



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-FIFTH GENERAL ASSEMBLY**

**146TH LEGISLATIVE DAY**

**TUESDAY, APRIL 15, 2008**

**12:16 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**146th Legislative Day**

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The Senate met pursuant to adjournment.

Senator Rickey R. Hendon, Chicago, Illinois, presiding.

Prayer by Dr. Maryam Mostoufi, Islamic Society of Greater Springfield, Springfield, Illinois.

Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Thursday, April 10, 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.

### **REPORT RECEIVED**

The Secretary placed before the Senate the following reports:

Equity in Intercollegiate Athletics Report, submitted by the Illinois Board of Higher Education.

The foregoing report was ordered received and placed on file in the Secretary's Office.

### **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 801  
 Senate Floor Amendment No. 2 to Senate Bill 871  
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 Senate Floor Amendment No. 2 to Senate Bill 2750  
 Senate Floor Amendment No. 2 to Senate Bill 2757  
 Senate Floor Amendment No. 2 to Senate Bill 2760  
 Senate Floor Amendment No. 3 to Senate Bill 2783  
 Senate Floor Amendment No. 1 to Senate Bill 2786  
 Senate Floor Amendment No. 1 to Senate Bill 2820  
 Senate Floor Amendment No. 2 to Senate Bill 2820  
 Senate Floor Amendment No. 1 to Senate Bill 2851  
 Senate Floor Amendment No. 2 to Senate Bill 2865  
 Senate Floor Amendment No. 1 to Senate Bill 2874  
 Senate Floor Amendment No. 2 to Senate Bill 2912

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

Senate Floor Amendment No. 4 to House Bill 824  
 Senate Floor Amendment No. 5 to House Bill 1334

## **PRESENTATION OF RESOLUTIONS**

### **SENATE RESOLUTION 646**

Offered by Senator E. Jones and all Senators:  
 Mourns the death of Linda Carolyn Sims of Chicago.

### **SENATE RESOLUTION 647**

Offered by Senator Althoff and all Senators:  
 Mourns the death of Verda L. Dierzen of Woodstock.

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

[April 15, 2008]

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

**SENATE RESOLUTION NO. 648**

WHEREAS, Every day, an estimated 65,000 Illinoisans struggle with the disabling and life-altering impact of lupus, a chronic auto-immune disease; and

WHEREAS, Lupus occurs when the immune system is unbalanced, causing it to become destructive to any major organ or tissue in the body and is a serious disease that can damage vital organs, such as the kidneys, heart, lungs, and brain; and the disease can cause seizures, strokes, heart attacks, miscarriages, and organ failure leading to significant disability or death; and

WHEREAS, Lupus can be very unpredictable and is potentially fatal, yet no satisfactory treatment or cure exists; and

WHEREAS, Lupus can attack the body for years before the disease is diagnosed and symptoms mimic common illnesses and often are dismissed as nothing serious and more than half of the people with lupus suffer four or more years and visit three or more doctors before receiving a correct diagnosis; and

WHEREAS, Awareness of lupus is lowest among women 18-24, the age group most likely to develop the disease; and

WHEREAS, Late diagnosis and delayed treatment contribute to poor outcomes and increases morbidity and mortality; and

WHEREAS, While most Americans are aware of the signs and health risks of breast cancer or heart disease, relatively few are aware of lupus, that disproportionately strikes young women between the ages of 15 and 45; and

WHEREAS, Early recognition, diagnosis, and proper medical care of lupus can often prevent or reduce serious health complications, such as heart disease, strokes, seizures, and kidney failure; and

WHEREAS, Raising awareness about lupus is important and can result in saving lives; it will provide hope for those living with lupus and comfort to those whose loved ones have lost their battle; it will inform the general public about the symptoms of lupus and possibly save lives; it will affirm the need for increased funding to researchers and medical professionals so they can continue their work to improve the outlook for lupus patients; and

WHEREAS, The month of May has been designated as Lupus Awareness Month, observed to disseminate medically sound information about lupus, increase public understanding of the physical, emotional, and economic impact of the disease and provide support, services, and hope to all people affected by lupus; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we declare May of each year to be Lupus Awareness Month in the State of Illinois, and we encourage all citizens to increase awareness, education, and services for Lupus which each year affects thousands of Illinoisans; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Diane Herr, Chairman of the Board of Directors of the Lupus Foundation of America, Illinois Chapter headquartered in Chicago.

Senator J. Jones offered the following Senate Resolution, which was referred to the Committee on Rules:

[April 15, 2008]

**SENATE RESOLUTION NO. 649**

WHEREAS, The University of Illinois Extension is the flagship outreach effort of the University of Illinois at Urbana-Champaign, offering educational programs to residents of all of this State's 102 counties; and

WHEREAS, Through learning partnerships, the U of I Extension's programs are aimed at making life better, healthier, safer, and more profitable for individuals and their communities; and

WHEREAS, The U of I Extension offers educational programs in 5 specific areas, including a healthy society, food security and safety, environmental stewardship, sustainable and profitable food production and marketing systems, and efforts that enhance the State's youth, families, and communities; and

WHEREAS, Most U of I Extension programs are offered on an informal, non-credit basis; some Extension programs do offer continuing education credits in certain fields of study; and

WHEREAS, Extension programs may be offered as hands-on workshops, field days, or self-paced tutorials via the Internet or offered in formats made appropriate for the audience and subject matter; and

WHEREAS, More than 2.5 million Illinois residents take part in Extension programs each year; and

WHEREAS, Nearly 300,000 of the State's youth participate in 4-H programs; and

WHEREAS, Each month, the U of I Extension web pages draw more than 10 million "hits"; and

WHEREAS, People in more than 200 countries access information provided by the U of I Extension, via the Internet; and

WHEREAS, Communities are served directly by Extension staff in 77 regional-based offices located throughout this State; and

WHEREAS, Extension educators located in 12 centers across this State and specialists located on the U of I campus develop and deliver in-depth programming locally, in regional venues, and through distance-learning technologies; and

WHEREAS, As part of the nationwide Cooperative Extension System, the U of I Extension is able to draw on research-based expertise from land-grant universities all across the country; and

WHEREAS, The U of I Extension is based in the College of Agricultural, Consumer and Environmental Sciences (ACES) at the University of Illinois at Urbana-Champaign; and

WHEREAS, Some U of I Extension programs are offered in conjunction with the College of Applied Life Studies for the College of Veterinary Medicine; and

WHEREAS, The Fiscal Year 2008 Budget appropriated approximately \$17.8 million for U of I Extension programs; and

WHEREAS, As of April 1, 2008, not a single dollar of the \$17.8 million appropriated has been released to the U of I Extension; and

WHEREAS, The U of I Extension cannot retain staff or maintain its programs without funds that are appropriated by the General Assembly and approved by the Governor of the State of Illinois; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Governor to immediately release the entire \$17.8 million that was appropriated to the University of Illinois Extension in the Fiscal Year 2008 Budget passed by the General Assembly and signed into law by the Governor; and be it further

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

### SENATE BILL RECALLED

On motion of Senator Kotowski, **Senate Bill No. 2486** was recalled from the order of third reading to the order of second reading.

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

Senator Kotowski offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2 TO SENATE BILL 2486

AMENDMENT NO. 2. Amend Senate Bill 2486 by replacing line 21 on page 1 through line 5 on page 3 with the following:

"(215 ILCS 5/356z.11 new)

#### Sec. 356z.11. Wellness coverage.

(a) A group or individual policy of accident and health insurance or managed care plan amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 95th General Assembly that provides coverage for hospital or medical treatment on an expense incurred basis may offer a reasonably designed program for wellness coverage that allows for a reward, a health spending account contribution, a reduction in premiums or reduced medical, prescription drug, or equipment copayments, coinsurance, or deductibles, or a combination of these incentives, for participation in any health behavior wellness, maintenance, or improvement program approved or offered by the insurer or managed care plan. The insured or enrollee may be required to provide evidence of participation in a program, demonstrative compliance with treatment recommendations, or improvement of the individual's or dependent's health behaviors as determined by the health insurer or managed care plan.

(b) For purposes of this Section, "wellness coverage" means health care coverage with the primary purpose to engage and motivate the insured or enrollee through: incentives; provision of health education, counseling, and self-management skills; identification of modifiable health risks; and other activities to influence health behavior changes.

(c) Incentives as outlined in this Section are specific and unique to the offering of wellness coverage and have no application to any other required or optional health care benefit.

(d) Such wellness coverage shall satisfy the requirements for an exception from the general prohibition against discrimination based on a health factor under the federal Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191; 110 Stat. 1936), including any federal regulations that are adopted pursuant to that Act.

(e) A reward, health spending account contribution, or reduction established under this Section does not violate Section 151 of this Code."

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.

### READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Kotowski, **Senate Bill No. 2486**, 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 46; Nays None.

The following voted in the affirmative:

Althoff  
Bivins  
Bomke

Forby  
Frerichs  
Haibe

Kotowski  
Lightford  
Link

Raoul  
Risinger  
Silverstein

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Burzynski	Halvorson	Maloney	Stears
Clayborne	Harmon	Martinez	Sullivan
Collins	Hendon	Meeks	Trotter
Crotty	Holmes	Munoz	Viverito
Cullerton	Hultgren	Murphy	Watson
Dahl	Hunter	Noland	Wilhelmi
DeLeo	Jacobs	Pankau	Mr. President
Delgado	Jones, J.	Peterson	
Demuzio	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.

### SENATE BILL RECALLED

On motion of Senator Forby, **Senate Bill No. 2487** was recalled from the order of third reading to the order of second reading.

Senator Forby offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO SENATE BILL 2487

AMENDMENT NO. 1. Amend Senate Bill 2487 as follows:

on page 1, line 5, after "11E-50," by inserting "11E-60,"; and

on page 7, lines 22 and 23, by replacing "the petition is approved by either the regional superintendent of schools or" with "a final decision is issued by the ~~petition is approved by either the regional superintendent of schools or~~"; and

on page 14, immediately below line 8, by inserting the following:

"(105 ILCS 5/11E-60)

Sec. 11E-60. Ballots.

(a) Separate ballots shall be used for the election in each affected district. If the petition requests the submission of a proposition for the issuance of bonds, then that question shall be submitted to the voters at the referendum on a separate ballot.

(b) Ballots for all reorganization propositions submitted under the provisions of this Article must be in substantially the following form:

(1) Ballot for high school - unit conversion or unit to dual conversion:

#### OFFICIAL BALLOT

Shall (here identify the districts to be dissolved by name and number) be dissolved and new school districts be established as follows: a new (here specify elementary, high school, or unit) district formed from all of the territory included within (here identify the existing school district by name and number), with the authority to levy taxes for various purposes as follows: (here specify the maximum tax rates for various purposes the new school district is authorized to levy and, if applicable, the specifications related to the Property Tax Extension Limitation Law, in accordance with Section 11E-80 of this Code), each upon all of the taxable property of the school district at the value thereof, as equalized or assessed by the Department of Revenue, and a new (here repeat the information for each new school district)?

The election authority must record the votes "Yes" or "No".

(2) Ballot for combined school district formation:

#### OFFICIAL BALLOT

[April 15, 2008]



Shall a combined (here insert elementary, high, or unit) school district, with the authority to levy taxes at the rate of (here specify the maximum tax rates for various purposes the new unit district is authorized to levy and, if applicable, the specifications related to the Property Tax Extension Limitation Law, in accordance with Section 11E-80 of this Code), each upon all of the taxable property of the district at the value thereof, as equalized or assessed by the Department of Revenue, be established?

The election authority must record the votes "Yes" or "No".

(3) Ballot for unit district formation (other than a partial elementary unit district formation):

#### OFFICIAL BALLOT

Shall a unit district, with the authority to levy taxes at the rate of (here specify the maximum tax rates for various purposes the new unit district is authorized to levy and, if applicable, the specifications related to the Property Tax Extension Limitation Law, in accordance with Section 11E-80 of this Code), each upon all of the taxable property of the district at the value thereof, as equalized or assessed by the Department of Revenue, be established?

The election authority must record the votes "Yes" or "No".

