitions. As used in this Section:

"Eligible organization" means a not-for-profit organization that has been in existence for no less than 3 years, has been tax exempt for no less than 3 years from the payment of federal taxes under Section 501(c)(3) of the Internal Revenue Code, and has a principal purpose of promoting or providing services that would be eligible for funding under the Illinois Equal Justice Act.

"Residual funds" means all unclaimed funds, including uncashed checks or other unclaimed payments, that remain in a common fund created in a class action after court-approved payments are made for the following:

(i) class member claims;

(ii) attorney's fees and costs; and

(iii) any reversions to a defendant agreed upon by the parties.

(b) Settlement. An order approving a proposed settlement of a class action that results in the creation of a common fund for the benefit of the class shall, consistent with the other Sections of this Part, establish a process for the administration of the settlement and shall provide for the distribution of any residual funds to one or more eligible organizations, except that up to 50% of the residual funds may be distributed to one or more other nonprofit charitable organizations or other organizations that serve the public good if the court finds there is good cause to approve such a distribution as part of a settlement.

(c) Judgment. A judgment in favor of the plaintiff in a class action that results in the creation of a common fund for the benefit of the class shall provide for the distribution of any residual funds to one or more eligible organizations.

(d) State and its political subdivisions. This Section does not apply to any class action lawsuit against the State of Illinois or any of its political subdivisions.

(e) Application. This Section applies to all actions commenced on or after the effective date of this amendatory Act of the 95th General Assembly and to all actions pending on the effective date of this amendatory Act of the 95th General Assembly.

Section 99. Effective date. This Act takes effect July 1, 2008."

Committee Amendment No. 2 was held in the Committee on Rules.

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

On motion of Senator Jacobs, **Senate Bill No. 493**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 497**, having been printed, was taken up, read by title a second time and ordered to a third reading.

[March 2, 2007]

On motion of Senator Forby, **Senate Bill No. 498**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 513**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 518**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **Senate Bill No. 527**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 528**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **Senate Bill No. 529**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 531**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **Senate Bill No. 534**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **Senate Bill No. 557**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **Senate Bill No. 560**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Forby, **Senate Bill No. 569**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 594**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 611**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 620**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 627**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **Senate Bill No. 715**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **Senate Bill No. 1174** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1174

AMENDMENT NO. 1. Amend Senate Bill 1174 by replacing everything after the enacting clause with the following:

"Section 5. The Private Sewage Disposal Licensing Act is amended by changing Section 10 as

[March 2, 2007]

follows:

(225 ILCS 225/10) (from Ch. 111 1/2, par. 116.310)

Sec. 10. (a) This Act does not prohibit the enforcement of ordinances of units of local government establishing a system for the regulation and inspection of private sewage disposal contractors and a minimum code of standards for design, construction, materials, operation and maintenance of private sewage disposal systems, for the transportation and disposal of wastes therefrom and for private sewage disposal systems servicing equipment, provided such ordinance establishes a system at least equal to state regulation and inspection.

Such units of local government who wish to be approved, shall submit a copy of such ordinance including all amendments to the Department requesting approval for such system of regulation and inspection. If such plan is approved by the Department the ordinance shall prevail in lieu of the state licensure, fee and inspection program, and the Department shall issue written approval. Not less than once each year the Department shall evaluate the program to determine whether such program is being operated in accordance with the approved provisions of existing ordinances. If the Department finds after investigation that such program is not in accordance with the approved program or is not being enforced, the Director shall give written notice of the findings to the chief administrative officer of such unit of local government. If the Department thereafter finds, not less than 30 days after the giving of such notice that the program is not being conducted in a manner consistent with existing ordinances, the Director shall give written notice of such findings to the chief administrative officer of the unit of local government, and after administrative hearing as provided in this Act, all persons then operating under such unit of local government shall be immediately subject to the state licensure, fee and inspection program.

