



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIFTH GENERAL ASSEMBLY

143RD LEGISLATIVE DAY

TUESDAY, APRIL 8, 2008

12:25 O'CLOCK P.M.

SENATE
Daily Journal Index
143rd Legislative Day

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The Senate met pursuant to adjournment.
 Honorable Emil Jones, Jr., President of the Senate, presiding.
 Prayer by Rabbi Daniel Moscovitz, Lubavitch Chabad, Chicago, Illinois.
 Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Thursday, April 3, 2008, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 2 to Senate Resolution 481

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

Senate Floor Amendment No. 2 to Senate Bill 481
 Senate Floor Amendment No. 1 to Senate Bill 1890
 Senate Floor Amendment No. 2 to Senate Bill 1900
 Senate Floor Amendment No. 2 to Senate Bill 1925
 Senate Floor Amendment No. 1 to Senate Bill 2042
 Senate Floor Amendment No. 3 to Senate Bill 2110
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 Senate Floor Amendment No. 5 to Senate Bill 2222
 Senate Floor Amendment No. 1 to Senate Bill 2332
 Senate Floor Amendment No. 1 to Senate Bill 2413
 Senate Floor Amendment No. 1 to Senate Bill 2854

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 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. 2825
 A bill for AN ACT concerning wildlife.
 HOUSE BILL NO. 4195
 A bill for AN ACT concerning civil law.
 HOUSE BILL NO. 4225
 A bill for AN ACT concerning education.
 HOUSE BILL NO. 4485
 A bill for AN ACT concerning regulation.
 HOUSE BILL NO. 4602
 A bill for AN ACT concerning regulation.
 HOUSE BILL NO. 4732
 A bill for AN ACT concerning revenue.
 HOUSE BILL NO. 4826
 A bill for AN ACT concerning appropriations.

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Passed the House, April 3, 2008.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 2825, 4195, 4225, 4485, 4602, 4732 and 4826** were 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. 4291

A bill for AN ACT concerning public aid.

HOUSE BILL NO. 4527

A bill for AN ACT concerning local government.

HOUSE BILL NO. 4890

A bill for AN ACT concerning education.

HOUSE BILL NO. 5049

A bill for AN ACT concerning transportation.

HOUSE BILL NO. 5288

A bill for AN ACT concerning transportation.

HOUSE BILL NO. 5586

A bill for AN ACT concerning local government.

HOUSE BILL NO. 5599

A bill for AN ACT concerning National Guardsman's compensation claims.

HOUSE BILL NO. 5860

A bill for AN ACT concerning wildlife.

HOUSE BILL NO. 5983

A bill for AN ACT concerning State government.

Passed the House, April 3, 2008.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 4291, 4527, 4890, 5049, 5288, 5586, 5599, 5860 and 5983** were 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. 4506

A bill for AN ACT concerning criminal law.

Passed the House, April 3, 2008.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 4506** 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. 5088

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A bill for AN ACT concerning public employee benefits.
HOUSE BILL NO. 5209
A bill for AN ACT making appropriations.
HOUSE BILL NO. 5243
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 5285
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 5524
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 5729
A bill for AN ACT concerning regulation.
HOUSE BILL NO. 5904
A bill for AN ACT concerning civil law.
Passed the House, April 3, 2008.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 5088, 5209, 5243, 5285, 5524, 5729 and 5904** were taken up, ordered printed and placed on first reading.

PRESENTATION OF RESOLUTIONS

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

SENATE RESOLUTION NO. 629

WHEREAS, Illinois' Soil and Water Conservation Districts (SWCDs) are units of local government authorized by Illinois State statute; and

WHEREAS, Each of Illinois' 98 SWCDs was duly created by local referendum; and

WHEREAS, SWCDs were not given taxing authority but were intended to be funded by appropriations made by the Illinois General Assembly; and

WHEREAS, Illinois' 98 SWCDs, and their approximately 250 employees, represent our State's frontline in protecting our rivers, streams, and other water sources against contamination from urban stormwater and agricultural chemicals and sediment; and

WHEREAS, SWCDs provide and assist in delivering programs that prevent erosion from urban development and tillable soil that threatens our agricultural economy and the sustainability of our surface water supplies; and

WHEREAS, The investment of State funds in the operational expenses of SWCDs ensures the distribution to Illinois of about \$250 million from the federal farm bill and other sources; and

WHEREAS, SWCDs provide an invaluable service by coordinating assistance from all available sources, public, private, local, State, and federal, in an effort to develop locally driven solutions to natural resource concerns; and

WHEREAS, SWCDs provide services that benefit all citizens of Illinois and the Illinois economy by implementing conservation practices and measures that keep soil on fields, lawns, and development sites and out of water bodies; and

WHEREAS, SWCDs assist developers and homeowners in managing land in an environmentally sensitive manner; and

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WHEREAS, SWCDs assist counties, municipalities, watershed groups, organizations, State agencies, federal agencies, corporations, and individuals with planning, installation, and implementation of plans and practices that benefit society and protect fragile and valuable natural resources; and

WHEREAS, SWCDs are dependent upon State appropriations for operational grants and project funds to run their offices; and

WHEREAS, Operational grants to SWCDs are spent almost exclusively on salaries because the districts save on rent and other expenses by sharing offices with the United States Department of Agriculture (USDA) in all but 5 counties; and

WHEREAS, The Fiscal Year 2008 budget appropriated approximately \$7.4 million for SWCD operational expenses and \$6.0 million for the Partners for Conservation Program (formerly Conservation 2000) through the Department of Agriculture; and

WHEREAS, As of April 1, 2008, only \$1.7 million of the \$7.4 million appropriation has been released to SWCDs for operational expenses; the release of these funds breaks down to each SWCD having received approximately \$14,000; and

WHEREAS, None of the \$6.0 million appropriated for the Conservation Practices Program under the Partners for Conservation Program has been released; and

WHEREAS, SWCDs cannot retain staff or maintain an office without funds that are appropriated by the Illinois General Assembly and approved by the Governor of the State of Illinois; and

WHEREAS, Many districts will have to consider laying-off staff or closing their doors if additional funding is not released; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Governor to immediately release the remaining \$5.75 million that was appropriated for grants to SWCDs for clerical and other personnel expenses in addition to the \$6.0 million appropriated for the Conservation Practices Program under the Partners for Conservation Program to implement agricultural resource enhancement programs for Illinois' natural resources, including operational expenses; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Governor and the Director of Agriculture.

SENATE RESOLUTION 630

Offered by Senator Lauzen and all Senators:
Mourns the death of James A. Murphy, formerly of Geneva and West Chicago.

SENATE RESOLUTION 631

Offered by Senator Lauzen and all Senators:
Mourns the death of William Roscoe of Big Rock, formerly of Aurora.

SENATE RESOLUTION 632

Offered by Senator Link and all Senators:
Mourns the death of Allen J. Nelson, Jr., formerly of Lake Bluff.

SENATE RESOLUTION 633

Offered by Senator Link and all Senators:
Mourns the death of John J. Deutsch of Waukegan.

SENATE RESOLUTION 634

Offered by Senator Link and all Senators:
Mourns the death of Lena Losch of Waukegan.

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SENATE RESOLUTION 635

Offered by Senator Link and all Senators:
Mourns the death of Thomas J. Lee of Pleasant Prairie.

SENATE RESOLUTION 636

Offered by Senator Demuzio and all Senators:
Mourns the death of Max Stewart of Raymond.

SENATE RESOLUTION 637

Offered by Senator Demuzio and all Senators:
Mourns the death of Emily Elizabeth Kahl of Carlinville.

SENATE RESOLUTION 638

Offered by Senator Dillard and all Senators:
Mourns the death of Mary V. Perina of Hinsdale.

SENATE RESOLUTION 639

Offered by Senator E. Jones and all Senators:
Mourns the death of R. Eugene Pincham of Chicago.

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

INTRODUCTION OF BILLS

SENATE BILL NO. 3029. Introduced by Senator Radogno, a bill for AN ACT concerning local government.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 2825, sponsored by Senator Burzynski, was taken up, read by title a first time and referred to the Committee on Rules.

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

House Bill No. 4179, sponsored by Senator Pankau, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4195, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4428, sponsored by Senator Holmes, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4527, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4537, sponsored by Senator Watson, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4588, sponsored by Senator Sullivan, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4687, sponsored by Senator Frerichs, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4725, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4736, sponsored by Senator Dillard, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4826, sponsored by Senator Lightford, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4866, sponsored by Senator Wilhelmi, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4890, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5049, sponsored by Senator Millner, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5088, sponsored by Senator Demuzio, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5109, sponsored by Senator Maloney, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5193, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5288, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5321, sponsored by Senator Steans, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5505, sponsored by Senator Peterson, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5586, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5699, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5729, sponsored by Senator Crotty, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5760, sponsored by Senator Jacobs, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5891, sponsored by Senator Cronin, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5942, sponsored by Senator Sullivan, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5978, sponsored by Senator Sullivan, was taken up, read by title a first time and referred to the Committee on Rules.

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House Bill No. 5983, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Rules.

EXCUSED FROM ATTENDANCE

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

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 2 to Senate Bill 2362
 Senate Floor Amendment No. 2 to Senate Bill 2486
 Senate Floor Amendment No. 3 to Senate Bill 2502
 Senate Floor Amendment No. 1 to Senate Bill 2562
 Senate Floor Amendment No. 2 to Senate Bill 2632
 Senate Floor Amendment No. 2 to Senate Bill 2725
 Senate Floor Amendment No. 1 to Senate Bill 2760
 Senate Floor Amendment No. 1 to Senate Bill 2883

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Martinez, **Senate Bill No. 1878** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1878

AMENDMENT NO. 1. Amend Senate Bill 1878 by replacing everything after the enacting clause with the following:

"Section 5. The Right to Privacy in the Workplace Act is amended by changing Sections 12 and 15 as follows:

(820 ILCS 55/12)

Sec. 12. ~~Use Restrictions on use~~ of Employment Eligibility Verification Systems.

(a) Until such time as any Employment Eligibility Verification System, including the E-Verify program and the Basic Pilot program, as authorized by 8 U.S.C. 1324a, Notes, Pilot Programs for Employment Eligibility Confirmation (enacted by P.L. 104-208, div. C, title IV, subtitle A), is able to automatically verify the work authorization status of 99% of employees:

(1) employers are discouraged from participating in any Employment Eligibility Verification System, unless otherwise required by federal law; and

(2) the State of Illinois shall not participate in any Employment Eligibility Verification System, unless otherwise required by federal law. Employers are prohibited from enrolling in any Employment Eligibility Verification System, including the Basic Pilot program, as authorized by 8 U.S.C. 1324a, Notes, Pilot Programs for Employment Eligibility Confirmation (enacted by PL 104 208, div. C, title IV, subtitle A), until the Social Security Administration (SSA) and Department of Homeland Security (DHS) databases are able to make a determination on 99% of the tentative nonconfirmation notices issued to employers within 3 days, unless otherwise required by federal law.

(b) Upon initial enrollment in an Employment Eligibility Verification System or within 30 days after the effective date of this amendatory Act of the 95th General Assembly, an employer enrolled in an Employment Eligibility Verification System must attest. Subject to subsection (a) of this Section, an employer who enrolls in the Basic Pilot program is prohibited from the Employment Eligibility Verification Systems, to confirm the employment authorization of new hires unless the employer attests, under penalty of perjury, on a form prescribed by the Department of Labor:

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(1) that the employer has received the Basic Pilot or E-Verify training materials from the Department of Homeland Security (DHS) ~~DHS~~, and that all employees ~~personnel~~ who will administer the program have completed the Basic Pilot or E-Verify Computer Based Tutorial (CBT); and

(2) that the employer has posted the notice from DHS indicating that the employer is enrolled in the Basic Pilot or E-Verify program and ; the anti-discrimination notice issued by the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC), Civil Rights Division, U.S. Department of Justice in a prominent place that is clearly visible to prospective employees ; and the anti-discrimination notice issued by the Illinois Department of Human Rights (IDHR).

The employer must maintain the signed original of the attestation form prescribed by the Department, as well as copies of all CBT certificates of completion, and make them available for inspection or copying by the Department at any reasonable time.

(c) It is a violation of this Act for an employer enrolled in an Employment Eligibility Verification System: Responsibilities of employer using Employment Eligibility Verification Systems.

(1) to fail to ~~The employer shall~~ display the notices supplied by DHS and ; OSC, and IDHR in a prominent place that is clearly visible to prospective employees; -

(2) to allow an employee to use an Employment Eligibility Verification System prior to having completed the CBT. The employer shall require that all employer representatives performing employment verification queries complete the CBT. The employer shall attest, under penalty of perjury, on a form prescribed by the Department of Labor, that the employer representatives completed the CBT.

(3) to fail to ~~The employer shall become familiar with and comply with the Basic Pilot Manual.~~

(4) The employer shall notify all prospective employees at the time of application that such employment verification system may be used for immigration enforcement purposes.

(5) The employer shall provide all employees who receive a tentative nonconfirmation with a referral letter and contact information for what agency the employee must contact to resolve the discrepancy.

(6) The employer shall comply with the Illinois Human Rights Act and any applicable federal anti-discrimination laws.

(7) The employer shall use the information it receives from SSA or DHS only to confirm the employment eligibility of newly hired employees after completion of the Form I-9. The employer shall safeguard ~~the~~ this information contained in the Employment Eligibility Verification System, and the means of access to the System ~~#~~ (such as passwords and other

privacy protections). An employer shall ; to ensure that the System ~~#~~ is not used for any other purpose other than employment verification of newly-hired employees and shall ensure as necessary to protect its confidentiality, including ensuring that the information contained in the System and the means of access to the System are ~~#~~ is not disseminated to any person other than employees of the employer who need such information and access ~~#~~ to perform the employer's employment verification responsibilities. All claims that an employer refused to hire, segregated, or acted with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges, or conditions of employment without following the procedures under the Basic Pilot or E-Verify program shall be brought under paragraph (G)(2) of Section 2-102 of the Illinois Human Rights Act.

(d) Preemption. No unit of local government, including a home rule unit, may require any employer to use an Employment Eligibility Verification System, including under the following circumstances:

- (1) as a condition of receiving a government contract;
- (2) as a condition of receiving a business license; or
- (3) as penalty for violating licensing or other similar laws.

This subsection (d) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 95-138, eff. 1-1-08.)

(820 ILCS 55/15) (from Ch. 48, par. 2865)

Sec. 15. Administration and enforcement.

(a) The Director of Labor or his authorized representative shall administer and enforce the provisions of this Act. The Director of Labor may issue rules and regulations necessary to administer and enforce the provisions of this Act.

(b) If an employee or applicant for employment alleges that he or she has been denied his or her rights

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under this Act, he or she may file a complaint with the Department of Labor. The Department shall investigate the complaint and shall have authority to request the issuance of a search warrant or subpoena to inspect the files of the employer or prospective employer, if necessary. The Department shall attempt to resolve the complaint by conference, conciliation, or persuasion. If the complaint is not so resolved and the Department finds the employer or prospective employer has violated the Act, the Department may commence an action in the circuit court to enforce the provisions of this Act including an action to compel compliance. The circuit court for the county in which the complainant resides or in which the complainant is employed shall have jurisdiction in such actions.

(c) If an employer or prospective employer violates this Act, an employee or applicant for employment may commence an action in the circuit court to enforce the provisions of this Act, including actions to compel compliance, where efforts to resolve the employee's or applicant for employment's complaint concerning the violation by conference, conciliation or persuasion under subsection (b) have failed and the Department has not commenced an action in circuit court to redress the violation. An employee or applicant for employment may directly commence an action in the circuit court to enforce Section 12(c)(3) of this Act without first filing a complaint with the Department of Labor. The circuit court for the county in which the complainant resides or in which the complainant is employed shall have jurisdiction in such actions.