(4) Ballot for a combined high school - unit district formation:

#### OFFICIAL BALLOT

Shall a combined high school - unit district formed from all of the territory included within (here identify existing school districts by name and number), serving the territory included within (here identify existing school district by name and number) only for high school purposes, with the authority to levy taxes for various purposes as follows: (here specify the maximum tax rates for various purposes the new combined high school - unit district is authorized to levy and, if applicable, the specifications related to the Property Tax Extension Limitation Law, in accordance with Sections 11E-80 and ~~11E-90~~ ~~11E-95~~ of this Code), each upon all of the taxable property of the district at the value thereof, as equalized or assessed by the Department of Revenue, be established?

The election authority must record the votes "Yes" or "No".

(5) Ballot for an optional elementary unit district formation:

#### OFFICIAL BALLOT

Shall an optional elementary unit district, with the authority to levy taxes at the rate of (here specify the maximum tax rates for various purposes the new optional elementary unit district is authorized to levy and, if applicable, the specifications related to the Property Tax Extension Limitation Law, in accordance with Sections 11E-80 and 11E-95 of this Code), each upon all of the taxable property of the district at the value thereof, as equalized or assessed by the Department of Revenue, be established?

The election authority must record the votes "Yes" or "No".

(6) Ballot for multi-unit conversion:

#### OFFICIAL BALLOT

Shall (here identify the districts to be dissolved by name and number) be dissolved and new school districts established as follows: a new elementary district formed from all of the territory included within (here identify the existing school district by name and number), with the authority to levy taxes for various purposes as follows: (here specify the maximum tax rates for various purposes the new school district is authorized to levy and, if applicable, the specifications related to the Property Tax Extension Limitation Law, in accordance with Section 11E-80 of this Code), each upon all of the taxable property of the school district at the value thereof, as equalized or assessed by the Department of Revenue, (here repeat the information for each new elementary school district), and a new combined high school - unit district formed from all of the territory included within (here identify the existing school district by name and number), with the authority to levy taxes for various purposes as follows: (here specify the maximum tax rates for various purposes the new combined high school - unit district is authorized to levy and, if applicable, the specifications related to the Property Tax Extension Limitation Law, in accordance with Sections 11E-80 and 11E-90 of this Code), each upon all of the taxable property of the school district at the value thereof, as equalized or assessed by the Department of Revenue?

The election authority must record the votes "Yes" or "No".

(7) Ballot for an elementary school district to dissolve and join an optional elementary unit district:

#### OFFICIAL BALLOT

Shall (here identify the elementary district by name and number) be dissolved and join (here identify the optional elementary unit district by name and number), with the authority to levy taxes at the rate of (here specify the maximum tax rates for various purposes the optional elementary unit district is authorized to levy and, if applicable, the specifications related to the Property Tax Extension Limitation Law, in accordance with Sections 11E-80 and 11E-95 of this Code), each upon all of the taxable property of the district at the value thereof, as equalized or assessed by the Department of Revenue and shall (here identify the elementary district by name and number), prior to dissolution, issue funding bonds pursuant to Sections 19-8 and 19-9 of the School Code to liquidate any operational deficit or debt incurred or accumulated since the date of the election in which the proposition to form (here identify the optional elementary unit district by name and number) passed?

The election authority must record the votes "Yes" or "No".  
(Source: P.A. 94-1019, eff. 7-10-06)."

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 Forby, **Senate Bill No. 2487**, 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 None.

The following voted in the affirmative:

Allthoff

Delgado

Koehler

Radogno

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Bivins	Demuzio	Kotowski	Raoul
Bomke	Forby	Lightford	Risinger
Brady	Frerichs	Link	Silverstein
Burzynski	Haine	Maloney	Steans
Clayborne	Halvorson	Martinez	Sullivan
Collins	Harmon	Meeks	Trotter
Cronin	Hendon	Munoz	Viverito
Crotty	Holmes	Murphy	Watson
Cullerton	Hunter	Noland	Wilhelmi
Dahl	Jacobs	Pankau	Mr. President
DeLeo	Jones, J.	Peterson	

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 Althoff, **Senate Bill No. 2501**, 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 39; Nays 5.

The following voted in the affirmative:

Althoff	Demuzio	Luechtefeld	Risinger
Brady	Frerichs	Maloney	Silverstein
Clayborne	Haine	Martinez	Steans
Collins	Harmon	Meeks	Sullivan
Cronin	Hendon	Munoz	Trotter
Crotty	Hunter	Noland	Viverito
Cullerton	Jacobs	Pankau	Watson
Dahl	Koehler	Peterson	Wilhelmi
DeLeo	Kotowski	Radogno	Mr. President
Delgado	Link	Raoul	

The following voted in the negative:

Bivins	Burzynski	Holmes
Bomke	Halvorson	

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. 2514**, 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 49; Nays None.

The following voted in the affirmative:

Althoff	Demuzio	Lightford	Raoul
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Bivins	Forby	Link	Risinger
Bomke	Frerichs	Luechtefeld	Silverstein
Brady	Haine	Maloney	Stears
Burzynski	Halvorson	Martinez	Sullivan
Clayborne	Harmon	Meeks	Trotter
Collins	Hendon	Millner	Viverito
Cronin	Holmes	Munoz	Watson
Crotty	Hunter	Murphy	Wilhelmi
Cullerton	Jacobs	Noland	Mr. President
Dahl	Jones, J.	Pankau	
DeLeo	Koehler	Peterson	
Delgado	Kotowski	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 Raoul, **Senate Bill No. 2527**, 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 48; Nays None.

The following voted in the affirmative:

Althoff	Demuzio	Link	Risinger
Bivins	Frerichs	Luechtefeld	Silverstein
Bomke	Haine	Maloney	Stears
Brady	Halvorson	Martinez	Sullivan
Burzynski	Harmon	Meeks	Trotter
Clayborne	Hendon	Millner	Viverito
Collins	Holmes	Munoz	Watson
Cronin	Hunter	Murphy	Wilhelmi
Crotty	Jacobs	Noland	Mr. President
Cullerton	Jones, J.	Pankau	
Dahl	Koehler	Peterson	
DeLeo	Kotowski	Radogno	
Delgado	Lightford	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 Millner, **Senate Bill No. 2577**, 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 49; Nays None.

The following voted in the affirmative:

Althoff	Forby	Link	Risinger
Bivins	Frerichs	Luechtefeld	Rutherford

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Brady	Haine	Maloney	Silverstein
Burzynski	Halvorson	Martinez	Steans
Clayborne	Harmon	Meeks	Sullivan
Collins	Hendon	Millner	Trotter
Cronin	Holmes	Munoz	Viverito
Crotty	Hunter	Murphy	Watson
Cullerton	Jacobs	Noland	Wilhelmi
Dahl	Jones, J.	Pankau	Mr. President
DeLeo	Koehler	Peterson	
Delgado	Kotowski	Radogno	
Demuzio	Lightford	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 Millner, **Senate Bill No. 2594**, 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	Demuzio	Kotowski	Radogno
Bivins	Forby	Lightford	Raoul
Bomke	Frerichs	Link	Risinger
Brady	Haine	Luechtefeld	Rutherford
Burzynski	Halvorson	Maloney	Silverstein
Clayborne	Harmon	Martinez	Steans
Collins	Hendon	Meeks	Sullivan
Cronin	Holmes	Millner	Trotter
Crotty	Hultgren	Munoz	Viverito
Cullerton	Hunter	Murphy	Watson
Dahl	Jacobs	Noland	Wilhelmi
DeLeo	Jones, J.	Pankau	Mr. President
Delgado	Koehler	Peterson	

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. 2656** 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 2656

AMENDMENT NO. 1. Amend Senate Bill 2656 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Human Services Act is amended by adding Section 10-60 as follows:  
(20 ILCS 1305/10-60 new)

[April 15, 2008]

Sec. 10-60. Mental Health Work Group.

(a) The Department's Division of Mental Health under the leadership of Secretary and as the State Mental Health Authority, in an effort to develop and establish a comprehensive state mental health plan for Illinois, to coordinate all policy making in mental health, and to provide oversight and assume monitoring responsibility for all mental health programs and initiatives funded by the state and federal agencies, shall convene and lead a Work Group composed of directors of state agencies and principal stakeholders in the public mental health system, including but not limited to:

(1) The Department of Human Services in the program areas of Alcoholism and Substance Abuse, Community Health and Prevention, Developmental Disabilities, Human Capital Development, and Rehabilitation Services.

(2) The Department of Healthcare and Family Services.

(3) The Department of Corrections.

(4) The Department of Juvenile Justice.

(5) The Department of Children and Family Services.

(6) The Department of Public Health.

(7) The Department on Aging.

(8) The State Board of Education.

The Work Group shall also include representatives of other agencies and commissions of State government, including:

(9) The Illinois Housing Authority.

(10) The Illinois Violence Prevention Authority.

(11) The Criminal Justice Information Authority.

The Work Group shall also include adult consumers of mental health services and parents of youth with serious emotional disturbance.

The Work Group shall also include clinical practitioners, academics, advocacy groups, and other stakeholders as deemed appropriate by the mental health authority.

(b) The Department's Division of Mental Health, as the State Mental Health Authority, shall have timely access to all data, service reports, surveys, and other relevant data maintained by any State agency purchasing or providing mental health services. This access is deemed necessary by the State Mental Health Authority to report on the status of the mental health service system in Illinois.

(c) The Work Group is charged with designing Illinois' mental health system to be more efficient and effective as well as reduce redundancies in the delivery of services to persons with mental illnesses in the following ways:

(1) Conducting a thorough statewide needs assessment and reporting on the current status of the mental health system using data from all state agencies.

(2) Developing a comprehensive State mental health plan.

(3) Identifying and implementing policy, organizational, and financing changes required to effectively carry out the State plan.

(4) Coordinating policy actions with other State agencies and on all federal initiatives.

(5) Incorporating a children's mental health plan into all planning activities.

(6) Establishing cross-departmental management teams to address specific policy areas, address specific transformation planning objectives, and implement and monitor policy decisions. Specific focus shall be given to cross-departmental management of the long-term care system as the State moves to rebalancing services, shifting resources to the community based settings.

(d) The Work Group shall coordinate its policy and planning activities with other State-federal initiative planning and leadership groups.

(e) The "Illinois Comprehensive State Mental Health Plan" shall include but need not be limited to the following:

(1) A review and analysis of all laws, rules and regulations, and programs and policies of the State of Illinois and of the departments, commissions, boards, agencies, and offices in the executive branch thereof, which pertain to mental health care services and supports. The analysis shall identify barriers to access and make recommendations that will enable the residents of Illinois who require assistance to access needed mental health care services.

(2) The development of proposals for administrative restructuring of existing and future programs, policies, and procedures to improve the mental health care delivery system, including non-medical services such as transportation, housing, education, and vocational assistance, that are necessary for recovery and productive community-based living for persons with mental illnesses, which are achievable within resources available to the State.

(3) An analysis of programmatic, procedural, and fiscal impacts of any policies or practices

recommended for adoption.

(4) Exploration of and recommendations as to methods to secure sufficient funding, develop and manage cross-agency (braided) funding, and administer and monitor all such funding under the Division of Mental Health, as the State Mental Health Authority, to provide community-based services for persons needing mental health care services.

(5) Recommendations on strategies to educate the public regarding identification of mental health care needs, effective treatments for mental illness, and methods of accessing services.

(f) In conducting the assessment of the current system, developing the Comprehensive State Mental Health Plan, and executing other work of the group, the Work Group shall:

(1) Review and incorporate all relevant work in progress or which has been completed by State departments, various statewide task forces, councils, commissions, and other bodies that have convened to address related mental health care issues.

(2) Consider all existing studies, reports, and settlement agreements related to the Illinois system of mental health services and supports.

(3) Obtain input from a broad range of stakeholders, including consumers, their family members, advocates, and private providers of services.

(4) Use consultation from nationally recognized experts and officials in other states in order to identify promising or proven practices that are consumer-centered, research-based, cost-effective, and applicable to improving accessibility, capacity, quality, and financing across all mental health care services and supports which may be adaptable in Illinois.

(g) Upon approval of the Illinois Comprehensive State Mental Health Plan, the Work Group shall continue to meet quarterly to review progress in the implementation of the plan and shall revise the plan as needed based on lessons learned, stakeholder input, and advancements in best practices for the delivery of mental health care services.