(b) This Act does not prohibit the enforcement of ordinances of units of local government that require homeowners who maintain a private sewage disposal system within the unit of local government to provide verification, no more frequently than once every 3 years, to the unit of local government of a valid contract with a licensed private sewage disposal system installation contractor. However, no additional fee may be charged for such verification.

(Source: P.A. 78-812.)

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

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

On motion of Senator Holmes, **Senate Bill No. 1242**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Millner, **Senate Bill No. 1260**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1296**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 1299**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1364**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1366**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1368**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **Senate Bill No. 1379**, having been printed, was taken up, read by title a second time and ordered to a third reading.

[March 2, 2007]

On motion of Senator Raoul, **Senate Bill No. 1380**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 1392**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **Senate Bill No. 1422**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **Senate Bill No. 1663**, having been printed, was taken up, read by title a second time and ordered to a third reading.

EXCUSED FROM ATTENDANCE

On motion of Senator Righter, Senator Pankau was excused from attendance due to illness.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Garrett, **Senate Bill No. 77**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Ronen
Bomke	Frerichs	Link	Rutherford
Bond	Garrett	Luechtefeld	Sandoval
Brady	Haine	Maloney	Schoenberg
Burzynski	Halvorson	Martinez	Sieben
Clayborne	Harmon	Meeks	Silverstein
Collins	Hendon	Millner	Sullivan
Cronin	Holmes	Munoz	Trotter
Crotty	Hultgren	Murphy	Watson
Cullerton	Hunter	Noland	Wilhelmi
Dahl	Jacobs	Peterson	Mr. President
DeLeo	Jones, J.	Radogno	
Delgado	Koehler	Raoul	
Demuzio	Kotowski	Righter	
Dillard	Lauzen	Risinger	

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 therein.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Lightford, **Senate Bill No. 1**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schoenberg, **Senate Bill No. 2**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **Senate Bill No. 3**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 11**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **Senate Bill No. 18**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **Senate Bill No. 48**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **Senate Bill No. 110**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hultgren, **Senate Bill No. 116** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 116

AMENDMENT NO. 1. Amend Senate Bill 116 on page 2, immediately below line 12, by inserting the following:

"Section 20. Staffing. The Department of Public Health, the Department of State Police, and the Department of Corrections shall provide the staff and administrative support necessary for the Task Force to complete its work."; and

on page 2, line 13, by replacing "20" with "25"; and

on page 2, immediately below line 14, by inserting the following:

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

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

On motion of Senator Garrett, **Senate Bill No. 122**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 144**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 158** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 158

AMENDMENT NO. 1. Amend Senate Bill 158 on page 7, line 18, by inserting "knowingly" immediately after the word "to"; and

on page 7, line 22, by inserting the word "knowingly" immediately after the word "have"; and

on page 8, line 5, by inserting the word "great" immediately before the word "bodily"; and

on page 8, line 5, by inserting the word "or death" immediately after the word "harm".

[March 2, 2007]

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

On motion of Senator Maloney, **Senate Bill No. 162**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Jones, **Senate Bill No. 199**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 223**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Watson, **Senate Bill No. 247**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Luechtefeld, **Senate Bill No. 252**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 259**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 304**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 321**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 336**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 387**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **Senate Bill No. 394**, having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 11:58 o'clock a.m., Senator Halvorson presiding.

On motion of Senator Frerichs, **Senate Bill No. 395** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 395

AMENDMENT NO. 1. Amend Senate Bill 395 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 27-17 as follows:
(105 ILCS 5/27-17) (from Ch. 122, par. 27-17)

Sec. 27-17. Safety education. School boards of public schools and all boards in charge of educational institutions supported wholly or partially by the State may provide instruction in safety education in all grades and include such instruction in the courses of study regularly taught therein.

In this section "safety education" means and includes instruction in the following:

1. automobile safety, including traffic regulations and highway safety;
2. safety in the home;
3. safety in connection with recreational activities;
4. safety in and around school buildings;

[March 2, 2007]

5. safety in connection with vocational work or training; and
6. cardio-pulmonary resuscitation for pupils enrolled in grades 9 through 11.