(d) Failure to comply with an order of the court may be punished as contempt. In addition, the court shall award an employee or applicant for employment prevailing in an action under this Act the following damages:

(1) Actual damages plus costs.

(2) For a willful and knowing violation of this Act, \$200 plus costs, reasonable attorney's fees, and actual damages.

(3) For a violation of Section 12(c)(3) of this Act, \$500 per affected employee plus costs, reasonable attorney's fees, and actual damages.

(e) Any employer or prospective employer or his agent who violates the provisions of this Act is guilty of a petty offense.

(f) Any employer or prospective employer, or the officer or agent of any employer or prospective employer, who discharges or in any other manner discriminates against any employee or applicant for employment because that employee or applicant for employment has made a complaint to his employer, or to the Director or his authorized representative, or because that employee or applicant for employment has caused to be instituted or is about to cause to be instituted any proceeding under or related to this Act, or because that employee or applicant for employment has testified or is about to testify in an investigation or proceeding under this Act, is guilty of a petty offense.

(Source: P.A. 87-807.)

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 1878

AMENDMENT NO. 2. Amend Senate Bill 1878, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 7, by replacing lines 10 through 13 with the following:

"violation. The circuit court for the county in which"; and

on page 7, by replacing line 24 with the following:

"(3) For a willful and knowing violation of Section 12(c) of this Act."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Koehler, **Senate Bill No. 1893** having been printed, was taken up, read by title a second time.

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Senate Committee Amendment No. 1 was held in the Committee on Rules.
Senate Floor Amendment No. 2 was held in the Committee on Insurance.
Senator Koehler offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 1893

AMENDMENT NO. 3. Amend Senate Bill 1893, on page 5, immediately below line 10, by inserting the following:

"(20) Acupuncture therapy as medically necessary and as provided by appropriately licensed professionals."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Maloney, **Senate Bill No. 1908**, 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. 1959**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bond, **Senate Bill No. 1995**, 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. 2013** having been printed, was taken up, read by title a second time.

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

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2013

AMENDMENT NO. 2. Amend Senate Bill 2013 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 14-13.01 as follows:
(105 ILCS 5/14-13.01) (from Ch. 122, par. 14-13.01)

Sec. 14-13.01. Reimbursement payable by State; Amounts. Reimbursement for furnishing special educational facilities in a recognized school to the type of children defined in Section 14-1.02 shall be paid to the school districts in accordance with Section 14-12.01 for each school year ending June 30 by the State Comptroller out of any money in the treasury appropriated for such purposes on the presentation of vouchers by the State Board of Education.

The reimbursement shall be limited to funds expended for construction and maintenance of special education facilities designed and utilized to house instructional programs, diagnostic services, other special education services for children with disabilities and reimbursement as provided in Section 14-13.01. There shall be no reimbursement for construction and maintenance of any administrative facility separated from special education facilities designed and utilized to house instructional programs, diagnostic services and other special education services for children with disabilities.

(a) For staff working on behalf of children who have not been identified as eligible for special education and for eligible children with physical disabilities, including all eligible children whose placement has been determined under Section 14-8.02 in hospital or home instruction, 1/2 of the teacher's salary but not more than \$1,000 annually per child or \$8,000 per teacher for the 1985-1986 school year through the 2005-2006 school year, ~~and~~ \$1,000 per child or \$9,000 per teacher for the 2006-2007 school year, \$3,800 per child or \$10,000 per teacher for the 2007-2008 school year, \$4,300 per child or \$11,000 per teacher for the 2008-2009 school year, \$4,800 per child or \$12,000 per teacher for the 2009-2010 school year, \$5,300 per child or \$13,000 per teacher for the 2010-2011 school year, \$5,800 per child or \$14,000 per teacher for the 2011-2012 school year, and for each school year thereafter, the amount from the previous school year increased by a percentage increase equal to the percentage increase, if any, in the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor for the 12 months ending on the previous December 31 and for each school year thereafter, whichever is less. Children to be included in any reimbursement

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under this paragraph must regularly receive a minimum of one hour of instruction each school day, or in lieu thereof of a minimum of 5 hours of instruction in each school week in order to qualify for full reimbursement under this Section. If the attending physician for such a child has certified that the child should not receive as many as 5 hours of instruction in a school week, however, reimbursement under this paragraph on account of that child shall be computed proportionate to the actual hours of instruction per week for that child divided by 5.

(b) For children described in Section 14-1.02, 4/5 of the cost of transportation for each such child, whom the State Superintendent of Education determined in advance requires special transportation service in order to take advantage of special educational facilities. Transportation costs shall be determined in the same fashion as provided in Section 29-5. For purposes of this subsection (b), the dates for processing claims specified in Section 29-5 shall apply.

(c) ~~(Blank). For each professional worker excluding those included in subparagraphs (a), (d), (e), and (f) of this Section, the annual sum of \$8,000 for the 1985-1986 school year through the 2005-2006 school year and \$9,000 for the 2006-2007 school year and for each school year thereafter.~~

(d) ~~(Blank). For one full time qualified director of the special education program of each school district which maintains a fully approved program of special education the annual sum of \$8,000 for the 1985-1986 school year through the 2005-2006 school year and \$9,000 for the 2006-2007 school year and for each school year thereafter. Districts participating in a joint agreement special education program shall not receive such reimbursement if reimbursement is made for a director of the joint agreement program.~~

(e) ~~(Blank). For each school psychologist as defined in Section 14-1.09 the annual sum of \$8,000 for the 1985-1986 school year through the 2005-2006 school year and \$9,000 for the 2006-2007 school year and for each school year thereafter.~~

(f) ~~(Blank). For each qualified teacher working in a fully approved program for children of preschool age who are deaf or hard of hearing the annual sum of \$8,000 for the 1985-1986 school year through the 2005-2006 school year and \$9,000 for the 2006-2007 school year and for each school year thereafter.~~

(g) For readers, working with blind or partially seeing children 1/2 of their salary but not more than \$400 annually per child. Readers may be employed to assist such children and shall not be required to be certified but prior to employment shall meet standards set up by the State Board of Education.

(g-5) For each certificated employee who works with or on behalf of students with disabilities full time, \$8,000 for each school year through the 2005-2006 school year, \$9,000 for the 2006-2007 school year, \$10,000 for the 2007-2008 school year, \$11,000 for the 2008-2009 school year, \$12,000 for the 2009-2010 school year, \$13,000 for the 2010-2011 school year, \$14,000 for the 2011-2012 school year, and for each school year thereafter, the amount from the previous school year increased by a percentage increase equal to the percentage increase, if any, in the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor for the 12 months ending on the previous December 31.

~~(h) For necessary non-certified employees working in any class or program for children defined in this Article, 1/2 of the salary paid or \$2,800 annually per employee through the 2005-2006 school year, and \$3,500 per employee for the 2006-2007 school year, \$3,800 per employee for the 2007-2008 school year, \$4,300 per employee for the 2008-2009 school year, \$4,800 per employee for the 2009-2010 school year, \$5,300 per employee for the 2010-2011 school year, \$5,800 per employee for the 2011-2012 school year, and for each school year thereafter, the amount per employee from the previous school year increased by a percentage increase equal to the percentage increase, if any, in the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor for the 12 months ending on the previous December 31 and for each school year thereafter, whichever is less.~~

The State Board of Education shall set standards and prescribe rules for determining the allocation of reimbursement under this section on less than a full time basis and for less than a school year.

When any school district eligible for reimbursement under this Section operates a school or program approved by the State Superintendent of Education for a number of days in excess of the adopted school calendar but not to exceed 235 school days, such reimbursement shall be increased by 1/180 of the amount or rate paid hereunder for each day such school is operated in excess of 180 days per calendar year.

Notwithstanding any other provision of law, any school district receiving a payment under this Section or under Section 14-7.02, 14-7.02b, or 29-5 of this Code may classify all or a portion of the funds that it receives in a particular fiscal year or from general State aid pursuant to Section 18-8.05 of this Code as funds received in connection with any funding program for which it is entitled to receive funds from the State in that fiscal year (including, without limitation, any funding program referenced in

this Section), regardless of the source or timing of the receipt. The district may not classify more funds as funds received in connection with the funding program than the district is entitled to receive in that fiscal year for that program. Any classification by a district must be made by a resolution of its board of education. The resolution must identify the amount of any payments or general State aid to be classified under this paragraph and must specify the funding program to which the funds are to be treated as received in connection therewith. This resolution is controlling as to the classification of funds referenced therein. A certified copy of the resolution must be sent to the State Superintendent of Education. The resolution shall still take effect even though a copy of the resolution has not been sent to the State Superintendent of Education in a timely manner. No classification under this paragraph by a district shall affect the total amount or timing of money the district is entitled to receive under this Code. No classification under this paragraph by a district shall in any way relieve the district from or affect any requirements that otherwise would apply with respect to that funding program, including any accounting of funds by source, reporting expenditures by original source and purpose, reporting requirements, or requirements of providing services.
(Source: P.A. 95-415, eff. 8-24-07; 95-707, eff. 1-11-08.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 2080** 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 2080

AMENDMENT NO. 1. Amend Senate Bill 2080 on page 47, line 4 by inserting after the period the following:

"The owner of a self-service storage facility as defined in the Self-Service Storage Facility Act is not a warehouse for the purposes of this Article."

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 Silverstein, **Senate Bill No. 2085** having been printed, was taken up, read by title a second time.

Senate Committee Amendment No. 1 and Senate Floor Amendment No. 2 were held in the Committee on Rules.

Senate Floor Amendment No. 3 was recommended do adopt by the Committee on Judiciary Civil Law.

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

On motion of Senator Watson, **Senate Bill No. 2148**, 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. 2161**, 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. 2182**, 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. 2232**, 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. 2256**, having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Cullerton, **Senate Bill No. 2275** 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 2275

AMENDMENT NO. 1. Amend Senate Bill 2275 by replacing everything after the enacting clause with the following:

"Section 5. The Juvenile Court Act of 1987 is amended by changing Sections 5-105 and 5-120 and by adding Section 5-121 as follows:

(705 ILCS 405/5-105)

Sec. 5-105. Definitions. As used in this Article:

(1) "Court" means the circuit court in a session or division assigned to hear proceedings under this Act, and includes the term Juvenile Court.

(2) "Community service" means uncompensated labor for a community service agency as hereinafter defined.

(2.5) "Community service agency" means a not-for-profit organization, community organization, church, charitable organization, individual, public office, or other public body whose purpose is to enhance the physical or mental health of a delinquent minor or to rehabilitate the minor, or to improve the environmental quality or social welfare of the community which agrees to accept community service from juvenile delinquents and to report on the progress of the community service to the State's Attorney pursuant to an agreement or to the court or to any agency designated by the court or to the authorized diversion program that has referred the delinquent minor for community service.

(3) "Delinquent minor" means any minor who prior to his or her 17th birthday has violated or attempted to violate, regardless of where the act occurred, any federal or State law, county or municipal ordinance, and any minor who prior to his or her 18th birthday has violated or attempted to violate, regardless of where the act occurred, any federal, State, county or municipal law or ordinance classified as a misdemeanor offense.

(4) "Department" means the Department of Human Services unless specifically referenced as another department.

(5) "Detention" means the temporary care of a minor who is alleged to be or has been adjudicated delinquent and who requires secure custody for the minor's own protection or the community's protection in a facility designed to physically restrict the minor's movements, pending disposition by the court or execution of an order of the court for placement or commitment. Design features that physically restrict movement include, but are not limited to, locked rooms and the secure handcuffing of a minor to a rail or other stationary object. In addition, "detention" includes the court ordered care of an alleged or adjudicated delinquent minor who requires secure custody pursuant to Section 5-125 of this Act.

(6) "Diversion" means the referral of a juvenile, without court intervention, into a program that provides services designed to educate the juvenile and develop a productive and responsible approach to living in the community.

(7) "Juvenile detention home" means a public facility with specially trained staff that conforms to the county juvenile detention standards promulgated by the Department of Corrections.

(8) "Juvenile justice continuum" means a set of delinquency prevention programs and services designed for the purpose of preventing or reducing delinquent acts, including criminal activity by youth gangs, as well as intervention, rehabilitation, and prevention services targeted at minors who have committed delinquent acts, and minors who have previously been committed to residential treatment programs for delinquents. The term includes children-in-need-of-services and families-in-need-of-services programs; aftercare and reentry services; substance abuse and mental health programs; community service programs; community service work programs; and alternative-dispute resolution programs serving youth-at-risk of delinquency and their families, whether offered or delivered by State or local governmental entities, public or private for-profit or not-for-profit organizations, or religious or charitable organizations. This term would also encompass any program or service consistent with the purpose of those programs and services enumerated in this subsection.

(9) "Juvenile police officer" means a sworn police officer who has completed a Basic Recruit Training Course, has been assigned to the position of juvenile police officer by his or her chief law enforcement officer and has completed the necessary juvenile officers training as prescribed by the Illinois Law Enforcement Training Standards Board, or in the case of a State police officer, juvenile officer training

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approved by the Director of State Police.

(10) "Minor" means a person under the age of 21 years subject to this Act.

(11) "Non-secure custody" means confinement where the minor is not physically restricted by being placed in a locked cell or room, by being handcuffed to a rail or other stationary object, or by other means. Non-secure custody may include, but is not limited to, electronic monitoring, foster home placement, home confinement, group home placement, or physical restriction of movement or activity solely through facility staff.

(12) "Public or community service" means uncompensated labor for a not-for-profit organization or public body whose purpose is to enhance physical or mental stability of the offender, environmental quality or the social welfare and which agrees to accept public or community service from offenders and to report on the progress of the offender and the public or community service to the court or to the authorized diversion program that has referred the offender for public or community service.

(13) "Sentencing hearing" means a hearing to determine whether a minor should be adjudged a ward of the court, and to determine what sentence should be imposed on the minor. It is the intent of the General Assembly that the term "sentencing hearing" replace the term "dispositional hearing" and be synonymous with that definition as it was used in the Juvenile Court Act of 1987.

(14) "Shelter" means the temporary care of a minor in physically unrestricting facilities pending court disposition or execution of court order for placement.

(15) "Site" means a not-for-profit organization, public body, church, charitable organization, or individual agreeing to accept community service from offenders and to report on the progress of ordered or required public or community service to the court or to the authorized diversion program that has referred the offender for public or community service.

(16) "Station adjustment" means the informal or formal handling of an alleged offender by a juvenile police officer.

(17) "Trial" means a hearing to determine whether the allegations of a petition under Section 5-520 that a minor is delinquent are proved beyond a reasonable doubt. It is the intent of the General Assembly that the term "trial" replace the term "adjudicatory hearing" and be synonymous with that definition as it was used in the Juvenile Court Act of 1987.

(Source: P.A. 90-590, eff. 1-1-99; 91-820, eff. 6-13-00.)

(705 ILCS 405/5-120)

Sec. 5-120. Exclusive jurisdiction. Proceedings may be instituted under the provisions of this Article concerning any minor who prior to the minor's 17th birthday has violated or attempted to violate, regardless of where the act occurred, any federal or State law or municipal or county ordinance, and any minor who prior to his or her 18th birthday has violated or attempted to violate, regardless of where the act occurred, any federal, State, county or municipal law or ordinance classified as a misdemeanor offense. If before trial or plea, an information or indictment is filed that includes one or more charges under the criminal laws of this State and additional charges that are classified as misdemeanors that are subject to proceedings under this Act, all of the charges arising out of the same incident shall be prosecuted under the criminal laws of this State. If after trial or plea the court finds that the minor committed an offense that is solely classified as a misdemeanor, the court must proceed under Section 5-705 and 5-710 of this Act. Except as provided in Sections 5-125, 5-130, 5-805, and 5-810 of this Article, no minor who was under 17 years of age at the time of the alleged offense may be prosecuted under the criminal laws of this State.