(h) All departments, commissions, boards, offices, entities, agencies, and officers of the State of Illinois, or any political subdivision thereof, are authorized and directed to cooperate with the implementation of this amendatory Act of the 95th General Assembly."

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 Delgado, **Senate Bill No. 2656**, 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	Demuzio	Kotowski	Radogno
Bivins	Forby	Lightford	Raoul
Bomke	Frerichs	Link	Risinger
Brady	Haine	Luechtefeld	Rutherford
Burzynski	Halvorson	Maloney	Silverstein
Clayborne	Harmon	Martinez	Steans
Collins	Hendon	Meeks	Sullivan
Cronin	Holmes	Millner	Trotter
Crotty	Hultgren	Munoz	Viverito
Cullerton	Hunter	Murphy	Watson
Dahl	Jacobs	Noland	Wilhelmi
DeLeo	Jones, J.	Pankau	Mr. President
Delgado	Koehler	Peterson	

[April 15, 2008]

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.

### EXCUSED FROM ATTENDANCE

On motion of Senator Risinger, Senator Righter was excused from attendance due to district business.

### REPORTS FROM RULES COMMITTEE

Senator Halvorson, Chairperson of the Committee on Rules, reported that the Committee recommends that **Senate Bill No. Floor Amendment 1 to SB 876** be re-referred from the Committee on Education to the Committee on Rules.

Senator Halvorson, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

#### **Senate Joint Resolution No. 90**

The foregoing resolution was placed on the Secretary's Desk.

Senator Halvorson, Chairperson of the Committee on Rules, during its April 15, 2008 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: **Senate Floor Amendment No. 2 to Senate Bill 2562; Senate Floor Amendment No. 2 to Senate Bill 2750.**

Education: **Senate Floor Amendment No. 2 to Senate Bill 2091; Senate Floor Amendment No. 3 to Senate Bill 2402; Senate Floor Amendment No. 1 to Senate Bill 2638; Senate Floor Amendment No. 1 to Senate Bill 2683; Senate Floor Amendment No. 1 to Senate Bill 2686; Senate Floor Amendment No. 1 to Senate Bill 2687; Senate Floor Amendment No. 1 to Senate Bill 2689.**

Environment and Energy: **Senate Floor Amendment No. 1 to Senate Bill 876; Senate Floor Amendment No. 1 to Senate Bill 2079; Senate Floor Amendment No. 1 to Senate Bill 2083; Senate Floor Amendment No. 1 to Senate Bill 2166; Senate Floor Amendment No. 2 to Senate Bill 2313; Senate Floor Amendment No. 3 to Senate Bill 2567; Senate Floor Amendment No. 2 to Senate Bill 2640; Senate Floor Amendment No. 3 to Senate Bill 2640; Senate Floor Amendment No. 1 to Senate Bill 2695; Senate Floor Amendment No. 2 to Senate Bill 2783; Senate Floor Amendment No. 3 to Senate Bill 2783.**

Executive: **Senate Floor Amendment No. 4 to House Bill 824; Senate Floor Amendment No. 1 to Senate Bill 2063; Senate Floor Amendment No. 3 to Senate Bill 2113; Senate Floor Amendment No. 1 to Senate Bill 2256; Senate Floor Amendment No. 2 to Senate Bill 2399; Senate Floor Amendment No. 4 to Senate Bill 2400; Senate Floor Amendment No. 2 to Senate Bill 2472; Senate Floor Amendment No. 1 to Senate Bill 2702; Senate Floor Amendment No. 3 to Senate Bill 2707; Senate Floor Amendment No. 4 to Senate Bill 2707; Senate Floor Amendment No. 2 to Senate Bill 2757.**

Financial Institutions: **Senate Floor Amendment No. 2 to Senate Bill 2513; Senate Floor Amendment No. 1 to Senate Bill 2786.**

Higher Education: **Senate Floor Amendment No. 5 to House Bill 1334.**

[April 15, 2008]



Housing and Community Affairs: Senate Floor Amendment No. 1 to Senate Bill 2721.

Human Services: Senate Floor Amendment No. 2 to Senate Bill 1938; Senate Floor Amendment No. 1 to Senate Bill 2112; Senate Floor Amendment No. 1 to Senate Bill 2531; Senate Floor Amendment No. 2 to Senate Bill 2552; Senate Floor Amendment No. 1 to Senate Bill 2851; Senate Floor Amendment No. 2 to Senate Bill 2879.

Insurance: Senate Floor Amendment No. 2 to Senate Bill 871; Senate Floor Amendment No. 2 to Senate Bill 2002; Senate Floor Amendment No. 1 to Senate Bill 2499; Senate Floor Amendment No. 2 to Senate Bill 2595.

Judiciary Civil Law: Senate Floor Amendment No. 3 to Senate Bill 1865; Senate Floor Amendment No. 3 to Senate Bill 2124; Senate Floor Amendment No. 2 to Senate Bill 2139.

Judiciary Criminal Law: Senate Floor Amendment No. 3 to Senate Bill 2254; Senate Floor Amendment No. 4 to Senate Bill 2275; Senate Floor Amendment No. 2 to Senate Bill 2349; Senate Floor Amendment No. 4 to Senate Bill 2349; Senate Floor Amendment No. 3 to Senate Bill 2354; Senate Floor Amendment No. 1 to Senate Bill 2355; Senate Floor Amendment No. 3 to Senate Bill 2426; Senate Floor Amendment No. 1 to Senate Bill 2476; Senate Floor Amendment No. 2 to Senate Bill 2596; Senate Floor Amendment No. 1 to Senate Bill 2657; Senate Floor Amendment No. 1 to Senate Bill 2718; Senate Floor Amendment No. 3 to Senate Bill 2855.

Labor: Senate Floor Amendment No. 3 to Senate Bill 2397.

Licensed Activities: Senate Floor Amendment No. 3 to Senate Bill 1998; Senate Floor Amendment No. 2 to Senate Bill 2285; Senate Floor Amendment No. 1 to Senate Bill 2696; Senate Floor Amendment No. 2 to Senate Bill 2760.

Local Government: Senate Floor Amendment No. 3 to Senate Bill 2033; Senate Floor Amendment No. 3 to Senate Bill 2052; Senate Floor Amendment No. 3 to Senate Bill 2181; Senate Floor Amendment No. 2 to Senate Bill 2297; Senate Floor Amendment No. 1 to Senate Bill 2733; Senate Floor Amendment No. 1 to Senate Bill 2743; Senate Floor Amendment No. 2 to Senate Bill 2745; Senate Floor Amendment No. 1 to Senate Bill 2747.

Pensions and Investments: Senate Floor Amendment No. 2 to Senate Bill 1985.

Public Health: Senate Floor Amendment No. 1 to Senate Bill 1965; Senate Floor Amendment No. 1 to Senate Bill 2155; Senate Floor Amendment No. 2 to Senate Bill 2173; Senate Floor Amendment No. 2 to Senate Bill 2300; Senate Floor Amendment No. 2 to Senate Bill 2865.

Revenue: Senate Floor Amendment No. 2 to Senate Bill 801; Senate Floor Amendment No. 3 to Senate Bill 2099; Senate Floor Amendment No. 2 to Senate Bill 2584; Senate Floor Amendment No. 1 to Senate Bill 2643; Senate Floor Amendment No. 1 to Senate Bill 2820; Senate Floor Amendment No. 2 to Senate Bill 2820; Senate Floor Amendment No. 1 to Senate Bill 2873; Senate Floor Amendment No. 1 to Senate Bill 2874; Senate Floor Amendment No. 2 to Senate Bill 2882; Senate Floor Amendment No. 2 to Senate Bill 2912.

State Government and Veterans Affairs: Senate Floor Amendment No. 1 to Senate Bill 2626; Senate Floor Amendment No. 1 to Senate Bill 2636; Senate Floor Amendment No. 2 to Senate Bill 2636.

**MESSAGES FROM THE PRESIDENT**

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

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

[April 15, 2008]

April 15, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Jacqueline Collins to replace Senator Martin Sandoval as a member of the Local Government Committee. This appointment is effective immediately

Very truly yours,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

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

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

April 15, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Ira Silverstein to resume his position on the Senate Executive Committee. This appointment is effective immediately

Sincerely,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

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

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

April 15, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

[April 15, 2008]

Pursuant to Rule 3-2(c), I hereby appoint Senator Ira Silverstein to resume his position on the Senate Judiciary Civil-Law Committee. This appointment is effective immediately

Sincerely,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

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

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

April 15, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Ira Silverstein to resume his position on the Senate Judiciary-Criminal Law Committee. This appointment is effective immediately

Sincerely,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

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

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

April 15, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Ira Silverstein to resume his position on the Senate Licensed Activities Committee. This appointment is effective immediately

Sincerely,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

[April 15, 2008]

**COMMITTEE MEETING ANNOUNCEMENTS**

Senator Crotty, Chairperson of the Committee on Local Government, announced that the Local Government Committee will meet today in Room 409, at 2:00 o'clock p.m.

Senator Crotty, Vice-Chairperson of the Committee on Human Services, announced that the Human Services Committee will meet Wednesday, April 16, 2008 in Room 400, at 11:30 o'clock a.m.

Senator Delgado, Vice-Chairperson of the Committee on Public Health, announced that the Public Health Committee will meet today in Room 400, at 2:00 o'clock p.m.

Senator Delgado, Chairperson of the Committee on Licensed Activities, announced that the Licensed Activities Committee will meet Wednesday, April 16, 2008 in Room 409, at 1:00 o'clock p.m.

Senator Cullerton, Chairperson of the Committee on Judiciary Civil Law, announced that the Judiciary Civil Law Committee will meet today in Room 212, at 2:00 o'clock p.m.

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

Senator Trotter, Vice-Chairperson of the Committee on Environment and Energy, announced that the Environment and Energy Committee will meet Wednesday, April 16, 2008 in Room 212, at 11:30 o'clock a.m.

Senator Jacobs, Chairperson of the Committee on Housing and Community Affairs, announced that the Housing and Community Affairs Committee will meet today in Room 409, at 3:00 o'clock p.m.

Senator Sullivan, Chairperson of the Committee on Agriculture and Conservation, announced that the Agriculture and Conservation Committee will meet Wednesday, April 16, 2008 in Room 409, at 11:30 o'clock a.m.

Senator Hunter, Chairperson of the Committee on Appropriations III, announced that the Appropriations III Committee will meet Thursday, April 17, 2008 in Room 212, at 8:30 o'clock a.m.

Senator Link, Vice-Chairperson of the Committee on Appropriations II, announced that the Appropriations II Committee will meet Wednesday, April 16, 2008 in Room 114, at 8:00 o'clock a.m. and again at 4:00 o'clock p.m. in Room 212.

Senator Silverstein, Chairperson of the Committee on Executive, announced that the Executive Committee will meet Wednesday, April 16, 2008 in Room 212, at 10:00 o'clock a.m.

Senator Forby, Chairperson of the Committee on Labor, announced that the Labor Committee will meet Wednesday, April 16, 2008 in Room 400, at 1:00 o'clock p.m.

Senator Wilhelmi, Chairperson of the Committee on Judiciary Criminal Law, announced that the Judiciary Criminal Law Committee will meet today in Room 212, at 3:00 o'clock p.m.

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

Senator Haine, Chairperson of the Committee on Insurance, announced that the Insurance Committee will meet Wednesday, April 16, 2008 in Room 400, at 9:00 o'clock a.m.

Senator Maloney, Chairperson of the Committee on Higher Education, announced that the Higher Education Committee will meet Wednesday, April 16, 2008 in Room 409, at 9:00 o'clock a.m.

[April 15, 2008]

Senator Collins, Chairperson of the Committee on Financial Institutions, announced that the Financial Institutions Committee will meet Wednesday, April 16, 2008 in Room 400, at 9:30 o'clock a.m.

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, announced that the State Government and Veterans Affairs Committee will meet Wednesday, April 16, 2008 in Room 409, at 10:00 o'clock a.m.

Senator Demuzio, Vice-Chairperson of the Committee on Education, announced that the Education Committee will meet Wednesday, April 16, 2008 in Room 212, at 1:00 o'clock p.m.