Such boards may make suitable provisions in the schools and institutions under their jurisdiction for instruction in safety education for not less than 16 hours during each school year.

The curriculum in all State universities shall contain ~~an elective course of~~ instruction in safety education for teachers that is appropriate to the grade level of the teaching certificate, comprising at least 48 fifty minute periods or the equivalent thereof. This instruction may be by specific courses in safety education or may be incorporated in existing subjects taught in the university.

(Source: P.A. 80-1283.)

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

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

On motion of Senator Demuzio, **Senate Bill No. 397**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 401**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 402**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **Senate Bill No. 446**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Forby, **Senate Bill No. 479**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 571** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 571

AMENDMENT NO. 1. Amend Senate Bill 571 on page 39, line 2, by replacing "by for" with "for"; and

on page 39, line 20, by replacing "hall" with "shall".

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

On motion of Senator Demuzio, **Senate Bill No. 576**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 597** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 597

AMENDMENT NO. 1. Amend Senate Bill 597 in Section 20, by replacing all of subsection (e) with the following:

"(e) The Department of Military Affairs, the Department of Veterans' Affairs, and the Department of Public Health shall ensure that adequate administrative staff is assigned to meet the needs of the task force."

[March 2, 2007]

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

On motion of Senator Garrett, **Senate Bill No. 730**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 746**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 1363**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1370**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1414**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **Senate Bill No. 1433**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 1467**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 1479**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1523**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hendon, **Senate Bill No. 1544**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 1560**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 1361**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hendon, **Senate Bill No. 182**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **Senate Bill No. 338**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **Senate Bill No. 207** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Commerce and Economic Development, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 207

AMENDMENT NO. 1. Amend Senate Bill 207 on page 1, line 9, by replacing "shall" with "may"; and

on page 1, by replacing line 14 with "infrastructure and urban improvement needs. The program shall be permissive and shall be subject to appropriation by the General Assembly.".

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

[March 2, 2007]

On motion of Senator Sullivan, **Senate Bill No. 309**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 368** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Commerce and Economic Development, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 368

AMENDMENT NO. 1. Amend Senate Bill 368 in Section 35, Sec. 22, after "unless it has complied with the provisions of this Act, except", by inserting "(1)"; and

in Section 35, Sec. 22, after "ownership or administration of residential property on a cooperative basis", by inserting "or (2) a cooperative corporation organized under the General Not For Profit Corporation Act of 1986 or its predecessor or successor statutes".

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

On motion of Senator Holmes, **Senate Bill No. 1243**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1457**, having been printed, was taken up, read by title a second time and ordered to a third reading.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 82

Offered by Senator Hunter and all Senators:
Mourns the death of Ryan Harris of Carbondale.

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

Senators Althoff - Dillard - Radogno offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 83

WHEREAS, Illinois is the fifth largest immigrant receiving state in the U.S., with approximately 20% of the State's population being either foreign-born or children of immigrants; and

WHEREAS, Less than 40% of the 1,600,000 immigrants in Illinois are currently U.S. citizens; and

WHEREAS, Nearly 440,000 immigrants in the State will soon become eligible to become citizens; and

WHEREAS, Currently just 32,000 immigrants of the State become U.S. citizens each year; and

WHEREAS, The New Americans Initiative was created and designed to (i) directly assist immigrants in Illinois to become U.S. citizens; (ii) encourage immigrants to independently initiate their naturalization process; and (iii) help new citizens participate fully in civic life in Illinois; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Governor to support funding for The New Americans Initiative;

[March 2, 2007]

and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Governor.