(Source: P.A. 90-590, eff. 1-1-99.)

(705 ILCS 405/5-121 new)

Sec. 5-121. Illinois Juvenile Jurisdiction Task Force.

(a) The General Assembly finds that:

(1) 37 other states and the District of Columbia, the Federal Government, and nearly every other nation in the world use 18 as the age of juvenile court jurisdiction; and

(2) the Legislature of Connecticut voted last year to raise the age to 18 for juvenile court; and

(3) recent research on adolescent brain development reveals that the center of the brain that controls reasoning and impulsivity is not fully developed until the early twenties; and

(4) research consistently documents that trying youth age 17 in the adult court disproportionately impacts minority youth.

(b) The Illinois Juvenile Jurisdiction Task Force is hereby created. The mission of the Illinois Juvenile Jurisdiction Task Force is to study the impact of, develop timelines and propose a funding structure to accommodate the expansion of the jurisdiction of the Illinois Juvenile Court to include youth age 17 under the jurisdiction of this Act.

(c) The Illinois Juvenile Jurisdiction Task Force shall consist of the following members:

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- (1) one member appointed by the President of the Senate;
 (2) one member appointed by the Minority Leader of the Senate;
 (3) one member appointed by the Speaker of the House;
 (4) one member appointed by the Minority Leader of the House;
 (5) one member appointed by the Governor;
 (6) one member appointed by the Director of Juvenile Justice or his or her designee;
 (7) one member appointed by the Director of the Administrative Office of Illinois Courts or his or her designee;
 (8) one member appointed by the Cook County State's Attorney or his or her designee;
 (9) one member appointed by the Cook County Public Defender or his or her designee;
 (10) one member appointed by the Director of the Illinois Appellate Prosecutor's Association or his or her designee;
 (11) one member appointed by the State Appellate Defender or his or her designee;
 (12) one member appointed by the Chair of the Illinois Juvenile Justice Commission; and
 (13) one member appointed by the Chair of the Redeploy Illinois Partnership.
 (c) The Task Force shall appoint a chairperson from among its members. If a vacancy occurs in the Task Force membership, the vacancy shall be filled in the same manner as the initial appointment.
 (d) Members of the Illinois Juvenile Jurisdiction Task Force shall serve without compensation.
 (e) The Illinois Juvenile Jurisdiction Task Force may begin to conduct business upon the appointment of a majority of its members.
 (f) The Task Force shall submit a report by January 1, 2010 to the General Assembly with recommendations on extending juvenile court jurisdiction to youth age 17 charged with felony offenses.

Section 99. Effective date. This Act takes effect upon becoming law, except that the amendatory changes to Sections 5-105 and 5-120 of the Juvenile Court Act of 1987 take effect January 1, 2010".

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2275

AMENDMENT NO. 2. Amend Senate Bill 2275, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 9, line 2, by replacing "(e)" with "(d)"; and
 on page 9, line 6, by replacing "(d)" with "(e)"; and
 on page 9, line 8, by replacing "(e)" with "(f)"; and
 on page 9, line 11, by replacing "(f)" with "(g)"; and
 on page 9, line 18, by replacing "2010" with "2010."

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 2275

AMENDMENT NO. 3. Amend Senate Bill 2275, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 8, line 10, by deleting "one member appointed by"; and
 on page 8, line 12, by deleting "one member appointed by"; and
 on page 8, line 15, by deleting "one member appointed by"; and
 on page 8, line 17, by deleting "one member appointed by"; and
 on page 8, by replacing lines 19 and 20 with the following:
 " "(10) the Director of the Office of the State's Attorneys Appellate Prosecutor or his or her"; and
 on page 8, line 22, by deleting "one member appointed by"; and

on page 8, line 24, by deleting "one member appointed by"; and

on page 8, line 26, by deleting "one member appointed by".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1, 2 and 3 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Luechtefeld, **Senate Bill No. 2282**, 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. 2285**, having been printed, was taken up, read by title a second time.

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

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

On motion of Senator Cullerton, **Senate Bill No. 2295**, 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. 2296**, 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. 2303** having been printed, was taken up, read by title a second time.

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

Senator Raoul offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2303

AMENDMENT NO. 2. Amend Senate Bill 2303 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by adding Section 5-1.3 as follows:

(305 ILCS 5/5-1.3 new)

Sec. 5-1.3. Recipient's incarceration or detention; continued eligibility.

(a) To the extent permitted by federal law and notwithstanding any other provision of this Code, the Department of Healthcare and Family Services shall not cancel a person's eligibility for medical assistance solely because that person has become an inmate of a public institution, including, but not limited to, a county jail, juvenile detention center, or State correctional facility. The person may remain enrolled for medical assistance as long as all other eligibility criteria are met. Counties, the Department of Juvenile Justice, and the Department of Corrections shall cooperate to share information sufficient to inform the Department of Healthcare and Family Services, in a manner established by the Department, that an enrolled person has been detained or incarcerated.

(b) The Department shall not be responsible to provide medical assistance under this Article for any medical care, services, or supplies provided to the individual during that period. The responsibility for providing medical care shall remain, as otherwise provided by law, with the Department of Corrections, the county, or the other arresting authority. The Department may seek federal financial participation, to the extent that it is available and with the cooperation of the Department of Juvenile Justice, the Department of Corrections, or the relevant county, for the costs of those services.

(c) The Department shall resume responsibility for providing medical assistance upon release of the person to the community as long as all of the following apply:

(1) The person is enrolled for medical assistance at the time of release.

(2) Neither a county, the Department of Juvenile Justice, nor the Department of Corrections continues to bear responsibility for the person's medical care.

(3) The county, the Department of Juvenile Justice, or the Department of Corrections provides timely notice of the date of release in a manner established by the Department of Healthcare and Family Services."

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The motion prevailed.

And the amendment was adopted and ordered printed.

Senate Floor Amendment No. 3 was held in the Committee on Rules.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 2305**, 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. 2322**, 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. 2326** 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 2326

AMENDMENT NO. 1. Amend Senate Bill 2326 on page 1, line 17, by changing "October 30" to "July 31 ~~October 30~~"; and

on page 5, by deleting lines 15 and 16.

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 Wilhelmi, **Senate Bill No. 2340**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Wilhelmi, **Senate Bill No. 2349** having been printed, was taken up, read by title a second time.

Senator Wilhelmi offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2349

AMENDMENT NO. 1. Amend Senate Bill 2349 on page 1, by inserting immediately below line 23 the following:

"(b-5) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section."; and

on page 18, by inserting immediately below line 16 the following:

"(h) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Raoul, **Senate Bill No. 2354** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2354

AMENDMENT NO. 1. Amend Senate Bill 2354 on page 13, by replacing lines 17 and 18 with the following:

"(7) Whenever a minor is removed from home and placed in foster care or".

AMENDMENT NO. 2 TO SENATE BILL 2354

AMENDMENT NO. 2. Amend Senate Bill 2354 on page 1, line 23, by changing "(3)" to "(a-5)"; and

on page 2, line 14, by changing "(4)" to "(a-10)".

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Cronin, **Senate Bill No. 2362** 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 2362

AMENDMENT NO. 1. Amend Senate Bill 2362, on page 2, by replacing lines 17 through 20 with the following:

"by a municipality. To receive credit for military"; and

on page 2, lines 22 through 24, by replacing "writing within 6 months after the effective date of the amendatory Act of the 95th General Assembly" with "writing to the fund within 6 months after the municipality elects to allow the service".

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

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 Righter, **Senate Bill No. 2366** having been printed, was taken up, read by title a second time.

Senator Righter offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2366

AMENDMENT NO. 1. Amend Senate Bill 2366 on page 1, line 13, by replacing "5 ~~40~~" with "10".

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Forby, **Senate Bill No. 2375**, 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. 2394**, 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. 2397** having been printed, was taken up, read by title a second time.

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

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

AMENDMENT NO. 2 TO SENATE BILL 2397

AMENDMENT NO. 2. Amend Senate Bill 2397 by replacing everything after the enacting clause with the following:

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"Section 5. The Illinois Public Labor Relations Act is amended by changing Sections 3, 14, and 17 as follows:

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

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

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

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

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

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

(d-1) "Emergency service support staff" means, for the purposes of this Act only, any persons who have been or are hereafter employed as a dispatcher or telecommunicator of a police, sheriff, or fire department or a probation officer, excluding part-time employees.

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

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

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

(g) "Fair share agreement" means an agreement between the employer and an employee organization under which all or any of the employees in a collective bargaining unit are required to pay their proportionate share of the costs of the collective bargaining process, contract administration, and pursuing matters affecting wages, hours, and other conditions of employment, but not to exceed the amount of dues uniformly required of members. The amount certified by the exclusive representative shall not include any fees for contributions related to the election or support of any candidate for political office. Nothing in this subsection (g) shall preclude an employee from making voluntary political contributions in conjunction with his or her fair share payment.

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

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

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

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

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

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

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

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

(n) "Public employee" or "employee", for the purposes of this Act, means any individual employed by a public employer, including (i) interns and residents at public hospitals, (ii) as of the effective date of this amendatory Act of the 93rd General Assembly, but not before, personal care attendants and personal assistants working under the Home Services Program under Section 3 of the Disabled Persons Rehabilitation Act, subject to the limitations set forth in this Act and in the Disabled Persons Rehabilitation Act, and (iii) as of the effective date of this amendatory Act of the 94th General Assembly, but not before, child and day care home providers participating in the child care assistance program under Section 9A-11 of the Illinois Public Aid Code, subject to the limitations set forth in this Act and in Section 9A-11 of the Illinois Public Aid Code, but excluding all of the following: employees of the General Assembly of the State of Illinois; elected officials; executive heads of a department;

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members of boards or commissions; the Executive Inspectors General; any special Executive Inspectors General; employees of each Office of an Executive Inspector General; commissioners and employees of the Executive Ethics Commission; the Auditor General's Inspector General; employees of the Office of the Auditor General's Inspector General; the Legislative Inspector General; any special Legislative Inspectors General; employees of the Office of the Legislative Inspector General; commissioners and employees of the Legislative Ethics Commission; employees of any agency, board or commission created by this Act; employees appointed to State positions of a temporary or emergency nature; all employees of school districts and higher education institutions except firefighters and peace officers employed by a state university; managerial employees; short-term employees; confidential employees; independent contractors; and supervisors except as provided in this Act.

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

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

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

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

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

(o-5) With respect to wages, fringe benefits, hours, holidays, vacations, proficiency examinations, sick leave, and other conditions of employment, the public employer of public employees who are court reporters, as defined in the Court Reporters Act, shall be determined as follows:

- (1) For court reporters employed by the Cook County Judicial Circuit, the chief judge of the Cook County Circuit Court is the public employer and employer representative.
- (2) For court reporters employed by the 12th, 18th, 19th, and, on and after December 4,

2006, the 22nd judicial circuits, a group consisting of the chief judges of those circuits, acting jointly by majority vote, is the public employer and employer representative.

(3) For court reporters employed by all other judicial circuits, a group consisting of the chief judges of those circuits, acting jointly by majority vote, is the public employer and employer representative.

(p) "Security employee" means an employee who is responsible for the supervision and control of inmates at correctional facilities. The term also includes other non-security employees in bargaining units having the majority of employees being responsible for the supervision and control of inmates at correctional facilities.

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

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

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

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

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

(3) Public employees who are court reporters, as defined in the Court Reporters Act, shall be divided into 3 units for collective bargaining purposes. One unit shall be court reporters

employed by the Cook County Judicial Circuit; one unit shall be court reporters employed by the 12th, 18th, 19th, and, on and after December 4, 2006, the 22nd judicial circuits; and one unit shall be court reporters employed by all other judicial circuits.

(Source: P.A. 94-98, eff. 7-1-05; 94-320, eff. 1-1-06; 95-331, eff. 8-21-07.)

(5 ILCS 315/14) (from Ch. 48, par. 1614)

Sec. 14. Security Employee, Peace Officer and Fire Fighter Disputes.

(a) In the case of collective bargaining agreements involving units of security employees of a public employer, Peace Officer Units, ~~or~~ units of fire fighters or paramedics, or units of emergency service support staff, and in the case of disputes under Section 18, unless the parties mutually agree to some other time limit, mediation shall commence 30 days prior to the expiration date of such agreement or at such later time as the mediation services chosen under subsection (b) of Section 12 can be provided to the parties. In the case of negotiations for an initial collective bargaining agreement, mediation shall commence upon 15 days notice from either party or at such later time as the mediation services chosen pursuant to subsection (b) of Section 12 can be provided to the parties. In mediation under this Section, if either party requests the use of mediation services from the Federal Mediation and Conciliation Service, the other party shall either join in such request or bear the additional cost of mediation services from another source. The mediator shall have a duty to keep the Board informed on the progress of the mediation. If any dispute has not been resolved within 15 days after the first meeting of the parties and the mediator, or within such other time limit as may be mutually agreed upon by the parties, either the exclusive representative or employer may request of the other, in writing, arbitration, and shall submit a copy of the request to the Board.

(b) Within 10 days after such a request for arbitration has been made, the employer shall choose a delegate and the employees' exclusive representative shall choose a delegate to a panel of arbitration as provided in this Section. The employer and employees shall forthwith advise the other and the Board of their selections.

(c) Within 7 days of the request of either party, the Board shall select from the Public Employees Labor Mediation Roster 7 persons who are on the labor arbitration panels of either the American Arbitration Association or the Federal Mediation and Conciliation Service, or who are members of the National Academy of Arbitrators, as nominees for impartial arbitrator of the arbitration panel. The parties may select an individual on the list provided by the Board or any other individual mutually agreed upon by the parties. Within 7 days following the receipt of the list, the parties shall notify the Board of the person they have selected. Unless the parties agree on an alternate selection procedure, they shall alternatively strike one name from the list provided by the Board until only one name remains. A coin toss shall determine which party shall strike the first name. If the parties fail to notify the Board in a timely manner of their selection for neutral chairman, the Board shall appoint a neutral chairman from the Illinois Public Employees Mediation/Arbitration Roster.

(d) The chairman shall call a hearing to begin within 15 days and give reasonable notice of the time and place of the hearing. The hearing shall be held at the offices of the Board or at such other location as the Board deems appropriate. The chairman shall preside over the hearing and shall take testimony. Any oral or documentary evidence and other data deemed relevant by the arbitration panel may be received in evidence. The proceedings shall be informal. Technical rules of evidence shall not apply and the competency of the evidence shall not thereby be deemed impaired. A verbatim record of the proceedings shall be made and the arbitrator shall arrange for the necessary recording service. Transcripts may be ordered at the expense of the party ordering them, but the transcripts shall not be necessary for a decision by the arbitration panel. The expense of the proceedings, including a fee for the chairman, established in advance by the Board, shall be borne equally by each of the parties to the dispute. The delegates, if public officers or employees, shall continue on the payroll of the public employer without loss of pay. The hearing conducted by the arbitration panel may be adjourned from time to time, but unless otherwise agreed by the parties, shall be concluded within 30 days of the time of its commencement. Majority actions and rulings shall constitute the actions and rulings of the arbitration panel. Arbitration proceedings under this Section shall not be interrupted or terminated by reason of any unfair labor practice charge filed by either party at any time.

(e) The arbitration panel may administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements and documents as may be deemed by it material to a just determination of the issues in dispute, and for such purpose may issue subpoenas. If any person refuses to obey a subpoena, or refuses to be sworn or to testify, or if any witness, party or attorney is guilty of any contempt while in attendance at any hearing, the arbitration panel may, or the attorney general if requested shall, invoke the aid of any circuit court within the jurisdiction in which the hearing is being held, which court shall issue an appropriate order. Any failure to obey the order may be punished by the

court as contempt.