Senator Harmon, Chairperson of the Committee on Revenue, announced that the Revenue Committee will meet Wednesday, April 16, 2008 in Room 400, at 10:00 o'clock a.m.

Senator Risinger announced a Republican caucus to begin immediately upon adjournment this afternoon.

### SENATE BILL RECALLED

On motion of Senator Crotty, **Senate Bill No. 2677** was recalled from the order of third reading to the order of second reading.

Senator Crotty offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO SENATE BILL 2677

AMENDMENT NO. 1. Amend Senate Bill 2677 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 7-1-13 as follows:  
(65 ILCS 5/7-1-13) (from Ch. 24, par. 7-1-13)

Sec. 7-1-13. Annexation.

(a) Whenever any unincorporated territory containing 60 acres or less, is wholly bounded by (a) one or more municipalities, (b) one or more municipalities and a creek in a county with a population of 400,000 or more, or one or more municipalities and a river or lake in any county, (c) one or more municipalities and the Illinois State boundary, (d) one or more municipalities and property owned by the State of Illinois, except highway right-of-way owned in fee by the State, (e) one or more municipalities and a forest preserve district or park district, or (f) if the territory is a triangular parcel of less than 10 acres, one or more municipalities and an interstate highway owned in fee by the State and bounded by a frontage road, that territory may be annexed by any municipality by which it is bounded in whole or in part, by the passage of an ordinance to that effect after notice is given as provided in subsection (b) of this Section. ~~The corporate authorities shall cause notice, stating that annexation of the territory described in the notice is contemplated under this Section, to be published once, in a newspaper of general circulation within the territory to be annexed, not less than 10 days before the passage of the annexation ordinance. When the territory to be annexed lies wholly or partially within a township other than that township where the municipality is situated, the annexing municipality shall give at least 10 days prior written notice of the time and place of the passage of the annexation ordinance to the township supervisor of the township where the territory to be annexed lies.~~ The ordinance shall describe the territory annexed and a copy thereof together with an accurate map of the annexed territory shall be recorded in the office of the recorder of the county wherein the annexed territory is situated and a document of annexation shall be filed with the county clerk and County Election Authority. Nothing in this Section shall be construed as permitting a municipality to annex territory of a forest preserve district in a county with a population of 3,000,000 or more without obtaining the consent of the district pursuant to Section 8.3 of the Cook County Forest Preserve District Act nor shall anything in this Section be construed as permitting a municipality to annex territory owned by a park district without obtaining the consent of the district pursuant to Section 8-1.1 of the Park District Code.

(b) The corporate authorities shall cause notice, stating that annexation of the territory described in the notice is contemplated under this Section, to be published once, in a newspaper of general circulation within the territory to be annexed, not less than 10 days before the passage of the annexation ordinance.

[April 15, 2008]

The corporate authorities shall also, not less than 15 days before the passage of the annexation ordinance, serve written notice, either in person or, at a minimum, by certified mail, on the taxpayer of record of the proposed annexed territory as appears from the authentic tax records of the county. When the territory to be annexed lies wholly or partially within a township other than the township where the municipality is situated, the annexing municipality shall give at least 10 days prior written notice of the time and place of the passage of the annexation ordinance to the township supervisor of the township where the territory to be annexed lies.

(c) When notice is given as described in subsection (b) of this Section, no other municipality may annex the proposed territory for a period of 60 days from the date the notice is mailed or delivered to the taxpayer of record unless that other municipality has initiated annexation proceedings or a valid petition as described in Section 7-1-2, 7-1-8, 7-1-11 or 7-1-12 of this Code has been received by the municipality prior to the publication and mailing of the notices required in subsection (b).

(Source: P.A. 94-396, eff. 8-1-05.)".

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 Crotty, **Senate Bill No. 2677**, 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 None.

The following voted in the affirmative:

Althoff	Demuzio	Kotowski	Raoul
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Rutherford
Brady	Haine	Luechtefeld	Silverstein
Burzynski	Halvorson	Maloney	Steans
Clayborne	Harmon	Martinez	Sullivan
Collins	Hendon	Millner	Trotter
Cronin	Holmes	Munoz	Viverito
Crotty	Hultgren	Murphy	Watson
Cullerton	Hunter	Noland	Wilhelmi
Dahl	Jacobs	Pankau	Mr. President
DeLeo	Jones, J.	Peterson	
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.

### SENATE BILL RECALLED

On motion of Senator Crotty, **Senate Bill No. 2679** was recalled from the order of third reading to the order of second reading.

Senator Crotty offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO SENATE BILL 2679

AMENDMENT NO. 1. Amend Senate Bill 2679 by replacing everything after the enacting clause

[April 15, 2008]

with the following:

"Section 5. The Metropolitan Transit Authority Act is amended by changing Section 19 as follows:  
(70 ILCS 3605/19) (from Ch. 111 2/3, par. 319)

Sec. 19. The governing and administrative body of the Authority shall be a board consisting of seven members, to be known as Chicago Transit Board. Members of the Board shall be residents of the metropolitan area and persons of recognized business ability. No member of the Board of the Authority shall hold any other office or employment under the Federal, State or any County or any municipal government except an honorary office without compensation or an office in the National Guard. No employee of the Authority shall hold any other office or employment under the Federal, State or any County or any municipal government except an office with compensation not exceeding \$15,000 ~~\$5,000~~ annually or a position in the National Guard or the United States military reserves. Provided, however, that the Chairman may be a member of the Board of the Regional Transportation Authority. No member of the Board or employee of the Authority shall have any private financial interest, profit or benefit in any contract, work or business of the Authority nor in the sale or lease of any property to or from the Authority. The salary of each member of the initial Board shall be \$15,000.00 per annum, and such salary shall not be increased or diminished during his or her term of office. The salaries of successor members of the Board shall be fixed by the Board and shall not be increased or diminished during their respective terms of office. No Board member shall be allowed any fees, perquisites or emoluments, reward or compensation for his or her services as a member or officer of the Authority aside from his or her salary or pension, but he or she shall be reimbursed for actual expenses incurred by him or her in the performance of his or her duties.

(Source: P.A. 84-939)."

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 Crotty, **Senate Bill No. 2679**, 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 49; Nays None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Risinger
Bivins	Frerichs	Link	Rutherford
Brady	Haine	Luechtefeld	Silverstein
Burzynski	Halvorson	Maloney	Steans
Clayborne	Harmon	Martinez	Sullivan
Collins	Hendon	Millner	Trotter
Cronin	Holmes	Munoz	Viverito
Crotty	Hultgren	Murphy	Watson
Cullerton	Hunter	Noland	Wilhelmi
Dahl	Jacobs	Pankau	Mr. President
DeLeo	Koehler	Peterson	
Delgado	Kotowski	Radogno	
Demuzio	Lauzen	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.

[April 15, 2008]

**SENATE BILL RECALLED**

On motion of Senator Delgado, **Senate Bill No. 2685** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 1 was postponed in the Committee on Education.

Senator Delgado offered the following amendment and moved its adoption:

**AMENDMENT NO. 2 TO SENATE BILL 2685**

AMENDMENT NO. 2. Amend Senate Bill 2685 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 3-11 as follows:

(105 ILCS 5/3-11) (from Ch. 122, par. 3-11)

Sec. 3-11. Institutes or inservice training workshops. In counties of less than 2,000,000 inhabitants, the regional superintendent may arrange for or conduct district, regional, or county institutes, or equivalent professional educational experiences, not more than 4 days annually. Of those 4 days, 2 days may be used as a teacher's workshop, when approved by the regional superintendent, up to 2 days may be used for conducting parent-teacher conferences or up to 2 days may be utilized as parental institute days as provided in Section 10-22.18d. A school district may use one of its 4 institute days on the last day of the school term. "Institute" or "Professional educational experiences" means any educational gathering, demonstration of methods of instruction, visitation of schools or other institutions or facilities, sexual abuse and sexual assault awareness seminar, or training in First Aid (which may include cardiopulmonary resuscitation or defibrillator training) held or approved by the regional superintendent and declared by him to be an institute day, or parent-teacher conferences. With the concurrence of the State Superintendent of Education, he or she may employ such assistance as is necessary to conduct the institute. Two or more adjoining counties may jointly hold an institute. Institute instruction shall be free to holders of certificates good in the county or counties holding the institute, and to those who have paid an examination fee and failed to receive a certificate.

In counties of 2,000,000 or more inhabitants, the regional superintendent may arrange for or conduct district, regional, or county inservice training workshops, or equivalent professional educational experiences, not more than 4 days annually. Of those 4 days, 2 days may be used for conducting parent-teacher conferences and up to 2 days may be utilized as parental institute days as provided in Section 10-22.18d. A school district may use one of those 4 days on the last day of the school term. "Inservice Training Workshops" or "Professional educational experiences" means any educational gathering, demonstration of methods of instruction, visitation of schools or other institutions or facilities, sexual abuse and sexual assault awareness seminar, or training in First Aid (which may include cardiopulmonary resuscitation or defibrillator training) held or approved by the regional superintendent and declared by him to be an inservice training workshop, or parent-teacher conferences. With the concurrence of the State Superintendent of Education, he may employ such assistance as is necessary to conduct the inservice training workshop. With the approval of the regional superintendent, 2 or more adjoining districts may jointly hold an inservice training workshop. In addition, with the approval of the regional superintendent, one district may conduct its own inservice training workshop with subject matter consultants requested from the county, State or any State institution of higher learning.

Such teachers institutes as referred to in this Section may be held on consecutive or separate days at the option of the regional superintendent having jurisdiction thereof.

Whenever reference is made in this Act to "teachers institute", it shall be construed to include the inservice training workshops or equivalent professional educational experiences provided for in this Section.

Any institute advisory committee existing on April 1, 1995, is dissolved and the duties and responsibilities of the institute advisory committee are assumed by the regional office of education advisory board.

Districts providing inservice training programs shall constitute inservice committees, 1/2 of which shall be teachers, 1/4 school service personnel and 1/4 administrators to establish program content and schedules.

The teachers institutes shall include teacher training committed to peer counseling programs and other anti-violence and conflict resolution programs, including without limitation programs for preventing at risk students from committing violent acts. Beginning with the 2009-2010 school year, the teachers

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institutes shall include instruction on prevalent student chronic health conditions.

(Source: P.A. 94-197, eff. 7-12-05.)".

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.

### READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Delgado, **Senate Bill No. 2685**, 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 52; Nays None.

The following voted in the affirmative:

Althoff	Demuzio	Lauzen	Risinger
Bivins	Forby	Lightford	Rutherford
Bomke	Frerichs	Link	Silverstein
Bond	Haine	Luechtefeld	Steans
Brady	Halvorson	Maloney	Sullivan
Burzynski	Harmon	Martinez	Trotter
Clayborne	Hendon	Millner	Viverito
Collins	Holmes	Munoz	Watson
Cronin	Hultgren	Murphy	Wilhelmi
Crotty	Hunter	Noland	Mr. President
Cullerton	Jacobs	Pankau	
Dahl	Jones, J.	Peterson	
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.

### SENATE BILL RECALLED

On motion of Senator Sullivan, **Senate Bill No. 2713** was recalled from the order of third reading to the order of second reading.