Senators Althoff - Dillard -Radogno offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 84

WHEREAS, Mexico's President Felipe Calderon recently announced a program to create work for Mexican citizens and stem emigration to the United States; and

WHEREAS, the work program will provide cash incentives to companies that hire young workers and fund part of the workers' social security benefits during the first year of employment; and

WHEREAS, President Calderon hopes that the program will enable low-income women to achieve true liberty and raise the quality of life for Mexican families; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Senate supports President Calderon's program to create jobs for Mexican citizens; and be it further

RESOLVED, That the Senate supports a continuing dialogue between the United States and Mexico concerning immigration to the United States; and be it further

RESOLVED, That copies of the resolution be sent to President Felipe Calderon and to each member of the Illinois congressional delegation.

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

SENATE JOINT RESOLUTION NO. 35

WHEREAS, Chronic obstructive pulmonary disease (COPD), also known as chronic bronchitis and emphysema, is the fourth leading cause of death in the United States and the only one of the top 5 causes of death whose prevalence and death rate are rising; and

WHEREAS, COPD is a chronic and progressive disease that impacts over 5,600,000 Illinoisans and 24 million Americans; and

WHEREAS, The annual cost to the nation for COPD in 2004 was estimated to be \$37 billion dollars; and

WHEREAS, Early diagnosis and management of COPD can effectively reduce the overall financial burden of the illness within public programs such as Medicaid; and

WHEREAS, Proper management of COPD can lead to improved quality of life and self-sufficiency on the part of patients with COPD receiving treatment within public programs; and

WHEREAS, Disease management has been demonstrated to reduce overall costs of care and increase quality of life for patients with chronic diseases, especially when targeted to appropriate conditions and patients; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we

[March 2, 2007]

hereby support and encourage the Illinois Department of Healthcare and Family Services in its efforts with regard to disease management and including COPD in the Department's chronic care improvement program in an effort to reduce the financial and clinical burden of COPD on the Medicaid program and the citizens of Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Director of Healthcare and Family Services.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION 75

Offered by Senator Haine and all Senators:
Mourns the death of U. S. Army Specialist Ryan C. Garbs of Edwardsville.

SENATE RESOLUTION 76

Offered by Senator Haine and all Senators:
Mourns the death of Morris B. Chapman of Edwardsville.

SENATE RESOLUTION 77

Offered by Senator Haine and all Senators:
Mourns the death of Thomas W. Holland of Wood River.

SENATE RESOLUTION 78

Offered by Senator Sandoval and all Senators:
Mourns the death of U. S. Army Sergeant Pedro J. Colon of Cicero.

SENATE RESOLUTION 79

Offered by Senator Hunter and all Senators:
Mourns the death of Roosevelt Collins, Jr., of Chicago.

SENATE RESOLUTION 80

Offered by Senator Dillard and all Senators:
Mourns the death of Jeanette Filipiak, nee Orłowski, of Woodridge.

SENATE RESOLUTION 81

Offered by Senator Dillard and all Senators:
Mourns the death of Robert Francis Bernard of Burr Ridge.

SENATE RESOLUTION 82

Offered by Senator Hunter and all Senators:
Mourns the death of Ryan Harris of Carbondale.

HOUSE JOINT RESOLUTION 12

Offered by Senator Bomke:
Mourns the death of Carl Nels Becker of Petersburg.

The Chair moved the adoption of the Resolutions Consent Calendar. The motion prevailed, and the resolutions were adopted.

PRESENTATION OF RESOLUTION

Senator Martinez offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE JOINT RESOLUTION NO. 34

[March 2, 2007]

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Friday, March 02, 2007, the Senate stands adjourned until Tuesday, March 06, 2007 at 11:00 o'clock a.m.; and the House of Representatives stands adjourned until Tuesday, March 06, 2007, at 12:00 o'clock noon.

The motion prevailed.

And the resolution was adopted.

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

At the hour of 12:14 o'clock p.m., pursuant to **Senate Joint Resolution No. 34**, the Chair announced the Senate stand adjourned until Tuesday, March 6, 2007, at 11:00 o'clock a.m.