(f) At any time before the rendering of an award, the chairman of the arbitration panel, if he is of the opinion that it would be useful or beneficial to do so, may remand the dispute to the parties for further collective bargaining for a period not to exceed 2 weeks. If the dispute is remanded for further collective bargaining the time provisions of this Act shall be extended for a time period equal to that of the remand. The chairman of the panel of arbitration shall notify the Board of the remand.

(g) At or before the conclusion of the hearing held pursuant to subsection (d), the arbitration panel shall identify the economic issues in dispute, and direct each of the parties to submit, within such time limit as the panel shall prescribe, to the arbitration panel and to each other its last offer of settlement on each economic issue. The determination of the arbitration panel as to the issues in dispute and as to which of these issues are economic shall be conclusive. The arbitration panel, within 30 days after the conclusion of the hearing, or such further additional periods to which the parties may agree, shall make written findings of fact and promulgate a written opinion and shall mail or otherwise deliver a true copy thereof to the parties and their representatives and to the Board. As to each economic issue, the arbitration panel shall adopt the last offer of settlement which, in the opinion of the arbitration panel, more nearly complies with the applicable factors prescribed in subsection (h). The findings, opinions and order as to all other issues shall be based upon the applicable factors prescribed in subsection (h).

(h) Where there is no agreement between the parties, or where there is an agreement but the parties have begun negotiations or discussions looking to a new agreement or amendment of the existing agreement, and wage rates or other conditions of employment under the proposed new or amended agreement are in dispute, the arbitration panel shall base its findings, opinions and order upon the following factors, as applicable:

(1) The lawful authority of the employer.

(2) Stipulations of the parties.

(3) The interests and welfare of the public and the financial ability of the unit of government to meet those costs.

(4) Comparison of the wages, hours and conditions of employment of the employees involved in the arbitration proceeding with the wages, hours and conditions of employment of other employees performing similar services and with other employees generally:

(A) In public employment in comparable communities.

(B) In private employment in comparable communities.

(5) The average consumer prices for goods and services, commonly known as the cost of living.

(6) The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment and all other benefits received.

(7) Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings.

(8) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment through voluntary collective bargaining, mediation, fact-finding, arbitration or otherwise between the parties, in the public service or in private employment.

(i) In the case of peace officers, the arbitration decision shall be limited to wages, hours, and conditions of employment (which may include residency requirements in municipalities with a population under 1,000,000, but those residency requirements shall not allow residency outside of Illinois) and shall not include the following: i) residency requirements in municipalities with a population of at least 1,000,000; ii) the type of equipment, other than uniforms, issued or used; iii) manning; iv) the total number of employees employed by the department; v) mutual aid and assistance agreements to other units of government; and vi) the criterion pursuant to which force, including deadly force, can be used; provided, nothing herein shall preclude an arbitration decision regarding equipment or manning levels if such decision is based on a finding that the equipment or manning considerations in a specific work assignment involve a serious risk to the safety of a peace officer beyond that which is inherent in the normal performance of police duties. Limitation of the terms of the arbitration decision pursuant to this subsection shall not be construed to limit the factors upon which the decision may be based, as set forth in subsection (h).

In the case of fire fighter, and fire department or fire district paramedic matters, the arbitration decision shall be limited to wages, hours, and conditions of employment (which may include residency requirements in municipalities with a population under 1,000,000, but those residency requirements shall not allow residency outside of Illinois) and shall not include the following matters: i) residency

requirements in municipalities with a population of at least 1,000,000; ii) the type of equipment (other than uniforms and fire fighter turnout gear) issued or used; iii) the total number of employees employed by the department; iv) mutual aid and assistance agreements to other units of government; and v) the criterion pursuant to which force, including deadly force, can be used; provided, however, nothing herein shall preclude an arbitration decision regarding equipment levels if such decision is based on a finding that the equipment considerations in a specific work assignment involve a serious risk to the safety of a fire fighter beyond that which is inherent in the normal performance of fire fighter duties. Limitation of the terms of the arbitration decision pursuant to this subsection shall not be construed to limit the facts upon which the decision may be based, as set forth in subsection (h).

The changes to this subsection (i) made by Public Act 90-385 (relating to residency requirements) do not apply to persons who are employed by a combined department that performs both police and firefighting services; these persons shall be governed by the provisions of this subsection (i) relating to peace officers, as they existed before the amendment by Public Act 90-385.

To preserve historical bargaining rights, this subsection shall not apply to any provision of a fire fighter collective bargaining agreement in effect and applicable on the effective date of this Act; provided, however, nothing herein shall preclude arbitration with respect to any such provision.

(j) Arbitration procedures shall be deemed to be initiated by the filing of a letter requesting mediation as required under subsection (a) of this Section. The commencement of a new municipal fiscal year after the initiation of arbitration procedures under this Act, but before the arbitration decision, or its enforcement, shall not be deemed to render a dispute moot, or to otherwise impair the jurisdiction or authority of the arbitration panel or its decision. Increases in rates of compensation awarded by the arbitration panel may be effective only at the start of the fiscal year next commencing after the date of the arbitration award. If a new fiscal year has commenced either since the initiation of arbitration procedures under this Act or since any mutually agreed extension of the statutorily required period of mediation under this Act by the parties to the labor dispute causing a delay in the initiation of arbitration, the foregoing limitations shall be inapplicable, and such awarded increases may be retroactive to the commencement of the fiscal year, any other statute or charter provisions to the contrary, notwithstanding. At any time the parties, by stipulation, may amend or modify an award of arbitration.

(k) Orders of the arbitration panel shall be reviewable, upon appropriate petition by either the public employer or the exclusive bargaining representative, by the circuit court for the county in which the dispute arose or in which a majority of the affected employees reside, but only for reasons that the arbitration panel was without or exceeded its statutory authority; the order is arbitrary, or capricious; or the order was procured by fraud, collusion or other similar and unlawful means. Such petitions for review must be filed with the appropriate circuit court within 90 days following the issuance of the arbitration order. The pendency of such proceeding for review shall not automatically stay the order of the arbitration panel. The party against whom the final decision of any such court shall be adverse, if such court finds such appeal or petition to be frivolous, shall pay reasonable attorneys' fees and costs to the successful party as determined by said court in its discretion. If said court's decision affirms the award of money, such award, if retroactive, shall bear interest at the rate of 12 percent per annum from the effective retroactive date.

(l) During the pendency of proceedings before the arbitration panel, existing wages, hours, and other conditions of employment shall not be changed by action of either party without the consent of the other but a party may so consent without prejudice to his rights or position under this Act. The proceedings are deemed to be pending before the arbitration panel upon the initiation of arbitration procedures under this Act.

(m) Security officers of public employers, and Peace Officers, Fire Fighters and fire department and fire protection district paramedics, and units of emergency service support staff, covered by this Section may not withhold services, nor may public employers lock out or prevent such employees from performing services at any time.

(n) All of the terms decided upon by the arbitration panel shall be included in an agreement to be submitted to the public employer's governing body for ratification and adoption by law, ordinance or the equivalent appropriate means.

The governing body shall review each term decided by the arbitration panel. If the governing body fails to reject one or more terms of the arbitration panel's decision by a 3/5 vote of those duly elected and qualified members of the governing body, within 20 days of issuance, or in the case of firefighters employed by a state university, at the next regularly scheduled meeting of the governing body after issuance, such term or terms shall become a part of the collective bargaining agreement of the parties. If the governing body affirmatively rejects one or more terms of the arbitration panel's decision, it must provide reasons for such rejection with respect to each term so rejected, within 20 days of such rejection

and the parties shall return to the arbitration panel for further proceedings and issuance of a supplemental decision with respect to the rejected terms. Any supplemental decision by an arbitration panel or other decision maker agreed to by the parties shall be submitted to the governing body for ratification and adoption in accordance with the procedures and voting requirements set forth in this Section. The voting requirements of this subsection shall apply to all disputes submitted to arbitration pursuant to this Section notwithstanding any contrary voting requirements contained in any existing collective bargaining agreement between the parties.

(o) If the governing body of the employer votes to reject the panel's decision, the parties shall return to the panel within 30 days from the issuance of the reasons for rejection for further proceedings and issuance of a supplemental decision. All reasonable costs of such supplemental proceeding including the exclusive representative's reasonable attorney's fees, as established by the Board, shall be paid by the employer.

(p) Notwithstanding the provisions of this Section the employer and exclusive representative may agree to submit unresolved disputes concerning wages, hours, terms and conditions of employment to an alternative form of impasse resolution.

(q) As of the effective date of this amendatory Act of the 95th General Assembly, all dispatch, telecommunication, and similar services, and all probation officer services, of emergency service support staff shall be performed exclusively by public employees employed by public employers or by other public entities and shall not otherwise be contracted, subcontracted, or delegated.

(Source: P.A. 89-195, eff. 7-21-95; 90-202, eff. 7-24-97; 90-385, eff. 8-15-97; 90-655, eff. 7-30-98.)

(5 ILCS 315/17) (from Ch. 48, par. 1617)

Sec. 17. Right to Strike. (a) Nothing in this Act shall make it unlawful or make it an unfair labor practice for public employees, other than security employees, as defined in Section 3(p), Peace Officers, Fire Fighters, and paramedics employed by fire departments and fire protection districts, and emergency service support staff, to strike except as otherwise provided in this Act. Public employees who are permitted to strike may strike only if:

- (1) the employees are represented by an exclusive bargaining representative;
- (2) the collective bargaining agreement between the public employer and the public employees, if any, has expired, or such collective bargaining agreement does not prohibit the strike;
- (3) the public employer and the labor organization have not mutually agreed to submit the disputed issues to final and binding arbitration;
- (4) the exclusive representative has requested a mediator pursuant to Section 12 for the purpose of mediation or conciliation of a dispute between the public employer and the exclusive representative and mediation has been used; and
- (5) at least 5 days have elapsed after a notice of intent to strike has been given by the exclusive bargaining representative to the public employer.

In mediation under this Section, if either party requests the use of mediation services from the Federal Mediation and Conciliation Service, the other party shall either join in such request or bear the additional cost of mediation services from another source.

(b) An employee who participates in a strike, work stoppage or slowdown, in violation of this Act shall be subject to discipline by the employer. No employer may pay or cause such employee to be paid any wages or other compensation for such periods of participation, except for wages or compensation earned before participation in such strike.

(Source: P.A. 86-412.)"

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Koehler, **Senate Bill No. 2434** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Housing and Community Affairs, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2434

AMENDMENT NO. 1. Amend Senate Bill 2434 on page 1, line 19, by replacing "representative" with "designee"; and

by replacing lines 20 through 23 on page 1 and lines 1 through 16 on page 2 with the following:
"or her designee. Certification that this agreement exists shall be signed by the owner of the mobile

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home park or his or her designee and by the local fire chief or his or her designee and submitted with each application for original licensure or licensure renewal required under Section 6 of this Act. A copy of this agreement shall be on file at the local fire department or fire protection district and posted in public view at the mobile home park site and available for inspection.

Nothing in this Section shall be construed to mandate a mobile home park, constructed prior to 1998, to install new water supply systems or hydrants for fire safety purposes."

Senator Koehler offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2434

AMENDMENT NO. 2. Amend Senate Bill 2434, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 13, after "site", by inserting "by the mobile home park owner or his or her designee".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Holmes, **Senate Bill No. 2444** 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:

AMENDMENT NO. 1 TO SENATE BILL 2444

AMENDMENT NO. 1. Amend Senate Bill 2444 on page 1, line 23, by deleting "treating"; and

on page 2, by replacing line 1 with the following:

"the treatment of multiple sclerosis that is covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled. The specific"; and

on page 14, line 15, by deleting "treating the"; and

on page 14, by replacing line 16 with the following:

"the treatment of multiple sclerosis that is covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled. The".

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

On motion of Senator Cullerton, **Senate Bill No. 2479**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 2482**, 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. 2514** having been printed, was taken up, read by title a second time.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2514

AMENDMENT NO. 1. Amend Senate Bill 2514 on page 8, by replacing lines 18 through 23 with the following:

"to carry out the provisions of this Act. The Department shall collect a \$50 fee for the closed loop contractor's qualification exam. The Water Well and Pump"; and

on page 10, by replacing lines 4 through 7 with the following:

"The Department shall collect an annual registration fee of \$25.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Raoul, **Senate Bill No. 2527** having been printed, was taken up, read by title a second time.

Senator Raoul offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2527

AMENDMENT NO. 1. Amend Senate Bill 2527 as follows:

on page 1, lines 22 and 23, by deleting "as defined in subsection (d)"; and

on page 3, line 18, after the period, by inserting the following:

"The index created under item (4) of subsection (e) is a public record."; and

on page 5, immediately below line 8, by inserting the following:

"(k) All fees received by the Secretary of State under this Section must be deposited into the Secretary of State Special Services Fund."

The motion prevailed.

And the amendment was adopted and ordered printed.

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. 2538** 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 2538

AMENDMENT NO. 1. Amend Senate Bill 2538 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by adding Section 405-122 as follows:

(20 ILCS 405/405-122 new)

Sec. 405-122. Employees with a disability. The Department, in cooperation with the Department of Human Services, shall develop and implement plans to increase the number of individuals with a disability employed by State government. The Department must submit a report, annually, to the Governor and to the General Assembly concerning its actions under this Section.

Section 10. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 605-813 as follows:

(20 ILCS 605/605-813 new)

Sec. 605-813. Public awareness campaign concerning disability issues. The Department, in cooperation with the Department of Human Services, shall develop and implement a public awareness campaign designed to increase statewide awareness of issues that affect individuals with a disability. The public awareness campaign must address, without limitation, issues concerning:

(1) the State's duties and responsibilities concerning the employment of individuals with a disability;

(2) the availability of federal income tax credits for taxpayers who employ individuals with a disability;

(3) the availability of federal income tax credits for individuals with disabilities;

(4) the availability of the Medicaid for Working Persons with Disabilities program; and

(5) other programs and services available to individuals with a disability under State and federal

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law.

Section 15. The Department of Human Services Act is amended by adding Section 10-27 as follows:
(20 ILCS 1305/10-27 new)

Sec. 10-27. Information concerning federal tax credits for hiring employees with a disability.

(a) The Department shall collect information during the period of July 1, 2008 through June 30, 2009 regarding:

(1) how many employers claim the federal Work Opportunity Tax Credit during that time period for employing an employee with a disability;

(2) whether each such employer who claimed the credit is a large businesses or a small businesses; and

(3) whether each employee with a disability for whom the Work Opportunity Tax Credit was claimed is a part-time or full-time employee.

(b) For purposes of this Section:

"Employee with a disability" means an employee of the taxpayer who has been certified by the Department of Human Services as (i) meeting the definition of an "individual with a disability" under the federal Americans with Disabilities Act of 1990 and (ii) having a disability that constitutes an impediment to obtaining or maintaining employment or to making transition from school to work.

"Full-time employee with a disability" means an employee with a disability employed for at least 35 hours per week.

"Part-time employee with a disability" means an employee with a disability employed for at least 15 hours per week.

"Small business" means a business concern, including its affiliates, that is independently owned and operated, not dominant in its field, and employs fewer than 16 employees or has gross annual sales of less than \$3,000,000.

"Large business" means a business concern that is not a small business.

(c) The Department must submit a report, annually, to the Governor and to the General Assembly concerning its actions under this Section.

Section 20. The Illinois Procurement Code is amended by adding Section 45-85 as follows:

(30 ILCS 500/45-85 new)

Sec. 45-85. Encouragement to hire qualified individuals with a disability. A chief procurement officer may, as part of any solicitation, encourage prospective vendors to consider hiring qualified individuals with a disability and to notify them of any available financial incentives or other advantages associated with hiring such persons."