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

Senator Sullivan offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2 TO SENATE BILL 2713

AMENDMENT NO. 2. Amend Senate Bill 2713 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 6-206 as follows:

(625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

(Text of Section after amendment by P.A. 95-400)

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

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1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;
2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;
3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;
4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;
5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;
6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;
7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;
8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;
9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;
10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;
11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a monitoring device driving permit, judicial driving permit issued prior to January 1, 2009 ~~the effective date of this amendatory Act of the 95th General Assembly~~, probationary license to drive, or a restricted driving permit issued under this Code;
12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;
13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;
14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;
15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;
16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a peace officer;
17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;
18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;
19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;
20. Has been convicted of violating Section 6-104 relating to classification of driver's license;
21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of \$1,000, in which case the suspension shall be for one year;
22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;
23. Has, as a driver, been convicted of committing a violation of paragraph (a) of

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Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, an intoxicating compound as listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this Code;

35. Has committed a violation of Section 11-1301.6 of this Code;

36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

37. Has committed a violation of subsection (c) of Section 11-907 of this Code that resulted in damage to the property of another or the death or injury of another;

38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance;

39. Has committed a second or subsequent violation of Section 11-1201 of this Code;

40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code;

41. Has committed a second or subsequent violation of Section 11-605.1 of this Code within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days;

42. Has committed a violation of subsection (a-1) of Section 11-1301.3 of this Code; ~~or~~

43. Has received a disposition of court supervision for a violation of subsection (a), (d), or (e) of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance, in which case the suspension shall be for a period of 3 months; -

~~44. 43-~~ Is under the age of 21 years at the time of arrest and has been convicted of an offense against traffic regulations governing the movement of vehicles after having previously had his or her driving privileges ~~been~~ suspended or revoked pursuant to subparagraph 36 of this Section; ~~or -~~

~~45. 43-~~ Has, in connection with or during the course of a formal hearing conducted under Section 2-118 of this Code: (i) committed perjury; (ii) submitted fraudulent or falsified documents; (iii) submitted documents that have been materially altered; or (iv), submitted ~~as~~ his or her own, documents that were in fact prepared or composed for another person.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to possess a CDL for the purpose of operating a commercial motor vehicle.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship (as defined by the rules of the Secretary of State), issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow transportation for the petitioner, or a household member of the petitioner's family, to receive necessary medical care, provide transportation to and from alcohol or drug remedial or rehabilitative activity recommended by a licensed service provider, or for the petitioner to attend classes, as a student, in an accredited educational institution. The petitioner must demonstrate that no alternative means of transportation is reasonably available and that the petitioner will not endanger the public safety or welfare. Those multiple offenders identified in subdivision (b)4 of Section 6-208 of this Code, however, shall not be eligible for the issuance of a restricted driving permit.

(A) If a person's license or permit is revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(B) If a person's license or permit is revoked or suspended 2 or more times within a 10 year period due to any combination of:

(i) a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense; or

(ii) a statutory summary suspension under Section 11-501.1; or

(iii) a suspension under Section 6-203.1; or

arising out of separate occurrences; that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(C) The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed \$20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

(D) If the restricted driving permit is issued for employment purposes, then the prohibition against operating a motor vehicle that is not equipped with an ignition interlock device does not apply to the operation of an occupational vehicle owned or leased by that person's employer when used solely for employment purposes.

(E) In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance or any similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961, where the use of alcohol or other drugs is recited as an element of the offense, or any similar out-of-state offense, or any combination of those offenses, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(c-3) In the case of a suspension under paragraph 43 of subsection (a), reports received by the Secretary of State under this Section shall, except during the actual time the suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities, the driver licensing administrator of any other state, or the Secretary of State. However, beginning January 1, 2008, if the person is a CDL holder, the suspension shall also be made available to the driver licensing administrator of any other state, the U.S. Department of Transportation, and the affected driver or motor carrier or prospective motor carrier upon request.

(c-4) In the case of a suspension under paragraph 43 of subsection (a), the Secretary of State shall notify the person by mail that his or her driving privileges and driver's license will be suspended one month after the date of the mailing of the notice.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 18 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

(f) In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit

for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been suspended, revoked, cancelled, or disqualified under any provisions of this Code. (Source: P.A. 94-307, eff. 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06; 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382, eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; revised 2-7-08)."

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.

### READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Sullivan, **Senate Bill No. 2713**, 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	Radogno
Bivins	Demuzio	Laufen	Raoul
Bomke	Forby	Lightford	Risinger
Bond	Frerichs	Link	Rutherford
Brady	Haine	Luechtefeld	Silverstein
Burzynski	Halvorson	Maloney	Stears
Clayborne	Harmon	Martinez	Sullivan
Collins	Hendon	Millner	Trotter
Cronin	Holmes	Munoz	Viverito
Crotty	Hultgren	Murphy	Watson
Cullerton	Hunter	Noland	Wilhelmi
Dahl	Jones, J.	Pankau	Mr. President
DeLeo	Koehler	Peterson	

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 Silverstein, **Senate Bill No. 2722** was recalled from the order of third reading to the order of second reading.

Senator E. Jones offered the following amendment and Senator Silverstein moved its adoption:

#### AMENDMENT NO. 1 TO SENATE BILL 2722

AMENDMENT NO. 1. Amend Senate Bill 2722 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Sections 2-209 and 12-621 as follows:

(735 ILCS 5/2-209) (from Ch. 110, par. 2-209)

Sec. 2-209. Act submitting to jurisdiction - Process.

(a) Any person, whether or not a citizen or resident of this State, who in person or through an agent does any of the acts hereinafter enumerated, thereby submits such person, and, if an individual, his or her personal representative, to the jurisdiction of the courts of this State as to any cause of action arising

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from the doing of any of such acts:

- (1) The transaction of any business within this State;
  - (2) The commission of a tortious act within this State;
  - (3) The ownership, use, or possession of any real estate situated in this State;
  - (4) Contracting to insure any person, property or risk located within this State at the time of contracting;
  - (5) With respect to actions of dissolution of marriage, declaration of invalidity of marriage and legal separation, the maintenance in this State of a matrimonial domicile at the time this cause of action arose or the commission in this State of any act giving rise to the cause of action;
  - (6) With respect to actions brought under the Illinois Parentage Act of 1984, as now or hereafter amended, the performance of an act of sexual intercourse within this State during the possible period of conception;
  - (7) The making or performance of any contract or promise substantially connected with this State;
  - (8) The performance of sexual intercourse within this State which is claimed to have resulted in the conception of a child who resides in this State;
  - (9) The failure to support a child, spouse or former spouse who has continued to reside in this State since the person either formerly resided with them in this State or directed them to reside in this State;
  - (10) The acquisition of ownership, possession or control of any asset or thing of value present within this State when ownership, possession or control was acquired;
  - (11) The breach of any fiduciary duty within this State;
  - (12) The performance of duties as a director or officer of a corporation organized under the laws of this State or having its principal place of business within this State;
  - (13) The ownership of an interest in any trust administered within this State; or
  - (14) The exercise of powers granted under the authority of this State as a fiduciary.
- (b) A court may exercise jurisdiction in any action arising within or without this State against any person who:

- (1) Is a natural person present within this State when served;
- (2) Is a natural person domiciled or resident within this State when the cause of action arose, the action was commenced, or process was served;
- (3) Is a corporation organized under the laws of this State; or
- (4) Is a natural person or corporation doing business within this State.

(b-5) Foreign defamation judgment. The courts of this State shall have personal jurisdiction over any person who obtains a judgment in a defamation proceeding outside the United States against any person who is a resident of Illinois or, if not a natural person, has its principal place of business in Illinois, for the purposes of rendering declaratory relief with respect to that resident's liability for the judgment, or for the purpose of determining whether said judgment should be deemed non-recognizable pursuant to this Code, to the fullest extent permitted by the United States Constitution, provided:

- (1) the publication at issue was published in Illinois, and
- (2) that resident (i) has assets in Illinois which might be used to satisfy the foreign defamation judgment, or (ii) may have to take actions in Illinois to comply with the foreign defamation judgment.

The provisions of this subsection (b-5) shall apply to persons who obtained judgments in defamation proceedings outside the United States prior to, on, or after the effective date of this amendatory Act of the 95th General Assembly.

(c) A court may also exercise jurisdiction on any other basis now or hereafter permitted by the Illinois Constitution and the Constitution of the United States.

(d) Service of process upon any person who is subject to the jurisdiction of the courts of this State, as provided in this Section, may be made by personally serving the summons upon the defendant outside this State, as provided in this Act, with the same force and effect as though summons had been personally served within this State.

(e) Service of process upon any person who resides or whose business address is outside the United States and who is subject to the jurisdiction of the courts of this State, as provided in this Section, in any action based upon product liability may be made by serving a copy of the summons with a copy of the complaint attached upon the Secretary of State. The summons shall be accompanied by a \$5 fee payable to the Secretary of State. The plaintiff shall forthwith mail a copy of the summons, upon which the date of service upon the Secretary is clearly shown, together with a copy of the complaint to the defendant at his or her last known place of residence or business address. Plaintiff shall file with the circuit clerk an affidavit of the plaintiff or his or her attorney stating the last known place of residence or the last known

business address of the defendant and a certificate of mailing a copy of the summons and complaint to the defendant at such address as required by this subsection (e). The certificate of mailing shall be prima facie evidence that the plaintiff or his or her attorney mailed a copy of the summons and complaint to the defendant as required. Service of the summons shall be deemed to have been made upon the defendant on the date it is served upon the Secretary and shall have the same force and effect as though summons had been personally served upon the defendant within this State.

(f) Only causes of action arising from acts enumerated herein may be asserted against a defendant in an action in which jurisdiction over him or her is based upon subsection (a).

(g) Nothing herein contained limits or affects the right to serve any process in any other manner now or hereafter provided by law.

(Source: P.A. 86-840.)

(735 ILCS 5/12-621) (from Ch. 110, par. 12-621)

Sec. 12-621. Inconclusiveness of judgments. (a) A foreign judgment is not conclusive if

(1) the judgment was rendered under a system which does not provide impartial tribunals or procedures compatible with the requirements of due process of law;

(2) the foreign court did not have personal jurisdiction over the defendant; or

(3) the foreign court did not have jurisdiction over the subject matter.

(b) A foreign judgment need not be recognized if

(1) the defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him or her to defend;

(2) the judgment was obtained by fraud;

(3) the cause of action on which the judgment is based is repugnant to the public policy of this State;

(4) the judgment conflicts with another final and conclusive judgment;

(5) the proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be settled otherwise than by proceedings in that court; ~~or~~

(6) in the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action; or-

(7) the cause of action resulted in a defamation judgment obtained in a jurisdiction outside the United States, unless a court sitting in this State first determines that the defamation law applied in the foreign jurisdiction provides at least as much protection for freedom of speech and the press as provided for by both the United States and Illinois Constitutions.

(Source: P.A. 82-280.)

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 BILL OF THE SENATE A THIRD TIME

On motion of Senator Silverstein, **Senate Bill No. 2722**, 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 None.

The following voted in the affirmative:

Althoff	Delgado	Kotowski	Raoul
Bivins	Demuzio	Lauzen	Risinger
Bomke	Forby	Lightford	Rutherford
Bond	Frerichs	Link	Silverstein
Brady	Haine	Maloney	Steans
Burzynski	Halvorson	Martinez	Sullivan
Clayborne	Harmon	Millner	Trotter

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Collins	Hendon	Munoz	Viverito
Cronin	Holmes	Murphy	Watson
Crotty	Hultgren	Noland	Wilhelmi
Cullerton	Hunter	Pankau	Mr. President
Dahl	Jacobs	Peterson	
DeLeo	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.

### SENATE BILL RECALLED

On motion of Senator Haine, **Senate Bill No. 2725** was recalled from the order of third reading to the order of second reading.

Senator E. Jones offered the following amendment and Senator Haine moved its adoption:

#### AMENDMENT NO. 1 TO SENATE BILL 2725

AMENDMENT NO. 1. Amend Senate Bill 2725 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Sections 2-1402, 12-705, 12-706, 12-707, 12-715, 12-805, 12-806, 12-807, and 12-808 as follows:

(735 ILCS 5/2-1402) (from Ch. 110, par. 2-1402)

Sec. 2-1402. Supplementary proceedings.

(a) A judgment creditor, or his or her successor in interest when that interest is made to appear of record, is entitled to prosecute supplementary proceedings for the purposes of examining the judgment debtor or any other person to discover assets or income of the debtor not exempt from the enforcement of the judgment, a deduction order or garnishment, and of compelling the application of non-exempt assets or income discovered toward the payment of the amount due under the judgment. A supplementary proceeding shall be commenced by the service of a citation issued by the clerk. If third party respondent is a corporation or company authorized to do business in Illinois, service of a citation shall be at the corporation or company's main Illinois administrative office. The procedure for conducting supplementary proceedings shall be prescribed by rules. It is not a prerequisite to the commencement of a supplementary proceeding that a certified copy of the judgment has been returned wholly or partly unsatisfied. All citations issued by the clerk shall have the following language, or language substantially similar thereto, stated prominently on the front, in capital letters: "YOUR FAILURE TO APPEAR IN COURT AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL." The court shall not grant a continuance of the supplementary proceeding except upon good cause shown.