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2538

AMENDMENT NO. 2. Amend Senate Bill 2538, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, line 4, by replacing "Public awareness" with "Education and outreach"; and

on page 2, lines 5 and 6, by replacing "the Department of Human Services" with "not-for-profit groups and community partners"; and

on page 2, lines 7 and 8, by replacing "a public awareness" with "an education and outreach"; and

on page 2, line 9, by replacing "public awareness" with "education and outreach".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Millner, **Senate Bill No. 2577**, having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Millner, **Senate Bill No. 2594** having been printed, was taken up, read by title a second time.

Senator Millner offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2594

AMENDMENT NO. 1. Amend Senate Bill 2594, on page 2, line 14, replacing "shall may" with "may".

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Noland, **Senate Bill No. 2745**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **Senate Bill No. 2748**, 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. 2864**, 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. 2879** 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 2879

AMENDMENT NO. 1. Amend Senate Bill 2879 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Human Services Act is amended by adding Section 1-35 as follows:
(20 ILCS 1305/1-35 new)

Sec. 1-35. Families of incarcerated parents. The Department of Human Services shall collaborate with the Department of Corrections, community-based organizations, and social service providers to make information available to families and children of incarcerated parents about services that are available to them.

The Department shall include awareness, education, and outreach materials regarding children of incarcerated parents within its promotion of programs and information to be directed toward families, schools, and service providers for children of incarcerated parents in Illinois. The public information shall be designed to reduce stigma and to provide support for families caring for children of incarcerated parents. The public information shall include contact information to assist families in locating and accessing services for children.

The Department of Human Services shall develop informational materials for families and children of incarcerated parents and shall make that information available to inmates who may have children affected by their incarceration. During the reception and classification process, the Department of Corrections shall provide the materials to inmates and shall provide one envelope with postage that the inmate may address to the children's caregiver. The informational materials shall also be made available within the facility visiting rooms and waiting areas. The materials shall be designed to inform children and families of incarcerated parents about social services that are available to them, including visitation programs, family counseling, mentoring, school-based programs, and other programs. The materials shall provide telephone and internet contacts to provide the children's caregivers with further information. The Department of Human Services and the Illinois Department of Corrections shall work cooperatively with community organizations and service providers, including but not limited to, members of the Illinois Task Force for Children of Prisoners - Children of Promise, including the Illinois African American Family Commission, the Community Renewal Society, Lutheran Social Services of Illinois, and Chicago Legal Advocacy for Incarcerated Mothers, to identify local providers of services."

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

At the hour of 1:14 o'clock p.m., Senator Clayborne presiding.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Lightford, **Senate Bill No. 2734**, 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 51; Nays None.

The following voted in the affirmative:

Althoff	Delgado	Kotowski	Risinger
Bivins	Demuzio	Lauzen	Rutherford
Bomke	Forby	Lightford	Sandoval
Bond	Frerichs	Link	Schoenberg
Brady	Garrett	Maloney	Silverstein
Burzynski	Haine	Martinez	Steans
Clayborne	Harmon	Munoz	Sullivan
Collins	Holmes	Murphy	Syverson
Cronin	Hultgren	Noland	Trotter
Crotty	Hunter	Pankau	Watson
Cullerton	Jacobs	Radogno	Wilhelmi
Dahl	Jones, J.	Raoul	Mr. President
DeLeo	Koehler	Righter	

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.

SENATE BILL RECALLED

On motion of Senator Raoul, **Senate Bill No. 2821** was recalled from the order of third reading to the order of second reading.

Senator Raoul offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2821

AMENDMENT NO. 1. Amend Senate Bill 2821 on page 2, line 8, by replacing "Mission" with "Missing".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Maloney, **Senate Bill No. 2830**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 53; Nays None.

The following voted in the affirmative:

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

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.

On motion of Senator Steans, **Senate Bill No. 2838**, 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	Dillard	Lightford	Rutherford
Bivins	Forby	Link	Sandoval
Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Holmes	Munoz	Trotter
Cronin	Hultgren	Murphy	Watson
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jacobs	Pankau	Mr. President
Dahl	Jones, J.	Radogno	
DeLeo	Koehler	Raoul	
Delgado	Kotowski	Righter	
Demuzio	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.

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On motion of Senator Bomke, **Senate Bill No. 2845**, 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 54; Nays None.

The following voted in the affirmative:

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

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.

Senator Holmes asked and obtained unanimous consent for the Journal to reflect her affirmative vote on **Senate Bill No. 2845**.

On motion of Senator Delgado, **Senate Bill No. 2857**, 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 55; Nays None.

The following voted in the affirmative:

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

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).

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

SENATE BILLS RECALLED

On motion of Senator Kotowski, **Senate Bill No. 2859** was recalled from the order of third reading to the order of second reading.

Senator Kotowski offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2859

AMENDMENT NO. 1. Amend Senate Bill 2859 as follows:

on page 1, line 12, by changing "subsection (b)" to "subsection (a-5)"; and

on page 2, line 1, by changing "(b)" to "(a-5)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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 DeLeo, **Senate Bill No. 2250** was recalled from the order of third reading to the order of second reading.

Senator DeLeo offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2250

AMENDMENT NO. 1. Amend Senate Bill 2250, on page 2, line 13, by replacing "3-109.4" with "7-109.4".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator DeLeo, **Senate Bill No. 2564**, 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	Dillard	Lightford	Rutherford
Bivins	Forby	Link	Sandoval
Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Holmes	Munoz	Trotter
Cronin	Hultgren	Murphy	Watson
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jacobs	Pankau	Mr. President

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Dahl	Jones, J.	Radogno
DeLeo	Koehler	Raoul
Delgado	Kotowski	Righter
Demuzio	Laufen	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.

On motion of Senator Demuzio, **Senate Bill No. 2861**, 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	Dillard	Lightford	Rutherford
Bivins	Forby	Link	Sandoval
Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Holmes	Munoz	Trotter
Cronin	Hultgren	Murphy	Watson
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jacobs	Pankau	Mr. President
Dahl	Jones, J.	Radogno	
DeLeo	Koehler	Raoul	
Delgado	Kotowski	Righter	
Demuzio	Laufen	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.

On motion of Senator Cullerton, **Senate Bill No. 2872**, 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 53; Nays 2.

The following voted in the affirmative:

Althoff	Dillard	Lightford	Risinger
Bivins	Forby	Link	Rutherford
Bomke	Frerichs	Luechtefeld	Sandoval
Bond	Garrett	Maloney	Schoenberg
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Holmes	Munoz	Trotter

Cronin	Hultgren	Murphy	Watson
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jones, J.	Pankau	Mr. President
DeLeo	Koehler	Radogno	
Delgado	Kotowski	Raoul	
Demuzio	Lauzen	Righter	

The following voted in the negative:

Dahl
Jacobs

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.

On motion of Senator Noland, **Senate Bill No. 2875**, 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 50; Nays 4.

The following voted in the affirmative:

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

The following voted in the negative:

Bivins
Brady

Lauzen
Righter

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.

On motion of Senator Hunter, **Senate Bill No. 2877**, 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 55; Nays None.

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The following voted in the affirmative:

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

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.

SENATE BILLS RECALLED

On motion of Senator Schoenberg, **Senate Bill No. 786** was recalled from the order of third reading to the order of second reading.

Senator Schoenberg offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 786

AMENDMENT NO. 1. Amend Senate Bill 786 by replacing everything after the enacting clause with the following:

"Section 5. The Technology Development Act is amended by adding Section 11 as follows:
(30 ILCS 265/11 new)

Sec. 11. Technology Development Account II.

(a) In addition to the amount provided in Section 10 of this Act, the State Treasurer may segregate a portion of the Treasurer's investment portfolio, that at no time shall be greater than 2% of the portfolio, in the Technology Development Account IIa ("TDA IIa"), an account that shall be maintained separately and apart from other moneys invested by the Treasurer. Distributions from the investments in TDA IIa may be reinvested into TDA IIa without being counted against the 2% cap. The Treasurer may make investments from TDA IIa that help attract, assist, and retain quality technology businesses in Illinois. The earnings on TDA IIa shall be accounted for separately from other investments made by the Treasurer.

(b) The Treasurer may solicit proposals from entities to manage and be the General Partner of a separate fund ("Technology Development Account IIb" or "TDA IIb") consisting of investments from private sector investors that must invest, at the direction of the Treasurer, in tandem with TDA IIa in a pro-rata portion. The Treasurer may enter into an agreement with the entity managing TDA IIb to advise on the investment strategy of TDA IIa and TDA IIb (collectively "Technology Development Account II" or "TDA II") and fulfill other mutually agreeable terms. Funds in TDA IIb shall be kept separate and apart from moneys in the State Treasury.

(c) Moneys in TDA IIa may be invested by the State Treasurer to provide venture capital to technology businesses seeking to locate, expand, or remain in Illinois by placing money with Illinois venture capital firms for investment by the venture capital firms in technology businesses. "Venture capital", as used in this Section, means equity financing that is provided for starting up, expanding, or relocating a company, or related purposes such as financing for seed capital, research and development, introduction of a product or process into the marketplace, or similar needs requiring risk capital. "Technology business", as used in this Section, means a company that has as its principal function the providing of services, including computer, information transfer, communication, distribution,

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processing, administrative, laboratory, experimental, developmental, technical, or testing services, manufacture of goods or materials, the processing of goods or materials by physical or chemical change, computer related activities, robotics, biological or pharmaceutical industrial activity, or technology oriented or emerging industrial activity. "Illinois venture capital firm", as used in this Section, means an entity that has a majority of its employees in Illinois or that has at least one managing partner or member of the general partner domiciled in Illinois, and that provides equity financing for starting up or expanding a company, or related purposes such as financing for seed capital, research and development, introduction of a product or process into the marketplace, or similar needs requiring risk capital. "Illinois venture capital firm" may also mean an entity that has a track record of identifying, evaluating, and investing in Illinois companies and that provides equity financing for starting up or expanding a company, or related purposes such as financing for seed capital, research and development, introduction of a product or process into the marketplace, or similar needs requiring risk capital. For purposes of this Section, "track record" means having made, on average, at least one investment in an Illinois company in each of its funds if the Illinois venture capital firm has multiple funds or at least 2 investments in Illinois companies if the Illinois venture capital firm has only one fund. In no case shall more than 10% of the capital in the TDA IIa be invested in firms based outside of Illinois.

(d) Any fund created by an Illinois venture capital firm in which the State Treasurer places money pursuant to this Section shall be required by the State Treasurer to seek investments in technology businesses seeking to locate, expand, or remain in Illinois.

(e) Notwithstanding the limitation found in subsection (d) of Section 10 of this Act, the investment of the State Treasurer in any fund created by an Illinois venture capital firm in which the State Treasurer places money pursuant to this Section shall not exceed 15% of the total investments in the fund.

(f) The State Treasurer shall not invest more than one-third of Technology Development Account II in any given calendar year. If in any calendar year less than one-third of Technology Development Account II is invested, 50% of the shortfall may be invested in the following calendar year in addition to the regular one-third investment.

(g) The Treasurer may deposit no more than 10% of the earnings of the investments in the Technology Development Account IIa into the Technology Development Fund.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Hunter, **Senate Bill No. 898** was recalled from the order of third reading to the order of second reading.

Senator Hunter offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 898

AMENDMENT NO. 1. Amend Senate Bill 898 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 9A-11 as follows:
(305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

Sec. 9A-11. Child Care.

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

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

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- (1) recipients of TANF under Article IV participating in work and training activities as specified in the personal plan for employment and self-sufficiency;
- (2) families transitioning from TANF to work;
- (3) families at risk of becoming recipients of TANF;
- (4) families with special needs as defined by rule; and
- (5) working families with very low incomes as defined by rule.

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

In determining income eligibility for child care benefits, the Department annually, at the beginning of each fiscal year, shall establish, by rule, one income threshold for each family size, in relation to percentage of State median income for a family of that size, that makes families with incomes below the specified threshold eligible for assistance and families with incomes above the specified threshold ineligible for assistance. ~~The Through and including fiscal year 2007, the specified threshold must be no less than 50% of the then current State median income for each family size. Beginning in fiscal year 2008, the specified threshold must be no less than 200% 185% of the then-current federal poverty level for each family size.~~

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

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

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

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

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

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

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

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

In according child and day care home providers and their selected representative rights under the Illinois Public Labor Relations Act, the State intends that the State action exemption to application of

federal and State antitrust laws be fully available to the extent that their activities are authorized by this amendatory Act of the 94th General Assembly.

(d) The Illinois Department shall, by rule, require co-payments for child care services by any parent, including parents whose only income is from assistance under this Code. The co-payment shall be assessed based on a sliding scale based on family income, family size, and the number of children in care. The amount of a family's co-payment shall not exceed the sum of the following:

(1) 3% of the family's countable income, if any, that is not more than 100% of the federal poverty level; plus

(2) 7% of the family's countable income, if any, that is more than 100% of the federal poverty level but not more than 150% of the federal poverty level; plus

(3) 12% of the family's countable income, if any, that is more than 150% of the federal poverty level but not more than 200% of the federal poverty level.

Notwithstanding the preceding sentence, however, if a family's countable income is less than 50% of the federal poverty level, the family's co-payment shall be \$1 per week.

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

(d-5) The Illinois Department, in consultation with its Child Care and Development Advisory Council, shall develop a plan to revise the child care assistance program's co-payment scale. The plan shall be completed no later than February 1, 2008, and shall include:

(1) findings as to the percentage of income that the average American family spends on child care and the relative amounts that low-income families and the average American family spend on other necessities of life;

(2) recommendations for revising the child care co-payment scale to assure that families receiving child care services from the Department are paying no more than they can reasonably afford;

(3) recommendations for revising the child care co-payment scale to provide at-risk children with complete access to Preschool for All and Head Start; and

(4) recommendations for changes in child care program policies that affect the affordability of child care.

(e) (Blank).

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

(1) arranging the child care through eligible providers by use of purchase of service contracts or vouchers;

(2) arranging with other agencies and community volunteer groups for non-reimbursed child care;

(3) (blank); or

(4) adopting such other arrangements as the Department determines appropriate.

(f-5) (Blank).

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

(1) receiving a child care certificate issued by the Department or a subcontractor of the Department that may be used by the parents as payment for child care and development services only; or

(2) if space is available, enrolling the child with a child care provider that has a purchase of service contract with the Department or a subcontractor of the Department for the provision of child care and development services. The Department may identify particular priority populations for whom they may request special consideration by a provider with purchase of service contracts, provided that the providers shall be permitted to maintain a balance of clients in terms of household incomes and families and children with special needs, as defined by rule.

(Source: P.A. 94-320, eff. 1-1-06; 95-206, eff. 8-16-07; 95-322, eff. 1-1-08; revised 11-15-07.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

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READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Lightford, **Senate Bill No. 1864**, 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	Dillard	Lightford	Rutherford
Bivins	Forby	Link	Sandoval
Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeke	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Holmes	Munoz	Trotter
Cronin	Hultgren	Murphy	Watson
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jacobs	Pankau	Mr. President
Dahl	Jones, J.	Radogno	
DeLeo	Koehler	Raoul	
Delgado	Kotowski	Righter	
Demuzio	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.

SENATE BILL RECALLED

On motion of Senator Garrett, **Senate Bill No. 1920** was recalled from the order of third reading to the order of second reading.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1920

AMENDMENT NO. 1. Amend Senate Bill 1920, immediately below the enacting clause, by inserting the following:

"Section 3. The Downstate Public Transportation Act is amended by adding Section 2-15.3 as follows:
(30 ILCS 740/2-15.3 new)

Sec. 2-15.3. Transit services for disabled individuals. Notwithstanding any law to the contrary, no later than 60 days following the effective date of this amendatory Act of the 95th General Assembly, all fixed route public transportation services provided by, or under grant or purchase of service contract of, any participant shall be provided without charge to all disabled persons who meet the income eligibility limitation set forth in subsection (a-5) of Section 4 of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, under such procedures as shall be prescribed by the participant. The Department on Aging shall furnish all information reasonably necessary to determine eligibility, including updated lists of individuals who are eligible for services without charge under this Section."; and

on page 1, immediately below line 22, by inserting the following:

"Section 10. The Metropolitan Transit Authority Act is amended by adding Section 52 as follows:
(70 ILCS 3605/52 new)

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Sec. 52. Transit services for disabled individuals. Notwithstanding any law to the contrary, no later than 60 days following the effective date of this amendatory Act of the 95th General Assembly, all fixed route public transportation services provided by, or under grant or purchase of service contract of, the Board shall be provided without charge to all disabled persons who meet the income eligibility limitation set forth in subsection (a-5) of Section 4 of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, under such procedures as shall be prescribed by the Board. The Department on Aging shall furnish all information reasonably necessary to determine eligibility, including updated lists of individuals who are eligible for services without charge under this Section.

Section 15. The Local Mass Transit District Act is amended by adding Section 8.7 as follows:
(70 ILCS 3610/8.7 new)

Sec. 8.7. Transit services for disabled individuals. Notwithstanding any law to the contrary, no later than 60 days following the effective date of this amendatory Act of the 95th General Assembly, all fixed route public transportation services provided by, or under grant or purchase of service contract of, any District shall be provided without charge to all disabled persons who meet the income eligibility limitation set forth in subsection (a-5) of Section 4 of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, under such procedures as shall be prescribed by the District. The Department on Aging shall furnish all information reasonably necessary to determine eligibility, including updated lists of individuals who are eligible for services without charge under this Section.

Section 20. The Regional Transportation Authority Act is amended by adding Sections 3A.16 and 3B.15 as follows:

(70 ILCS 3615/3A.16 new)

Sec. 3A.16. Transit services for disabled individuals. Notwithstanding any law to the contrary, no later than 60 days following the effective date of this amendatory Act of the 95th General Assembly, all fixed route public transportation services provided by, or under grant or purchase of service contract of, the Suburban Bus Board shall be provided without charge to all disabled persons who meet the income eligibility limitation set forth in subsection (a-5) of Section 4 of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, under such procedures as shall be prescribed by the Board. The Department on Aging shall furnish all information reasonably necessary to determine eligibility, including updated lists of individuals who are eligible for services without charge under this Section.

(70 ILCS 3615/3B.15 new)

Sec. 3B.15. Transit services for disabled individuals. Notwithstanding any law to the contrary, no later than 60 days following the effective date of this amendatory Act of the 95th General Assembly, all fixed route public transportation services provided by, or under grant or purchase of service contract of, the Commuter Rail Board shall be provided without charge to all disabled persons who meet the income eligibility limitation set forth in subsection (a-5) of Section 4 of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, under such procedures as shall be prescribed by the Board. The Department on Aging shall furnish all information reasonably necessary to determine eligibility, including updated lists of individuals who are eligible for services without charge under this Section."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Schoenberg, **Senate Bill No. 1930**, 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 47; Nays 7.

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The following voted in the affirmative:

Althoff	Demuzio	Lightford	Righter
Bivins	Dillard	Link	Rutherford
Bomke	Forby	Maloney	Sandoval
Bond	Frerichs	Martinez	Schoenberg
Brady	Haine	Meeks	Silverstein
Clayborne	Halvorson	Millner	Steans
Collins	Harmon	Munoz	Sullivan
Cronin	Holmes	Murphy	Syverson
Crotty	Hultgren	Noland	Trotter
Cullerton	Hunter	Pankau	Wilhelmi
DeLeo	Koehler	Radogno	Mr. President
Delgado	Kotowski	Raoul	

The following voted in the negative:

Burzynski	Garrett	Jones, J.	Watson
Dahl	Jacobs	Lauzen	

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

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

SENATE BILL RECALLED

On motion of Senator Sullivan, **Senate Bill No. 1945** was recalled from the order of third reading to the order of second reading.

Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1945

AMENDMENT NO. 1. Amend Senate Bill 1945 by replacing everything after the enacting clause with the following:

"Section 5. The Grain Code is amended by adding Sections 1-10, 1-25, 10-15, 10-25, and 25-5 as follows:

(240 ILCS 40/1-10)

Sec. 1-10. Definitions. As used in this Act:

"Board" means the governing body of the Illinois Grain Insurance Corporation.

"Certificate" means a document, other than the license, issued by the Department that certifies that a grain dealer's license has been issued and is in effect.

"Claimant" means:

(a) a person, including, without limitation, a lender:

(1) who possesses warehouse receipts issued from an Illinois location covering grain owned or stored by a failed warehouseman; or

(2) who has other written evidence of a storage obligation of a failed warehouseman issued from an Illinois location in favor of the holder, including, but not limited to, scale tickets, settlement sheets, and ledger cards; or

(3) who has loaned money to a warehouseman and was to receive a warehouse receipt issued from an Illinois location as security for that loan, who surrendered warehouse receipts as part of a grain sale at an Illinois location, or who delivered grain out of storage with the warehouseman as part of a grain sale at an Illinois location; and

(i) the grain dealer or warehouseman failed within 21 days after the loan of money, the surrender of warehouse receipts, or the delivery of grain, as the case may be, and no warehouse receipt was issued or payment in full was not made on the grain sale, as the case may be; or

(ii) written notice was given by the person to the Department within 21 days after the loan of money, the surrender of warehouse receipts, or the delivery of grain, as the case may be,

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stating that no warehouse receipt was issued or payment in full made on the grain sale, as the case may be; or

(b) a producer not included in item (a)(3) in the definition of "Claimant" who possesses evidence of the sale at an Illinois location of grain delivered to a failed grain dealer, or its designee in Illinois and who was not paid in full.

"Class I warehouseman" means a warehouseman who is authorized to issue negotiable and non-negotiable warehouse receipts.

"Class II warehouseman" means a warehouseman who is authorized to issue only non-negotiable warehouse receipts.

"Code" means this Grain Code.

"Collateral" means:

(a) irrevocable letters of credit;

(b) certificates of deposit;

(c) cash or a cash equivalent; or

(d) any other property acceptable to the Department to the extent there exists equity in that property.

For the purposes of this item (d), "equity" is the amount by which the fair market value of the property exceeds the amount owed to a creditor who has a valid, prior, perfected security interest in or other valid, prior, perfected lien on the property.

"Corporation" means the Illinois Grain Insurance Corporation.

"Daily position record" means a grain inventory accountability record maintained on a daily basis that includes an accurate reflection of changes in grain inventory, storage obligations, company-owned inventory by commodity, and other information that is required by the Department.

"Daily grain transaction report" means a record of the daily transactions of a grain dealer showing the amount of all grain received and shipped during each day and the amount on hand at the end of each day.

"Date of delivery of grain" means:

(a) the date grain is delivered to a grain dealer, or its designee in Illinois, for the purpose of sale;

(b) the date grain is delivered to a warehouseman, or its designee in Illinois, for the purpose of storage; or

(c) in reference to grain in storage with a warehouseman, the date a warehouse receipt representing stored grain is delivered to the issuer of the warehouse receipt for the purpose of selling the stored grain or, if no warehouse receipt was issued:

(1) the date the purchase price for stored grain is established; or

(2) if sold by price later contract, the date of the price later contract.

"Department" means the Illinois Department of Agriculture.

"Depositor" means a person who has evidence of a storage obligation from a warehouseman.

"Director", unless otherwise provided, means the Illinois Director of Agriculture, or the Director's designee.

"Electronic document" means a document that is generated, sent, received, or stored by electrical, digital, magnetic, optical electromagnetic, or any other similar means, including, but not limited to, electronic data interchange, electronic mail, telegram, telex, or telecopy.

"Electronic warehouse receipt" means a warehouse receipt that is issued or transmitted in the form of an electronic document.

"Emergency storage" means space measured in bushels and used for a period of time not to exceed 3 months for storage of grain as a consequence of an emergency situation.

"Equity assets" means:

(a) The equity in any property of the licensee or failed licensee, other than grain assets. For purposes of this item (a):

(1) "equity" is the amount by which the fair market value of the property exceeds the amount owed to a creditor who has a valid security interest in or other valid lien on the property that was perfected before the date of failure of the licensee;

(2) a creditor is not deemed to have a valid security interest or other valid lien on property if (i) the property can be directly traced as being from the sale of grain by the licensee or failed licensee; (ii) the security interest was taken as additional collateral on account of an antecedent debt owed to the creditor; and (iii) the security interest or other lien was perfected (A) on or within 90 days before the date of failure of the licensee or (B) when the creditor is a related person, within one year of the date of failure of the licensee.

"Failure" means, in reference to a licensee:

(a) a formal declaration of insolvency;

(b) a revocation of a license;

- (c) a failure to apply for license renewal, leaving indebtedness to claimants;
- (d) a denial of license renewal, leaving indebtedness to claimants; or
- (e) a voluntary surrender of a license, leaving indebtedness to claimants.

"Federal warehouseman" means a warehouseman licensed by the United States government under the United States Warehouse Act (7 U.S.C. 241 et seq.).

"Fund" means the Illinois Grain Insurance Fund.

"Grain" means corn, soybeans, wheat, oats, rye, barley, grain sorghum, canola, buckwheat, flaxseed, edible soybeans, and other like agricultural commodities that may be designated by rule.

"Grain assets" means:

(a) all grain owned and all grain stored by a licensee or failed licensee, wherever located, including redeposited grain of a licensee or failed licensee;

(b) (blank);

(c) identifiable proceeds, including, but not limited to, insurance proceeds, received by or due to a licensee or failed licensee resulting from the sale, exchange, destruction, loss, or theft of grain, or other disposition of grain by the licensee or failed licensee; or

(d) assets in hedging or speculative margin accounts held by commodity or security exchanges on behalf of a licensee or failed licensee and any moneys due or to become due to a licensee or failed licensee, less any secured financing directly associated with those assets or moneys, from any transactions on those exchanges.

For purposes of this Act, storage charges, drying charges, price later contract service charges, and other grain service charges received by or due to a licensee or failed licensee shall not be deemed to be grain assets, nor shall such charges be deemed to be proceeds from the sale or other disposition of grain by a licensee or a failed licensee, or to have been directly or indirectly traceable from, to have resulted from, or to have been derived in whole or in part from, or otherwise related to, the sale or other disposition of grain by the licensee or failed licensee.

"Grain dealer" means a person who is licensed by the Department to engage in the business of buying grain from producers.

"Grain Indemnity Trust Account" means a trust account established by the Director under Section 205-410 of the Department of Agriculture Law (20 ILCS 205/205-410) that is used for the receipt and disbursement of moneys paid from the Fund and proceeds from the liquidation of and collection upon grain assets, equity assets, collateral, and guarantees of or relating to failed licensees. The Grain Indemnity Trust Account shall be used to pay valid claims, authorized refunds from the Fund, and expenses incurred in preserving, liquidating, and collecting upon grain assets, equity assets, collateral, and guarantees relating to failed licensees.

"Guarantor" means a person who assumes all or part of the obligations of a licensee to claimants.

"Guarantee" means a document executed by a guarantor by which the guarantor assumes all or part of the obligations of a licensee to claimants.

"Incidental grain dealer" means a grain dealer who purchases grain only in connection with a feed milling operation and whose total purchases of grain from producers during the grain dealer's fiscal year do not exceed \$100,000.

"Licensed storage capacity" means the maximum grain storage capacity measured in bushels approved by the applicable licensing agency for use by a warehouseman.

"Licensee" means a grain dealer or warehouseman who is licensed by the Department and a federal warehouseman that is a participant in the Fund, under subsection (c) of Section 30-10.

"Official grain standards" means the official grade designations as adopted by the United States Department of Agriculture under the United States Grain Standards Act and regulations adopted under that Act (7 U.S.C. 71 et seq. and 7 CFR 810.201 et seq.).

"Permanent storage capacity" means the capacity of permanent structures available for storage of grain on a regular and continuous basis, measured in bushels.

"Person" means any individual or entity, including, but not limited to, a sole proprietorship, a partnership, a corporation, a cooperative, an association, a limited liability company, an estate, a trust, or a governmental agency.

"Price later contract" means a ~~written~~ contract, in written or electronic form, for the sale of grain whereby any part of the purchase price may be established by the seller after delivery of the grain to a grain dealer according to a pricing formula contained in the contract. Title to the grain passes to the grain dealer at the time of delivery. The precise form and the general terms and conditions of the contract shall be established by rule.

"Producer" means the owner, tenant, or operator of land who has an interest in and receives all or part of the proceeds from the sale of the grain produced on the land.

"Producer protection holding corporation" means a holding corporation to receive, hold title to, and liquidate assets of or relating to a failed licensee, including assets in reference to collateral or guarantees relating to a failed licensee.

"Regulatory Fund" means the fund created under Article 35.

"Related persons" means affiliates of a licensee, key persons of a licensee, owners of a licensee, and persons who have control over a licensee. For the purposes of this definition:

(a) "Affiliate" means a person who has direct or indirect control of a licensee, is controlled by a licensee, or is under common control with a licensee.

(b) "Key person" means an officer, a director, a trustee, a partner, a proprietor, a manager, a managing agent, or the spouse of a licensee. An officer or a director of an entity organized or operating as a cooperative, however, shall not be considered to be a "key person".

(c) "Owner" means the holder of: over 10% of the total combined voting power of a corporation or over 10% of the total value of shares of all classes of stock of a corporation; over a 10% interest in a partnership; over 10% of the value of a trust computed actuarially; or over 10% of the legal or beneficial interest in any other business, association, endeavor, or entity that is a licensee. For purposes of computing these percentages, a holder is deemed to own stock or other interests in a business entity whether the ownership is direct or indirect.

(d) "Control" means the power to exercise authority over or direct the management or policies of a business entity.

(e) "Indirect" means an interest in a business held by the holder not through the holder's actual holdings in the business, but through the holder's holdings in another business or other businesses.

(f) Notwithstanding any other provision of this Act, the term "related person" does not include a lender, secured party, or other lien holder solely by reason of the existence of the loan, security interest, or lien, or solely by reason of the lender, secured party, or other lien holder having or exercising any right or remedy provided by law or by agreement with a licensee or a failed licensee.

"Reserve Fund" means a separate and discrete fund of up to \$2,000,000 held by the Corporation as set forth in Section 30-25.

"Successor agreement" means an agreement by which a licensee succeeds to the grain obligations of a former licensee.

"Temporary storage space" means space measured in bushels and used for 6 months or less for storage of grain on a temporary basis due to a need for additional storage in excess of permanent storage capacity.

"Trust account" means the Grain Indemnity Trust Account.

"Valid claim" means a request for payment under the provisions of this Code, submitted by a claimant, the amount and category of which have been determined by the Department, to the extent that determination is not subject to further administrative review or appeal. Each grain sale transaction and each storage obligation shall be considered a separate and discrete request for payment even though one or more requests are contained on one claim form or are filed with the Department in one document.

"Warehouse" means a building, structure, or enclosure in which grain is stored for the public for compensation, whether grain of different owners is commingled or whether identity of different lots of grain is preserved.

"Warehouse receipt" means a receipt for the storage of grain issued by a warehouseman.

"Warehouseman" means a person who is licensed:

(a) by the Department to engage in the business of storing grain for compensation; or

(b) under the United States Warehouse Act but participates in the Fund under subsection

(c) of Section 30-10.

(Source: P.A. 92-16, eff. 6-28-01; 93-225, eff. 7-21-03.)

(240 ILCS 40/1-25)

Sec. 1-25. Rules. The Department may promulgate rules that are necessary for the implementation and administration of this Code.

(a) The Department shall adopt rules governing electronic systems under which electronic warehouse receipts are ~~may be~~ issued and transferred. Licensees shall not be required, however, to issue or use electronic warehouse receipts. These rules shall be adopted after the United States Department of Agriculture adopts regulations concerning an electronic receipt transfer system pursuant to 7 U.S.C. 242, 250.