(b) Any citation served upon a judgment debtor or any other person shall include a certification by the attorney for the judgment creditor or the judgment creditor setting forth the amount of the judgment, the date of the judgment, or its revival date, the balance due thereon, the name of the court, and the number of the case, and a copy of the citation notice required by this subsection. Whenever a citation is served upon a person or party other than the judgment debtor, the officer or person serving the citation shall send to the judgment debtor, within three business days of the service upon the cited party, a copy of the citation and the citation notice, which may be sent by regular first-class mail to the judgment debtor's last known address. In no event shall a citation hearing be held sooner than five business days after the mailing of the citation and citation notice to the judgment debtor, except by agreement of the parties. The citation notice need not be mailed to a corporation, partnership, or association. The citation notice shall be in substantially the following form:

"CITATION NOTICE

(Name and address of Court)

Name of Case: (Name of Judgment Creditor),

Judgment Creditor v.

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(Name of Judgment Debtor),  
 Judgment Debtor.  
 Address of Judgment Debtor: (Insert last known  
 address)  
 Name and address of Attorney for Judgment  
 Creditor or of Judgment Creditor (If no  
 attorney is listed): (Insert name and address)  
 Amount of Judgment: \$ (Insert amount)  
 Name of Person Receiving Citation: (Insert name)  
 Court Date and Time: (Insert return date and time  
 specified in citation)

NOTICE: The court has issued a citation against the person named above. The citation directs that person to appear in court to be examined for the purpose of allowing the judgment creditor to discover income and assets belonging to the judgment debtor or in which the judgment debtor has an interest. The citation was issued on the basis of a judgment against the judgment debtor in favor of the judgment creditor in the amount stated above. On or after the court date stated above, the court may compel the application of any discovered income or assets toward payment on the judgment.

The amount of income or assets that may be applied toward the judgment is limited by federal and Illinois law. THE JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED ABOVE:

(1) Under Illinois or federal law, the exemptions of personal property owned by the debtor include the debtor's equity interest, not to exceed \$4,000 in value, in any personal property as chosen by the debtor; Social Security and SSI benefits; public assistance benefits; unemployment compensation benefits; worker's compensation benefits; veteran's benefits; circuit breaker property tax relief benefits; the debtor's equity interest, not to exceed \$2,400 in value, in any one motor vehicle, and the debtor's equity interest, not to exceed \$1,500 in value, in any implements, professional books, or tools of the trade of the debtor.

(2) Under Illinois law, every person is entitled to an estate in homestead, when it is owned and occupied as a residence, to the extent in value of \$15,000, which homestead is exempt from judgment.

(3) Under Illinois law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 15% of gross weekly wages or (ii) the amount by which disposable earnings for a week exceed the total of 45 times the federal minimum hourly wage or, under a wage deduction summons served on or after January 1, 2006, the Illinois minimum hourly wage, whichever is greater.

(4) Under federal law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 25% of disposable earnings for a week or (ii) the amount by which disposable earnings for a week exceed 30 times the federal minimum hourly wage.

(5) Pension and retirement benefits and refunds may be claimed as exempt under Illinois law.

The judgment debtor may have other possible exemptions under the law.

THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The judgment debtor also has the right to seek a declaration at an earlier date, by notifying the clerk in writing at (insert address of clerk). When so notified, the Clerk of the Court will obtain a prompt hearing date from the court and will provide the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor and the judgment creditor's attorney regarding the time and location of the hearing. This notice may be sent by regular first class mail."

(c) When assets or income of the judgment debtor not exempt from the satisfaction of a judgment, a deduction order or garnishment are discovered, the court may, by appropriate order or judgment:

(1) Compel the judgment debtor to deliver up, to be applied in satisfaction of the judgment, in whole or in part, money, choses in action, property or effects in his or her possession or control, so discovered, capable of delivery and to which his or her title or right of possession is not substantially disputed.

(2) Compel the judgment debtor to pay to the judgment creditor or apply on the judgment, in installments, a portion of his or her income, however or whenever earned or acquired, as the court may deem proper, having due regard for the reasonable requirements of the judgment debtor and his or her family, if dependent upon him or her, as well as any payments required to be made by

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prior order of court or under wage assignments outstanding; provided that the judgment debtor shall not be compelled to pay income which would be considered exempt as wages under the Wage Deduction Statute. The court may modify an order for installment payments, from time to time, upon application of either party upon notice to the other.

(3) Compel any person cited, other than the judgment debtor, to deliver up any assets so discovered, to be applied in satisfaction of the judgment, in whole or in part, when those assets are held under such circumstances that in an action by the judgment debtor he or she could recover them in specie or obtain a judgment for the proceeds or value thereof as for conversion or embezzlement. A judgment creditor may recover a corporate judgment debtor's property on behalf of the judgment debtor for use of the judgment creditor by filing an appropriate petition within the citation proceedings.

(4) Enter any order upon or judgment against the person cited that could be entered in any garnishment proceeding.

(5) Compel any person cited to execute an assignment of any chose in action or a conveyance of title to real or personal property or resign memberships in exchanges, clubs, or other entities in the same manner and to the same extent as a court could do in any proceeding by a judgment creditor to enforce payment of a judgment or in aid of the enforcement of a judgment.

(6) Authorize the judgment creditor to maintain an action against any person or corporation that, it appears upon proof satisfactory to the court, is indebted to the judgment debtor, for the recovery of the debt, forbid the transfer or other disposition of the debt until an action can be commenced and prosecuted to judgment, direct that the papers or proof in the possession or control of the debtor and necessary in the prosecution of the action be delivered to the creditor or impounded in court, and provide for the disposition of any moneys in excess of the sum required to pay the judgment creditor's judgment and costs allowed by the court.

(d) No order or judgment shall be entered under subsection (c) in favor of the judgment creditor unless there appears of record a certification of mailing showing that a copy of the citation and a copy of the citation notice was mailed to the judgment debtor as required by subsection (b).

(e) All property ordered to be delivered up shall, except as otherwise provided in this Section, be delivered to the sheriff to be collected by the sheriff or sold at public sale and the proceeds thereof applied towards the payment of costs and the satisfaction of the judgment. If the judgment debtor's property is of such a nature that it is not readily delivered up to the sheriff for public sale or if another method of sale is more appropriate to liquidate the property or enhance its value at sale, the court may order the sale of such property by the debtor, third party respondent, or by a selling agent other than the sheriff upon such terms as are just and equitable. The proceeds of sale, after deducting reasonable and necessary expenses, are to be turned over to the creditor and applied to the balance due on the judgment.

(f) (1) The citation may prohibit the party to whom it is directed from making or allowing any transfer or other disposition of, or interfering with, any property not exempt from the enforcement of a judgment therefrom, a deduction order or garnishment, belonging to the judgment debtor or to which he or she may be entitled or which may thereafter be acquired by or become due to him or her, and from paying over or otherwise disposing of any moneys not so exempt which are due or to become due to the judgment debtor, until the further order of the court or the termination of the proceeding, whichever occurs first. The third party may not be obliged to withhold the payment of any moneys beyond double the amount of the balance due sought to be enforced by the judgment creditor. The court may punish any party who intentionally violates the restraining provision of a citation as and for a contempt, or if the party is a third party, the court may enter judgment against the third party ~~him or her~~ in the amount of the ~~of non-exempt money or property (other than wages) owed the judgment debtor in possession or control of the third party or in which the judgment debtor has an interest at the time the citation is served and for such further time the citation is in effect or unpaid~~ portion of the judgment and costs allowable under this Section, or in the amount of the value of the property transferred, whichever is lesser.

(2) The court may enjoin any person, whether or not a party to the supplementary proceeding, from making or allowing any transfer or other disposition of, or interference with, the property of the judgment debtor not exempt from the enforcement of a judgment, a deduction order or garnishment, or the property or debt not so exempt concerning which any person is required to attend and be examined until further direction in the premises. The injunction order shall remain in effect until vacated by the court or until the proceeding is terminated, whichever first occurs.

(g) If it appears that any property, chose in action, credit or effect discovered, or any interest therein, is claimed by any person, the court shall, as in garnishment proceedings, permit or require the claimant to appear and maintain his or her right. The rights of the person cited and the rights of any adverse

claimant shall be asserted and determined pursuant to the law relating to garnishment proceedings.

(h) Costs in proceedings authorized by this Section shall be allowed, assessed and paid in accordance with rules, provided that if the court determines, in its discretion, that costs incurred by the judgment creditor were improperly incurred, those costs shall be paid by the judgment creditor.

(i) This Section is in addition to and does not affect enforcement of judgments or proceedings supplementary thereto, by any other methods now or hereafter provided by law.

(j) This Section does not grant the power to any court to order installment or other payments from, or compel the sale, delivery, surrender, assignment or conveyance of any property exempt by statute from the enforcement of a judgment thereon, a deduction order, garnishment, attachment, sequestration, process or other levy or seizure.

(k) (Blank).

(k-5) If the court determines that any property held by a third party respondent is wages pursuant to Section 12-801, the court shall proceed as if a wage deduction proceeding had been filed and proceed to enter such necessary and proper orders as would have been entered in a wage deduction proceeding including but not limited to the granting of the statutory exemptions allowed by Section 12-803 and all other remedies allowed plaintiff and defendant pursuant to Part 8 of Article 12 of this Act.

(l) At any citation hearing at which the judgment debtor appears and seeks a declaration that certain of his or her income or assets are exempt, the court shall proceed to determine whether the property which the judgment debtor declares to be exempt is exempt from judgment. At any time before the return date specified on the citation, the judgment debtor may request, in writing, a hearing to declare exempt certain income and assets by notifying the clerk of the court before that time, using forms as may be provided by the clerk of the court. The clerk of the court will obtain a prompt hearing date from the court and will provide the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor, or the judgment creditor's attorney, regarding the time and location of the hearing. This notice may be sent by regular first class mail. At the hearing, the court shall immediately, unless for good cause shown that the hearing is to be continued, shall proceed to determine whether the property which the judgment debtor declares to be exempt is exempt from judgment. The restraining provisions of subsection (f) shall not apply to any property determined by the court to be exempt.

(m) The judgment or balance due on the judgment becomes a lien when a citation is served in accordance with subsection (a) of this Section. The lien binds nonexempt personal property, including money, choses in action, and effects of the judgment debtor as follows:

(1) When the citation is directed against the judgment debtor, upon all personal property belonging to the judgment debtor in the possession or control of the judgment debtor or which may thereafter be acquired or come due to the judgment debtor to the time of the disposition of the citation.

(2) When the citation is directed against a third party, upon all personal property belonging to the judgment debtor in the possession or control of the third party or which thereafter may be acquired or come due the judgment debtor and comes into the possession or control of the third party to the time of the disposition of the citation.

The lien established under this Section does not affect the rights of citation respondents in property prior to the service of the citation upon them and does not affect the rights of bona fide purchasers or lenders without notice of the citation. The lien is effective for the period specified by Supreme Court Rule.

This subsection (m), as added by Public Act 88-48, is a declaration of existing law.

(n) If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect the provisions or applications of the Act that can be given effect without the invalid provision or application.

(Source: P.A. 94-293, eff. 1-1-06; 94-306, eff. 1-1-06; 95-331, eff. 8-21-07; 95-661, eff. 1-1-08.)

(735 ILCS 5/12-705) (from Ch. 110, par. 12-705)

Sec. 12-705. Summons.

(a) Summons shall be returnable not less than 21 nor more than 30 days after the date of issuance. Summons with 4 copies of the interrogatories shall be served and returned as in other civil cases. If the garnishee is served with summons less than 10 days prior to the return date, the court shall continue the case to a new return date 14 days after the return date stated on the summons. The summons shall be in a form consistent with local court rules. The summons shall be accompanied by a copy of the underlying judgment or a certification by the clerk of the court that entered the judgment, or by the attorney for the judgment creditor, setting forth the amount of the judgment, the name of the court and the number of the case and one copy of a garnishment notice in substantially the following form:

[April 15, 2008]

"GARNISHMENT NOTICE

(Name and address of Court)

Name of Case: (Name of Judgment Creditor),

Judgment Creditor v.