(b) The Department shall adopt rules governing electronic price later contracts. Licensees and producers shall not be required, however, to issue or use electronic price later contracts.

(Source: P.A. 93-225, eff. 7-21-03.)

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(240 ILCS 40/10-15)

Sec. 10-15. Price later contracts.

(a) Price later contracts shall ~~contain provisions be written on forms~~ prescribed or authorized by the Department ~~and shall be in either written or electronic form. If in written form, price~~ later contract forms shall be printed by a person authorized to print those contracts by the Department after that person has agreed to comply with each of the following:

- (1) That all price later contracts shall be printed as prescribed by the Department and shall be printed only for a licensed grain dealer.
- (2) That all price later contracts shall be numbered consecutively and a complete record of these contracts shall be retained showing for whom printed and the consecutive numbers printed on the contracts.
- (3) That a duplicate copy of all invoices rendered for printing price later contracts that will show the consecutive numbers printed on the contracts, and the number of contracts printed, shall be promptly forwarded to the Department.
- (4) that the person shall register with the Department and pay an annual registration fee of \$100 to print price later contracts.

Price later contracts that are in electronic form shall be numbered consecutively.

(b) A grain dealer purchasing grain by price later contract shall at all times own grain, rights in grain, proceeds from the sale of grain, and other assets acceptable to the Department as set forth in this Code totaling 90% of the unpaid balance of the grain dealer's obligations for grain purchased by price later contract. That amount shall at all times remain unencumbered and shall be represented by the aggregate of the following:

- (1) Grain owned by the grain dealer valued by means of the hedging procedures method that includes marking open contracts to market.
- (2) Cash on hand.
- (3) Cash held on account in federally or State licensed financial institutions.
- (4) Investments held in time accounts with federally or State licensed financial institutions.
- (5) Direct obligations of the U.S. government.
- (6) Funds on deposit in grain margin accounts.
- (7) Balances due or to become due to the licensee on price later contracts.
- (8) Marketable securities, including mutual funds.
- (9) Irrevocable letters of credit in favor of the Department and acceptable to the Department.
- (10) Price later contract service charges due or to become due to the licensee.
- (11) Other evidence of proceeds from or of grain that is acceptable to the Department.

(c) For the purpose of computing the dollar value of grain and the balance due on price later contract obligations, the value of grain shall be figured at the current market price.

(d) Title to grain sold by price later contract shall transfer to a grain dealer at the time of delivery of the grain. Therefore, no storage charges shall be made with respect to grain purchased by price later contract. A service charge for handling the contract, however, may be made.

(e) Subject to subsection (f) of this Section, if a price later contract is not signed by all parties within 30 days of the last date of delivery of grain intended to be sold by price later contract, then the grain intended to be sold by price later contract shall be priced on the next business day after 30 days from the last date of delivery of grain intended to be sold by price later contract at the market price of the grain at the close of the next business day after the 29th day. When the grain is priced under this subsection, the grain dealer shall send notice to the seller of the grain within 10 days. The notice shall contain the number of bushels sold, the price per bushel, all applicable discounts, the net proceeds, and a notice that states that the Grain Insurance Fund shall provide protection for a period of only 160 days from the date of pricing of the grain.

In the event of a failure, if a price later contract is not signed by all the parties to the transaction, the Department may consider the grain to be sold by price later contract if a preponderance of the evidence indicates the grain was to be sold by price later contract.

(f) If grain is in storage with a warehouseman and is intended to be sold by price later contract, that grain shall be considered as remaining in storage and not be deemed sold by price later contract until the date the price later contract is signed by all parties.

(g) Scale tickets or other approved documents with respect to grain purchased by a grain dealer by price later contract shall contain the following: "Sold Grain; Price Later".

(h) Price later contracts shall be issued consecutively and recorded by the grain dealer as established

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by rule.

(i) A licensee shall not issue a collateral warehouse receipt on grain purchased by a price later contract to the extent the purchase price has not been paid by the licensee.

(j) Failure to comply with the requirements of this Section may result in suspension of the privilege to purchase grain by price later contract for up to one year.

(k) When a producer with a price later contract selects a price for all or any part of the grain represented by that contract, then within 5 business days after that price selection, the licensee shall mail to that producer a confirmation of the price selection, clearly and succinctly indicating the price selected. If the price later contract is in electronic form, the licensee shall, within 5 business days after that price selection, e-mail to that producer a confirmation of the price selection, clearly and succinctly indicating the price selected, in full satisfaction of the mailing requirement in the previous sentence.

(l) The issuance and use of price later contracts in electronic form pursuant to the rules promulgated by the Department are specifically authorized by this Code, and any such price later contracts shall have the same validity and enforceability, for all purposes, as those in non-electronic form. For purposes of this Code, the word "written", and derivatives thereof, when used in relation to price later contracts, shall include price later contracts created or displayed electronically.

(Source: P.A. 93-225, eff. 7-21-03.)

(240 ILCS 40/10-25)

Sec. 10-25. Warehouse receipts and storage of grain.

(a) When grain is delivered to a warehouseman at a location where grain is also purchased, the licensee shall give written evidence of delivery of grain and that written evidence shall be marked to indicate whether the grain is delivered for storage or for sale. In the absence of adequate evidence of sale, the grain shall be construed to be in storage.

(b) Upon demand by a depositor, a warehouseman shall issue warehouse receipts for grain delivered into storage.

(c) There shall be no charge for the first warehouse receipt issued to a depositor for a given lot of grain. Charges for any additional warehouse receipts for grain previously covered by a warehouse receipt must be commensurate with the cost of issuance of the additional warehouse receipt.

(d) A warehouseman shall issue warehouse receipts only in accordance with the following requirements:

(1) Warehouse receipts shall be consecutively numbered in a form prescribed by the Department and issued consecutively by the warehouseman.

(2) In the case of a lost or destroyed warehouse receipt, the new warehouse receipt shall bear the same date as the original and shall be plainly marked on its face "duplicate in lieu of lost or destroyed warehouse receipt number", and the warehouseman shall duly fill in the blank with the appropriate warehouse receipt number.

(3) Warehouse receipts shall be printed by a person authorized by the Department. The person shall register with the Department and pay an annual registration fee of \$100 to print warehouse receipts.

(4) Negotiable warehouse receipts shall be issued only for grain actually in storage with the warehouseman from which it is issued or redeposited by that warehouseman as provided in subsection (e) of Section 10-20.

(5) A warehouseman shall not insert in any negotiable warehouse receipt issued by it any language that in any way limits or modifies its liability or responsibility.

(e) Upon delivery of grain covered by a negotiable warehouse receipt, the holder of the negotiable warehouse receipt must surrender the warehouse receipt for cancellation, and a warehouseman must cancel and issue a new negotiable warehouse receipt for the balance of grain in storage.

(f) When all grain, the storage of which is evidenced by a warehouse receipt, is delivered from storage, the warehouse receipt shall be plainly marked across its face with the word "cancelled" and shall have written on it the date of cancellation, the name of the person canceling the warehouse receipt, and such other information as required by rule, and is thereafter void.

(g) When a warehouseman delivers grain out of storage but fails to collect and cancel the negotiable warehouse receipt, the warehouseman shall be liable to any purchaser of the negotiable warehouse receipt for value in good faith for failure to deliver the grain to the purchaser, whether the purchaser acquired the negotiable warehouse receipt before or after the delivery of the grain by the warehouseman. If, however, grain has been lawfully sold by a warehouseman to satisfy its warehouseman's lien, the warehouseman shall not be liable for failure to deliver the grain pursuant to the demands of a holder of a negotiable warehouse receipt to the extent of the amount of grain sold.

(h) Except as otherwise provided by this Code or other applicable law, a warehouseman shall deliver

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the grain upon demand made by the holder of a warehouse receipt pertaining to that grain if the demand is accompanied by:

- (1) satisfaction of the warehouseman's lien;
 - (2) in the case of a negotiable warehouse receipt, a properly endorsed negotiable warehouse receipt; or
 - (3) in the case of a non-negotiable warehouse receipt, written evidence that the grain was delivered to the warehouseman and that the depositor is entitled to it.
- (i) If no warehouse receipt is issued to a depositor, a warehouseman shall deliver grain upon the demand of a depositor if the demand is accompanied by satisfaction of the warehouseman's lien and written evidence that the grain was delivered to the warehouseman and the depositor is entitled to it.
- (j) If a warehouseman refuses or fails to deliver grain in compliance with a demand by a holder of a warehouse receipt or a depositor, the burden is on the warehouseman to establish the existence of a lawful excuse for the refusal.
- (k) If a warehouse receipt has been lost or destroyed, a warehouseman may issue a substitute warehouse receipt, as provided for in this Section, upon delivery to the warehouseman of an affidavit under oath stating that the applicant for the substitute warehouse receipt is entitled to the original warehouse receipt and setting forth the circumstances that resulted in the loss or destruction of the original warehouse receipt. The warehouseman may request from the depositor a bond in double the value of the grain represented by the original warehouse receipt at the time of issuance of the substitute warehouse receipt so as to protect the warehouseman from any liability or expense that it, or any person injured by the delivery, may incur by reason of the original warehouse receipt remaining outstanding.
- (l) A warehouse receipt that is to be used for collateral purposes by a warehouseman must be first issued by the warehouseman to itself.
- (m) The Department shall approve temporary storage space in an amount to be determined by the Department if all the following conditions are met:
- (1) The warehouseman pays all fees and assessments associated with the temporary storage space.
 - (2) The warehouseman demonstrates that there is a need for additional storage on a temporary basis due to a bumper crop or otherwise.
 - (3) The structure for the storage of grain meets all of the following requirements:
 - (A) The grain storage area has a permanent base made of concrete, asphalt, or a material having similar structural qualities.
 - (B) Hot spot detectors, aeration fans, and ducts are provided to assure that the quality of grain in storage is maintained.
 - (C) The grain storage structure has rigid sidewalls made of concrete, wood, metal, or a material having similar structural qualities.
 - (D) The grain storage structure is equipped with a waterproof covering of sufficient strength to support a person's weight and with inlets to allow airflow.
 - (E) Access to the grain is provided for the purpose of sampling and making examinations.
 - (4) Temporary storage space shall be considered an increase in the licensed storage capacity of the licensee and shall be subject to Section 5-30.
 - (5) The authorization to use temporary storage space for the storage of grain shall expire at the end of 6 months after the date of approval by the Department or May 15th, whichever comes first.
- (n) The Department may approve emergency storage space at the request of the licensee according to rule.
- (o) The issuance and transfer of the warehouse receipts in electronic form pursuant to rules promulgated by the Department are specifically authorized by this Code, and any such warehouse receipts shall have the same validity and enforceability, for all purposes, as those in ~~non-electronic non-electrical~~ form. For purposes of this Code, the words "written" and "printed", and derivatives thereof, when used in relation to warehouse receipts, shall include warehouse receipts created or displayed electronically.

(Source: P.A. 94-211, eff. 7-14-05.)

(240 ILCS 40/25-5)

Sec. 25-5. Adjudication of claims. When a licensee has experienced a failure, the Department shall process the claims in the following manner:

(a) The Department shall publish once each week for 3 successive weeks in at least 3 newspapers of general circulation within the county of the licensee, and shall mail or deliver to each claimant whose

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name and post office address are known or are reasonably ascertainable by the Department, a notice stating:

- (1) That the licensee has experienced a failure and the date of that failure.
- (2) The place and post office address where claims may be filed.
- (3) The procedure for filing claims, as determined by rule.
- (4) That a claimant's claims shall be barred if not filed with the Department on or before the later of:

- (A) the claim date, which shall be 90 days after the date of failure of the licensee; or
- (B) 7 days from the date notice was mailed to a claimant if the date notice was mailed to that claimant is on or before the claim date.

(b) Time of notice.

(1) The first date of publication of the notice as provided for in subsection (a) of this Section shall be within 30 days after the date of failure.

(2) The published notice as provided for in subsection (a) of this Section shall be published in at least 3 newspapers of general circulation in the area formerly served by the failed licensee.

(3) The notice as provided for in subsection (a) of this Section shall be mailed by certified mail, return receipt requested, within 60 days after the date of failure to each claimant whose name and post office address are known by the Department within 60 days after the date of failure.

(c) Every claim filed must be in writing, verified, and signed by a person who has the legal authority to file a claim on behalf of the claimant and must state information sufficient to notify the Department of the nature of the claim and the amount sought.

(d) A claim shall be barred and disallowed in its entirety if:

(1) notice is published and given to the claimant as provided for in subsections (a) and (b) of this Section and the claimant does not file a claim with the Department on or before the claim date; or

(2) the claimant's name or post office address is not known by the Department or cannot, within 60 days after the date of failure, be reasonably ascertained by the Department and the claimant does not file a claim with the Department on or before the later of the claim date or 7 days after the date notice was mailed to that claimant if the date notice was mailed to that claimant is on or before the claim date.

(e) Subsequent notice.

(1) If, more than 60 days after the date of failure but before the claim date, the Department learns of the name and post office address of a claimant who was previously not notified by the Department by mail, the Department shall mail by certified mail, return receipt requested, the notice to the claimant as provided for in subsection (a) of this Section.

(2) The notice mailed as provided for in item (e)(1) of this Section shall not extend the period of time in which a claimant may file its claim beyond the claim date. A claimant to whom notice is mailed under item (e)(1) of this Section, however, shall have the later of the claim date or 7 days after the date notice was mailed to file a claim with the Department.

(f) The Department shall determine the validity, category, and amount of each claim within 120 days after the date of failure of the licensee and shall give written notice within that time period to each claimant and to the failed licensee of the Department's determination as to the validity, category, and amount of each claim.

(g) A claimant or the failed licensee may request a hearing on the Department's determination within 30 days after receipt of the written notice and the hearing shall be held in the county of the location of the principal office or place of business, in Illinois, residence of the failed licensee claimant and in accordance with rules. Under no circumstances shall payment to claimants who have not requested a hearing be delayed by reason of the request for a hearing by any unrelated claimant.

(h) Within 30 days after a failure of a licensee, the Director shall appoint an Administrative Law Judge for the hearings. The Director shall appoint a person licensed to practice law in this State; who is believed to be knowledgeable with regard to agriculture and the grain industry in Illinois; who has no conflict of interest; and who at the time of his or her appointment is not working for or employed by the Department in any capacity whatsoever.

(i) For the purposes of this Article, the "reasonably ascertainable" standard shall be satisfied when the Department conducts a review of the failed licensee's books and records and an interview of office and clerical personnel of the failed licensee.

(j) It is the intent of this Act that the time periods and deadlines in this Section 25-5 are absolute, and

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are not to be tolled, or their operation halted or delayed. In the event of a bankruptcy by a licensee, the Director shall seek to have commenced any proceedings that are necessary and appropriate to lift the automatic stay or make it otherwise inapplicable to the actions of the Department with regard to the claims determination process. In all other cases, the Department shall seek to have commenced the proceedings necessary to expeditiously remove or lift any order of any court or administrative agency that might attempt to delay the time periods and deadlines contained in this Section 25-5.
(Source: P.A. 93-225, eff. 7-21-03.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Hultgren, **Senate Bill No. 1946**, 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	Dillard	Lightford	Rutherford
Bivins	Forby	Link	Sandoval
Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Holmes	Munoz	Trotter
Cronin	Hultgren	Murphy	Watson
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jacobs	Pankau	Mr. President
Dahl	Jones, J.	Radogno	
DeLeo	Koehler	Raoul	
Delgado	Kotowski	Righter	
Demuzio	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.

On motion of Senator Lightford, **Senate Bill No. 1955**, 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	Dillard	Lightford	Rutherford
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Bivins	Forby	Link	Sandoval
Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Holmes	Munoz	Trotter
Cronin	Hultgren	Murphy	Watson
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jacobs	Pankau	Mr. President
Dahl	Jones, J.	Radogno	
DeLeo	Koehler	Raoul	
Delgado	Kotowski	Righter	
Demuzio	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.

On motion of Senator Wilhelmi, **Senate Bill No. 1975**, 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	Dillard	Lightford	Rutherford
Bivins	Forby	Link	Sandoval
Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Holmes	Munoz	Trotter
Cronin	Hultgren	Murphy	Watson
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jacobs	Pankau	Mr. President
Dahl	Jones, J.	Radogno	
DeLeo	Koehler	Raoul	
Delgado	Kotowski	Righter	
Demuzio	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.

On motion of Senator Frerichs, **Senate Bill No. 1982**, 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 55; Nays None.

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The following voted in the affirmative:

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

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.

On motion of Senator Trotter, **Senate Bill No. 1987**, 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	Dillard	Lightford	Rutherford
Bivins	Forby	Link	Sandoval
Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Holmes	Munoz	Trotter
Cronin	Hultgren	Murphy	Watson
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jacobs	Pankau	Mr. President
Dahl	Jones, J.	Radogno	
DeLeo	Koehler	Raoul	
Delgado	Kotowski	Righter	
Demuzio	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.

On motion of Senator Harmon, **Senate Bill No. 1989**, 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:

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Yeas 41; Nays 14.

The following voted in the affirmative:

Althoff	Forby	Link	Sandoval
Bond	Frerichs	Maloney	Schoenberg
Clayborne	Garrett	Martinez	Silverstein
Collins	Haine	Meeks	Steans
Cronin	Halvorson	Millner	Syverson
Crotty	Harmon	Munoz	Trotter
Cullerton	Holmes	Murphy	Wilhelmi
DeLeo	Hunter	Noland	Mr. President
Delgado	Koehler	Pankau	
Demuzio	Kotowski	Radogno	
Dillard	Lightford	Raoul	

The following voted in the negative:

Bivins	Dahl	Luechtefeld	Sullivan
Bomke	Jacobs	Righter	Watson
Brady	Jones, J.	Risinger	
Burzynski	Lauzen	Rutherford	

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

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

SENATE BILL RECALLED

On motion of Senator Althoff, **Senate Bill No. 1992** was recalled from the order of third reading to the order of second reading.

Senator Althoff offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1992

AMENDMENT NO. 1. Amend Senate Bill 1992 on page 1, line 9, by replacing "100 taxpayers residing" with "a number of electors of the county equal to at least 0.5% of the total number of votes cast during the last preceding gubernatorial election"; and

on page 3, line 7, by replacing "may" with "shall"; and

on page 3, line 11, by replacing "100 taxpayers residing" with "a number of electors of the county equal to at least 0.5% of the total number of votes cast during the last preceding gubernatorial election".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Bomke, **Senate Bill No. 2009**, 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.

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The following voted in the affirmative:

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

On motion of Senator Link, **Senate Bill No. 2028**, 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	Dillard	Lightford	Rutherford
Bivins	Forby	Link	Sandoval
Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Holmes	Munoz	Trotter
Cronin	Hultgren	Murphy	Watson
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jacobs	Pankau	Mr. President
Dahl	Jones, J.	Radogno	
DeLeo	Koehler	Raoul	
Delgado	Kotowski	Righter	
Demuzio	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.

On motion of Senator Koehler, **Senate Bill No. 2071**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 37; Nays 16.

The following voted in the affirmative:

Bomke	Frerichs	Link	Sandoval
Bond	Haine	Maloney	Silverstein
Clayborne	Halvorson	Martinez	Steans
Collins	Harmon	Meeks	Sullivan
Cronin	Hultgren	Millner	Trotter
Crotty	Hunter	Munoz	Wilhelmi
Cullerton	Jacobs	Noland	Mr. President
DeLeo	Jones, J.	Radogno	
Delgado	Koehler	Raoul	
Demuzio	Lightford	Risinger	

The following voted in the negative:

Althoff	Holmes	Pankau	Watson
Bivins	Kotowski	Righter	
Brady	Lauzen	Rutherford	
Burzynski	Luechtefeld	Schoenberg	
Forby	Murphy	Syverson	

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

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

Senator Bomke asked and obtained unanimous consent for the Journal to reflect his negative vote on **Senate Bill No. 2071**.

Senator J. Jones asked and obtained unanimous consent for the Journal to reflect his negative vote on **Senate Bill No. 2071**.

On motion of Senator Pankau, **Senate Bill No. 2072**, 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	Dillard	Lightford	Rutherford
Bivins	Forby	Link	Sandoval
Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Holmes	Munoz	Trotter
Cronin	Hultgren	Murphy	Watson
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jacobs	Pankau	Mr. President
Dahl	Jones, J.	Radogno	
DeLeo	Koehler	Raoul	
Delgado	Kotowski	Righter	

[April 8, 2008]

Demuzio

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.

SENATE BILL RECALLED

On motion of Senator Wilhelmi, **Senate Bill No. 2098** was recalled from the order of third reading to the order of second reading.

Senator Wilhelmi offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2098

AMENDMENT NO. 1. Amend Senate Bill 2098 on page 2, line 18, by changing "Foundation" to "corporate".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Wilhelmi, **Senate Bill No. 2100**, 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	Dillard	Lightford	Rutherford
Bivins	Forby	Link	Sandoval
Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Holmes	Munoz	Trotter
Cronin	Hultgren	Murphy	Watson
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jacobs	Pankau	Mr. President
Dahl	Jones, J.	Radogno	
DeLeo	Koehler	Raoul	
Delgado	Kotowski	Righter	
Demuzio	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.

On motion of Senator Millner, **Senate Bill No. 2137**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

[April 8, 2008]

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

SENATE BILL RECALLED

On motion of Senator Delgado, **Senate Bill No. 2199** was recalled from the order of third reading to the order of second reading.

Senator Delgado offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2199

AMENDMENT NO. 1. Amend Senate Bill 2199 on page 1, line 18, by replacing "2008" with "2009"; and

on page 2, line 4, after "individual", by inserting "taking into account individual preference".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Silverstein, **Senate Bill No. 2210**, 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 54; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Lightford	Risinger
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[April 8, 2008]

Bivins	Forby	Link	Rutherford
Bomke	Frerichs	Luechtefeld	Sandoval
Bond	Garrett	Maloney	Schoenberg
Brady	Haine	Martinez	Silverstein
Burzynski	Halvorson	Meeks	Steans
Clayborne	Harmon	Millner	Sullivan
Cronin	Holmes	Munoz	Syverson
Crotty	Hultgren	Murphy	Trotter
Cullerton	Hunter	Noland	Watson
Dahl	Jones, J.	Pankau	Wilhelmi
DeLeo	Koehler	Radogno	Mr. President
Delgado	Kotowski	Raoul	
Demuzio	Lauzen	Righter	

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.

On motion of Senator Silverstein, **Senate Bill No. 2211**, 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 54; Nays None.

The following voted in the affirmative:

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

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.

On motion of Senator Frerichs, **Senate Bill No. 2227**, 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 55; Nays None.

The following voted in the affirmative:

[April 8, 2008]

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

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.

On motion of Senator Delgado, **Senate Bill No. 2290**, 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 55; Nays None.

The following voted in the affirmative:

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

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.

On motion of Senator Bomke, **Senate Bill No. 2302**, 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:

[April 8, 2008]

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

SENATE BILL RECALLED

On motion of Senator Garrett, **Senate Bill No. 2311** was recalled from the order of third reading to the order of second reading.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2311

AMENDMENT NO. 1. Amend Senate Bill 2311 on page 2, line 10, after "organizations.", by inserting "Committee members shall be appointed for a 4-year term and shall serve until their successor is appointed."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Demuzio, **Senate Bill No. 2379**, 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	Dillard	Lightford	Rutherford
Bivins	Forby	Link	Sandoval
Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Holmes	Munoz	Trotter

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Cronin	Hultgren	Murphy	Watson
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jacobs	Pankau	Mr. President
Dahl	Jones, J.	Radogno	
DeLeo	Koehler	Raoul	
Delgado	Kotowski	Righter	
Demuzio	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.

At the hour of 3:17 o'clock p.m., Senator Martinez presiding.

On motion of Senator Demuzio, **Senate Bill No. 2380**, 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	Dillard	Lightford	Rutherford
Bivins	Forby	Link	Sandoval
Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Holmes	Munoz	Trotter
Cronin	Hultgren	Murphy	Watson
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jacobs	Pankau	Mr. President
Dahl	Jones, J.	Radogno	
DeLeo	Koehler	Raoul	
Delgado	Kotowski	Righter	
Demuzio	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.

On motion of Senator Risinger, **Senate Bill No. 2391**, 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	Dillard	Lightford	Rutherford
Bivins	Forby	Link	Sandoval

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Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Holmes	Munoz	Trotter
Cronin	Hultgren	Murphy	Watson
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jacobs	Pankau	Mr. President
Dahl	Jones, J.	Radogno	
DeLeo	Koehler	Raoul	
Delgado	Kotowski	Righter	
Demuzio	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.

On motion of Senator Millner, **Senate Bill No. 2415**, 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	Dillard	Lightford	Rutherford
Bivins	Forby	Link	Sandoval
Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Holmes	Munoz	Trotter
Cronin	Hultgren	Murphy	Watson
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jacobs	Pankau	Mr. President
Dahl	Jones, J.	Radogno	
DeLeo	Koehler	Raoul	
Delgado	Kotowski	Righter	
Demuzio	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.

On motion of Senator Silverstein, **Senate Bill No. 2422**, 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 55; Nays None.

The following voted in the affirmative:

[April 8, 2008]

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

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.

On motion of Senator Silverstein, **Senate Bill No. 2424**, 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 55; Nays None.

The following voted in the affirmative:

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

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.

On motion of Senator Silverstein, **Senate Bill No. 2428**, 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.

[April 8, 2008]

The following voted in the affirmative:

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

On motion of Senator Demuzio, **Senate Bill No. 2429**, 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 55; Nays None.

The following voted in the affirmative:

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

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.

On motion of Senator Demuzio, **Senate Bill No. 2431**, 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:

[April 8, 2008]

Yeas 54; Nays None.

The following voted in the affirmative:

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

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.

Senator Demuzio asked and obtained unanimous consent for the Journal to reflect her affirmative vote on **Senate Bill No. 2431**.

On motion of Senator Cullerton, **Senate Bill No. 2435**, 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	Dillard	Lightford	Rutherford
Bivins	Forby	Link	Sandoval
Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Holmes	Munoz	Trotter
Cronin	Hultgren	Murphy	Watson
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jacobs	Pankau	Mr. President
Dahl	Jones, J.	Radogno	
DeLeo	Koehler	Raoul	
Delgado	Kotowski	Righter	
Demuzio	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.

SENATE BILL RECALLED

[April 8, 2008]

On motion of Senator Jacobs, **Senate Bill No. 2461** was recalled from the order of third reading to the order of second reading.

Senator Jacobs offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2461

AMENDMENT NO. 1. Amend Senate Bill 2461 by replacing everything after the enacting clause with the following:

"Section 5. The Covering ALL KIDS Health Insurance Act is amended by changing Section 30 as follows:

(215 ILCS 170/30)

(Section scheduled to be repealed on July 1, 2011)

Sec. 30. Program outreach and marketing. The Department may provide grants to application agents and other community-based organizations to educate the public about the availability of the Program. The Department shall adopt rules regarding performance standards and outcomes measures expected of organizations that are awarded grants under this Section, including penalties for nonperformance of contract standards. The Department shall permit private employers, as defined in the Day and Temporary Labor Services Act and doing business in Illinois, to enroll as unpaid application agents.

(Source: P.A. 94-693, eff. 7-1-06.)

Section 99. Effective date. This Act takes effect January 1, 2009."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Lightford, **Senate Bill No. 2492**, 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	Dillard	Lightford	Rutherford
Bivins	Forby	Link	Sandoval
Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Holmes	Munoz	Trotter
Cronin	Hultgren	Murphy	Watson
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jacobs	Pankau	Mr. President
Dahl	Jones, J.	Radogno	
DeLeo	Koehler	Raoul	
Delgado	Kotowski	Righter	
Demuzio	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).

[April 8, 2008]

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

On motion of Senator Clayborne, **Senate Bill No. 2546**, 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 55; Nays None.

The following voted in the affirmative:

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

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.

On motion of Senator Frerichs, **Senate Bill No. 2570**, 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	Dillard	Lightford	Rutherford
Bivins	Forby	Link	Sandoval
Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Holmes	Munoz	Trotter
Cronin	Hultgren	Murphy	Watson
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jacobs	Pankau	Mr. President
Dahl	Jones, J.	Radogno	
DeLeo	Koehler	Raoul	
Delgado	Kotowski	Righter	
Demuzio	Lauzen	Risinger	

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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.

On motion of Senator Harmon, **Senate Bill No. 2639**, 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	Dillard	Lightford	Rutherford
Bivins	Forby	Link	Sandoval
Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Holmes	Munoz	Trotter
Cronin	Hultgren	Murphy	Watson
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jacobs	Pankau	Mr. President
Dahl	Jones, J.	Radogno	
DeLeo	Koehler	Raoul	
Delgado	Kotowski	Righter	
Demuzio	Laufen	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.

On motion of Senator Wilhelmi, **Senate Bill No. 2674**, 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	Dillard	Lightford	Rutherford
Bivins	Forby	Link	Sandoval
Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Silverstein
Brady	Haine	Martinez	Steans
Burzynski	Halvorson	Meeks	Sullivan
Clayborne	Harmon	Millner	Syverson
Collins	Holmes	Munoz	Trotter
Cronin	Hultgren	Murphy	Watson
Crotty	Hunter	Noland	Wilhelmi
Cullerton	Jacobs	Pankau	Mr. President
Dahl	Jones, J.	Radogno	
DeLeo	Koehler	Raoul	

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Delgado	Kotowski	Righter
Demuzio	Laufen	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.

On motion of Senator Koehler, **Senate Bill No. 2676**, 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 38; Nays 14.

The following voted in the affirmative:

Althoff	Haine	Maloney	Schoenberg
Clayborne	Halvorson	Martinez	Silverstein
Collins	Harmon	Meeks	Steans
Crotty	Hultgren	Millner	Sullivan
Cullerton	Hunter	Munoz	Trotter
DeLeo	Jacobs	Noland	Watson
Delgado	Koehler	Raoul	Wilhelmi
Demuzio	Lightford	Risinger	Mr. President
Frerichs	Link	Rutherford	
Garrett	Luechtefeld	Sandoval	

The following voted in the negative:

Bivins	Cronin	Kotowski	Radogno
Bomke	Dahl	Laufen	Righter
Bond	Holmes	Murphy	
Burzynski	Jones, J.	Pankau	

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.

On motion of Senator Frerichs, **Senate Bill No. 2682**, 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 55; Nays None.

The following voted in the affirmative:

Bivins	Dillard	Laufen	Righter
Bomke	Forby	Lightford	Risinger
Bond	Frerichs	Link	Rutherford
Brady	Garrett	Luechtefeld	Sandoval
Burzynski	Haine	Maloney	Schoenberg
Clayborne	Halvorson	Martinez	Silverstein
Collins	Harmon	Meeks	Steans
Cronin	Holmes	Millner	Sullivan

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Crotty	Hultgren	Munoz	Syverson
Cullerton	Hunter	Murphy	Trotter
Dahl	Jacobs	Noland	Watson
DeLeo	Jones, J.	Pankau	Wilhelmi
Delgado	Koehler	Radogno	Mr. President
Demuzio	Kotowski	Raoul	

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.

On motion of Senator Maloney, **Senate Bill No. 2690**, 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 54; Nays None.

The following voted in the affirmative:

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

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.

At the hour of 4:01 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, April 9, 2008, at 11:00 o'clock a.m.