(Name of Judgement Debtor),

Judgment Debtor.

Address of Judgment Debtor: (Insert last known address)

Name and address of Attorney for Judgment

Creditor or of Judgment Creditor (If no attorney is listed): (Insert name and address)

Amount of Judgment: \$(Insert amount)

Name of Garnishee: (Insert name)

Return Date: (Insert return date specified in summons)

NOTICE: The court has issued a garnishment summons against the garnishee named above for money or property (other than wages) belonging to the judgment debtor or in which the judgment debtor has an interest at the time the garnishment writ is served on garnishee. The garnishment summons was issued on the basis of a judgment against the judgment debtor in favor of the judgment creditor in the amount stated above.

The amount of money or property (other than wages) that may be garnished is limited by federal and Illinois law. The judgment debtor has the right to assert statutory exemptions against certain money or property of the judgment debtor which may not be used to satisfy the judgment in the amount stated above.

Under Illinois or federal law, the exemptions of personal property owned by the debtor include the debtor's equity interest, not to exceed \$4,000 in value, in any personal property as chosen by the debtor; Social Security and SSI benefits; public assistance benefits; unemployment compensation benefits; workers' compensation benefits; veterans' benefits; circuit breaker property tax relief benefits; the debtor's equity interest, not to exceed \$2,400 in value, in any one motor vehicle, and the debtor's equity interest, not to exceed \$1,500 in value, in any implements, professional books or tools of the trade of the debtor.

The judgment debtor may have other possible exemptions from garnishment under the law.

The judgment debtor has the right to request a hearing before the court to dispute the garnishment or to declare exempt from garnishment certain money or property or both. To obtain a hearing in counties with a population of 1,000,000 or more, the judgment debtor must notify the Clerk of the Court in person and in writing at (insert address of Clerk) before the return date specified above or appear in court on the date and time on that return date. To obtain a hearing in counties with a population of less than 1,000,000, the judgment debtor must notify the Clerk of the Court in writing at (insert address of Clerk) on or before the return date specified above. The Clerk of the Court will provide a hearing date and the necessary forms that must be prepared by the judgment debtor or the attorney for the judgment debtor and sent to the judgment creditor and the garnishee regarding the time and location of the hearing. This notice may be sent by regular first class mail."

(b) An officer or other person authorized by law to serve process shall serve the summons, interrogatories and the garnishment notice required by subsection (a) of this Section upon the garnishee and shall, (1) within 2 business days of the service upon the garnishee, mail a copy of the garnishment notice and the summons to the judgment debtor by first class mail at the judgment debtor's address indicated in the garnishment notice and (2) within 4 business days of the service upon the garnishee file with the clerk of the court a certificate of mailing in substantially the following form:

"CERTIFICATE OF MAILING

I hereby certify that, within 2 business days of service upon the garnishee of the garnishment summons, interrogatories and garnishment notice, I served upon the judgment debtor in this cause a copy of the garnishment summons and garnishment notice by first class mail to the judgment debtor's address as indicated in the garnishment notice.

Date:.....

Signature"

In the case of service of the summons for garnishment upon the garnishee by certified or registered mail, as provided in subsection (c) of this Section, no sooner than 2 business days nor later than 4 business days after the date of mailing, the clerk shall mail a copy of the garnishment notice and the summons to the judgment debtor by first class mail at the judgment debtor's address indicated in the garnishment notice, shall prepare the Certificate of Mailing described by this subsection, and shall include the Certificate of Mailing in a permanent record.

(c) In a county with a population of less than 1,000,000, unless otherwise provided by circuit court rule, at the request of the judgment creditor or his or her attorney and instead of personal service, service of a summons for garnishment may be made as follows:

(1) For each garnishee to be served, the judgment creditor or his or her attorney shall pay to the clerk of the court a fee of \$2, plus the cost of mailing, and furnish to the clerk an original and 2 copies of a summons, an original and one copy of the interrogatories, an affidavit setting forth the garnishee's mailing address, an original and 2 copies of the garnishment notice required by subsection (a) of this Section, and a copy of the judgment or certification described in subsection (a) of this Section. The original judgment shall be retained by the clerk.

(2) The clerk shall mail to the garnishee, at the address appearing in the affidavit, the copy of the judgment or certification described in subsection (a) of this Section, the summons, the interrogatories, and the garnishment notice required by subsection (a) of this Section, by certified or registered mail, return receipt requested, showing to whom delivered and the date and address of delivery. This Mailing shall be mailed on a "restricted delivery" basis when service is directed to a natural person. The envelope and return receipt shall bear the return address of the clerk, and the return receipt shall be stamped with the docket number of the case. The receipt for certified or registered mail shall state the name and address of the addressee, the date of the mailing, shall identify the documents mailed, and shall be attached to the original summons.

(3) The return receipt must be attached to the original summons and, if it shows delivery at least 10 days before the day for the return date, shall constitute proof of service of any documents identified on the return receipt as having been mailed.

(4) The clerk shall note the fact of service in a permanent record.

(Source: P.A. 94-293, eff. 1-1-06.)

(735 ILCS 5/12-706) (from Ch. 110, par. 12-706)

Sec. 12-706. Conditional judgment. (a) When any person summoned as garnishee (if an individual at garnishee's last known address or if a business at garnishee's main Illinois administrative office) fails to appear and answer as required by Part 7 of Article XII of this Act, the court may enter a conditional judgment against the garnishee for the amount due upon the judgment against the judgment debtor. A summons to confirm the conditional judgment may issue against the garnishee, returnable in the same manner as provided in Section 12-705 of this Act, commanding the garnishee to show cause why the judgment should not be made final. If the garnishee, after being served with summons to confirm the conditional judgment or after being notified as provided in subsection (b) hereof, fails to appear and answer, the court shall confirm such judgment ~~to the amount of the judgment against the judgment debtor~~ and award costs. If the garnishee appears and answers, the same proceedings may be had as in other cases.

(b) If any garnishee becomes a non-resident, goes out of this State, or is concealed within this State so that the summons to confirm the conditional judgment cannot be served upon him or her, upon the filing by the plaintiff or his or her agent of an affidavit as in cases of non-resident defendants in attachments, the garnishee may be notified in the same manner as a non-resident defendant in attachment; and upon notice being given to him or her as above stated, he or she may be proceeded against in the same manner as if he or she had been personally served with summons to confirm the conditional judgment.

(Source: P.A. 83-707.)

(735 ILCS 5/12-707) (from Ch. 110, par. 12-707)

Sec. 12-707. Duties of garnishee.

(a) To the extent of the amount due upon the judgment and costs, the garnishee shall hold, subject to the order of the court any non-exempt indebtedness or other non-exempt property in his or her possession, custody or control belonging to the judgment debtor or in which the judgment debtor has any interest. The judgment or balance due thereon, whichever is less, becomes a lien on the indebtedness and other property held by the garnishee at the time of the service of garnishment summons and remains a lien thereon pending the garnishment proceeding.

(b) The garnishee shall file, on or before the return date, or within the further time that the court for cause may allow, a written answer under oath to the interrogatories, setting forth as of the date of service of the garnishment summons any indebtedness due or to become due to the judgment debtor and any other property in his, her or its possession, custody or control belonging to the judgment debtor or in which the judgment debtor has an interest. The garnishee shall mail, by first class mail, a copy of the answer to the judgment creditor or its attorney and to the judgment debtor at the address specified in the affidavit filed under Section 12-701 of this Act, or at any other address or location of the judgment debtor known to the garnishee, and shall certify in the answer that it was so mailed to the judgment debtor.

(Source: P.A. 87-1252.)

(735 ILCS 5/12-715) (from Ch. 110, par. 12-715)

Sec. 12-715. ~~Neglect Refusal or neglect~~ of garnishee to deliver property.

(a) If a garnishee is served in accordance with this Part 7 and ~~refuses or~~ neglects to deliver property in ~~garnishee's his or her~~ possession when ordered by the court or upon request by the officer holding a certified copy of the judgment for enforcement thereof against the judgment debtor, ~~the garnishee may be attached and punished for contempt; or~~ the court may enter judgment against the garnishee for the value of the property owed the judgment debtor at the time the garnishee is served or the unpaid amount due upon the judgment and costs, whichever is the lesser, and have same enforced against the garnishee.

(Source: P.A. 82-280.)

(735 ILCS 5/12-805) (from Ch. 110, par. 12-805)

Sec. 12-805. Summons; Issuance.

(a) Upon the filing by a judgment creditor, its attorney or other designee of (1) an affidavit that the affiant believes any person is indebted to the judgment debtor for wages due or to become due, as provided in Part 8 of Article XII of this Act, and includes the last address of the judgment debtor known to the affiant as well as the name of the judgment debtor, and a certification by the judgment creditor or his attorney that, before filing the affidavit, the wage deduction notice has been mailed to the judgment debtor by first class mail at the judgment debtor's last known address, and (2) written interrogatories to be answered by the employer with respect to the indebtedness, the clerk of the court in which the judgment was entered shall issue summons against the person named in the affidavit as employer at the employer's main Illinois administrative office commanding the employer to appear in the court and answer the interrogatories in writing under oath. The interrogatories shall elicit all the information necessary to determine the proper amount of non-exempt wages. The interrogatories shall require that the employer certify that a copy of the completed interrogatories as specified in subsection (c) of Section 12-808 has been mailed or hand delivered to the judgment debtor and shall be in a form consistent with local court rules. The summons shall further command federal agency employers, upon effective service of summons pursuant to 5 USC 5520a, to commence to pay over deducted wages in accordance with Section 12-808. The summons shall be in a form consistent with local court rules. The summons shall be accompanied by a copy of the underlying judgment or a certification by the clerk of the court that entered the judgment, or by the attorney for the judgment creditor, setting forth the date and amount of the judgment, allowable costs expended, interest accumulated, credits paid by or on behalf of the judgment debtor and the balance due the judgment creditor, and one copy of a wage deduction notice in substantially the following form:

"WAGE DEDUCTION NOTICE

(Name and address of Court)

Name of Case: (Name of Judgment Creditor),

Judgment Creditor v.

(Name of Judgment Debtor),

Judgment Debtor.

Address of Judgment Debtor: (Insert last known address)

Name and Address of Attorney for Judgment

Creditor or of Judgment Creditor (if no

attorney is listed): (Insert name and address)

Amount of Judgment: \$.....

Employer: (Name of Employer)

Return Date: (Insert return date specified in summons)

NOTICE: The court shall be asked to issue a wage deduction summons against the employer named above for wages due or about to become due to you. The wage deduction summons may be issued on the basis of a judgment against you in favor of the judgment creditor in the amount stated above.

The amount of wages that may be deducted is limited by federal and Illinois law.

(1) Under Illinois law, the amount of wages that may be deducted is limited to the lesser of (i) 15% of gross weekly wages or (ii) the amount by which disposable earnings for a week exceed the total of 45 times the federal minimum hourly wage or, under a wage deduction summons served on or after January 1, 2006, the minimum hourly wage prescribed by Section 4 of the Minimum Wage Law, whichever is greater.

(2) Under federal law, the amount of wages that may be deducted is limited to the lesser of (i) 25% of disposable earnings for a week or (ii) the amount by which disposable earnings for a week exceed 30 times the federal minimum hourly wage.

(3) Pension and retirement benefits and refunds may be claimed as exempt from wage

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deduction under Illinois law.

You have the right to request a hearing before the court to dispute the wage deduction because the wages are exempt. To obtain a hearing in counties with a population of 1,000,000 or more, you must notify the Clerk of the Court in person and in writing at (insert address of Clerk) before the Return Date specified above or appear in court on the date and time on that Return Date. To obtain a hearing in counties with a population of less than 1,000,000, you must notify the Clerk of the Court in writing at (insert address of clerk) on or before the Return Date specified above. The Clerk of the Court will provide a hearing date and the necessary forms that must be prepared by you or your attorney and sent to the judgment creditor and the employer, or their attorney, regarding the time and location of the hearing. This notice may be sent by regular first class mail."

(b) In a county with a population of less than 1,000,000, unless otherwise provided by circuit court rule, at the request of the judgment creditor or his or her attorney and instead of personal service, service of a summons for a wage deduction may be made as follows:

(1) For each employer to be served, the judgment creditor or his or her attorney shall pay to the clerk of the court a fee of \$2, plus the cost of mailing, and furnish to the clerk an original and one copy of a summons, an original and one copy of the interrogatories and an affidavit setting forth the employer's main Illinois administrative office mailing address, an original and one copy of the wage deduction notice required by subsection (a) of this Section, and a copy of the judgment or certification described in subsection (a) of this Section. The original judgment shall be retained by the clerk.

(2) The clerk shall mail to the employer, at the address appearing in the affidavit, the copy of the judgment or certification described in subsection (a) of this Section, the summons, the interrogatories, and the wage deduction notice required by subsection (a) of this Section, by certified or registered mail, return receipt requested, showing to whom delivered and the date and address of delivery. This Mailing shall be mailed on a "restricted delivery" basis when service is directed to a natural person. The envelope and return receipt shall bear the return address of the clerk, and the return receipt shall be stamped with the docket number of the case. The receipt for certified or registered mail shall state the name and address of the addressee, the date of the mailing, shall identify the documents mailed, and shall be attached to the original summons.

(3) The return receipt must be attached to the original summons and, if it shows delivery at least 3 days before the return date, shall constitute proof of service of any documents identified on the return receipt as having been mailed.

(4) The clerk shall note the fact of service in a permanent record.

(c) Instead of personal service, a summons for a wage deduction may be served and returned in the manner provided by Supreme Court rule for service, otherwise than by publication, of a notice for additional relief upon a party in default.

(Source: P.A. 94-306, eff. 1-1-06.)

(735 ILCS 5/12-806) (from Ch. 110, par. 12-806)

Sec. 12-806. Service and return of summons. Summons shall be returnable not less than 21 nor more than 40 days after the date of issuance. Summons with 4 copies of the interrogatories and one copy of the judgment or certification and one copy of the wage deduction notice specified in Section 12-805 of this Act shall be served on the employer at employer's main Illinois administrative office and returned as in other civil cases.

If the employer is served served at employer's main Illinois administrative office with summons less than 3 days prior to the return date, the court shall continue the case to a new return date not less than 21 days after the service of the summons.

(Source: P.A. 90-677, eff. 1-1-99.)

(735 ILCS 5/12-807) (from Ch. 110, par. 12-807)

Sec. 12-807. Failure of employer to appear. (a) If an employer fails to appear and answer as required by Part 8 of Article XII of this Act, the court may enter a conditional judgment against the employer for the amount of the non-exempt wages owed the judgment debtor until the employer appears and answers due upon the judgment against the judgment debtor. A summons to confirm the conditional judgment may issue against the employer returnable not less than 21 nor more than 30 days after the date of issuance, commanding the employer to show cause why the judgment should not be made final. If the employer, after being served with summons to confirm the conditional judgment or after being notified as provided in subsection (b) hereof, fails to appear and answer, the court shall confirm such judgment ~~to the amount of the judgment against the judgment debtor~~ and award costs. If the employer appears and answers, the same proceedings may be had as in other cases.

(b) If an employer becomes a non-resident, goes out of this State, or is concealed within this State so



that the summons to confirm the conditional judgment cannot be served upon him or her, upon the filing by the plaintiff or his or her agent of an affidavit as in cases of non-resident defendants in attachments, the employer may be notified in the same manner as a non-resident defendant in attachment; and upon notice being given to him or her as above stated, he or she may be proceeded against in the same manner as if he or she had been personally served with summons to confirm the conditional judgment.

(Source: P.A. 86-603.)

(735 ILCS 5/12-808) (from Ch. 110, par. 12-808)

Sec. 12-808. Duty of employer.

(a) An employer served as herein provided shall pay the employee the amount of his or her exempt wages.

(b) To the extent of the amount due upon the judgment and costs, the employer shall hold, subject to order of court, any non-exempt wages due or which subsequently come due. The judgment or balance due thereon is a lien on wages due at the time of the service of summons, and such lien shall continue as to subsequent earnings until the total amount due upon the judgment and costs is paid, except that such lien on subsequent earnings shall terminate sooner if the employment relationship is terminated or if the underlying judgment is vacated or modified.

(b-5) If the employer is a federal agency employer and the creditor is represented by an attorney, then the employer, upon service of summons and to the extent of the amount due upon the judgment and costs, shall commence to pay over to the attorney for the judgment creditor any non-exempt wages due or that subsequently come due. The attorney for the judgment creditor shall thereafter hold the deducted wages subject to further order of the court and shall make answer to the court regarding amounts received from the federal agency employer. The federal agency employer's periodic payments shall be considered a sufficient answer to the interrogatories.

(c) Except as provided in subsection (b-5), the employer shall file, on or before the return date or within the further time that the court for cause may allow, a written answer under oath to the interrogatories, setting forth the amount due as wages to the judgment debtor for the payroll periods ending immediately prior to the service of the summons and a summary of the computation used to determine the amount of non-exempt wages. Except as provided in subsection (b-5), the employer shall mail by first class mail or hand deliver a copy of the answer to the judgment debtor at the address specified in the affidavit filed under Section 12-805 of this Act, or at any other address or location of the judgment debtor known to the employer.

A lien obtained hereunder shall have priority over any subsequent lien obtained hereunder, except that liens for the support of a spouse or dependent children shall have priority over all other liens obtained hereunder. Subsequent summonses shall be effective in the order in which they are served.

(d) The Illinois Supreme Court may by rule allow an employer to file answers to interrogatories by facsimile transmission.

(e) Pursuant to answer under oath to the interrogatories by the employer, an order shall be entered compelling the employer to deduct from wages of the judgment debtor subject to collection under a deduction order an amount which is the lesser of (i) 15% of the gross amount of the wages or (ii) the amount by which disposable earnings for a week exceed 45 times the Federal Minimum Hourly Wage prescribed by Section 206(a)(1) of Title 29 of the United States Code, as amended, in effect at the time the amounts are payable, for each pay period in which statutory exemptions under Section 12-804 and child support garnishments, if any, leave funds to be remitted or, under a wage deduction summons served on or after January 1, 2006, the minimum hourly wage prescribed by Section 4 of the Minimum Wage Law, whichever is greater. The order shall further provide that deducted wages shall be remitted to the creditor or creditor's attorney on a monthly basis.

(f) If after the entry of a deduction order, the employer ceases to remit funds to the plaintiff pursuant to the order without a lawful excuse (which would terminate the employer's obligation under the deduction order such as the debtor having filed a bankruptcy, the debtor having left employment or the employer having received service of a support order against the judgment debtor having priority over the wage deduction proceedings), the court shall, upon plaintiff's motion, enter a conditional judgment against the employer for the the non-exempt wages owed the judgment debtor until the employer appears and answers balance due on the judgment. The plaintiff may then issue a Summons After Conditional Judgment. After service of the Summons After Conditional Judgment at the employer's main Illinois administrative office address, the employer may show cause why the conditional judgment, or some portion thereof should not be made a final judgment. If the employer shall fail to respond or show cause why the conditional judgment or some portion thereof should not be made final, the court shall confirm the conditional judgment and make it final as to the employer plus additional court costs.

(Source: P.A. 94-306, eff. 1-1-06; 95-661, eff. 1-1-08.)

Section 10. The Trusts and Trustees Act is amended by adding Section 5.4 as follows:

(760 ILCS 5/5.4 new)

Sec. 5.4. Spendthrift trusts.

(a) For trusts created on or after the effective date of this amendatory Act of the 95th General Assembly, a settlor who in writing irrevocably transfers property in any manner to a trust having at least one trustee as defined in subsection (b) of this Section may, subject to the limitations in subsection (c) of this Section, provide that the income or principal interest of the settlor as beneficiary may not be either voluntarily or involuntarily transferred before payment or delivery to the settlor as beneficiary by the trustee. This Section shall be considered to be a restriction on the transfer of the settlor's beneficial interest in the trust that is enforceable under applicable nonbankruptcy law within the meaning of Section 541(c)(2) of the Bankruptcy Code or any successor provision.

(b) (1) If the settlor is a beneficiary of the trust, at least one trustee of a trust described in this Section must be a corporate fiduciary authorized by the laws of this State to act as a trustee and whose activities are subject to supervision by the Director of the Division of Banking of this State, the Office of the Comptroller of the Currency, or the Office of Thrift Supervision, or any successor thereto; and

(2) maintains or arranges for custody in this State of some or all of the property that is the subject of the trust described in this Section, maintains records for the trust on an exclusive or nonexclusive basis, prepares or arranges for the preparation of fiduciary income tax returns for the trust, or otherwise materially participates in the administration of the trust.

(c) (1) Except as provided in this subsection, if a trust has a restriction as provided in subsection (a) of this Section, a creditor or other claimant of the settlor may not satisfy a claim, or liability on a claim, in either law or equity, out of the settlor's transfer or the settlor's beneficial interest in the trust. For purposes of this Section, a creditor includes one holding or seeking to enforce a judgment entered by a court or other body having adjudicative authority as well as one with a right to payment, whether or not reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.

(2) A trust described in this Section does not prevent a creditor or person described in this subsection (c) from satisfying a claim or liability out of the settlor's beneficial interest in or transfer into trust if:

(i) the claim is a judgment, order, decree, or other legally enforceable decision or ruling resulting from a judicial, arbitration, mediation, or administrative proceeding commenced prior to or within 3 years after the trust is created;

(ii) the settlor's transfer into trust is made with actual intent to hinder, delay, or defraud that creditor or claimant;

(iii) the trust provides that the settlor may revoke or terminate all or part of the trust;

(iv) the claim is for a payment owed by the settlor under a child support judgment or order;

(v) the claim is by a spouse or former spouse of the settlor on account of an agreement or court order for the payment of support or maintenance or for a division or distribution of property;

(vi) the claim is a tax or other amount owed by the settlor to any governmental entity;

(vii) the claim is by a governmental entity for recovery of public assistance received by the settlor from the governmental entity;

(viii) the transfer is made when the settlor is insolvent or the transfer renders the settlor insolvent;

(ix) the claim is a judgment, award, order, sentence, fine, penalty, or other determination of liability of the settlor for conduct of the settlor constituting fraud, intentional infliction of harm, or a crime; or

(x) the settlor transferred assets into the trust that: (1) were listed in a written representation of the settlor's assets given to a claimant to induce the claimant to enter into a transaction or agreement with the settlor; or (2) were transferred from the settlor's control in breach of any written agreement, covenant, or security interest between the settlor and the claimant.

(d) The statute of limitations for actions to satisfy a claim or liability out of the settlor's beneficial interest in or transfer into trust under this Section is the statute of limitations applicable to the underlying action.

(e) The satisfaction of a claim under this Section is limited to that part of the trust or transfer to which it applies.

(f) For purposes of this Section, a trust is not revoked or terminated by:

(i) a power to veto a distribution from the trust;

(ii) a testamentary special power of appointment or similar power;

(iii) the right to receive a distribution of income, principal, or both in the discretion of another.

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including a trustee other than the settlor;

(iv) an interest in a charitable remainder unitrust or charitable remainder annuity trust as defined in Internal Revenue Code Section 664 or any successor provision;

(v) a right to receive principal subject to an ascertainable standard set forth in the trust; or

(vi) the power to appoint a nonsubordinate adviser or trust protector who can remove and appoint trustees, who can direct, consent to, or disapprove distributions, or who is an investment advisor or has the power to appoint an investment advisor or investment director pursuant to the laws of this State.

(g) The courts of this State shall have exclusive jurisdiction over any action brought under this Section."

The motion prevailed.

And the amendment was adopted.

Senator Haine moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion prevailed.

Senator Haine moved that Amendment No. 1 be ordered to lie on the table.

The motion to table prevailed.

Senator Haine offered the following amendment and moved its adoption:

#### **AMENDMENT NO. 2 TO SENATE BILL 2725**

AMENDMENT NO. 2. Amend Senate Bill 2725 by replacing everything after the enacting clause with the following:

"Section 5. The Trusts and Trustees Act is amended by adding Section 5.4 as follows:

(760 ILCS 5/5.4 new)

##### Sec. 5.4. Spendthrift trusts.

(a) For trusts created on or after the effective date of this amendatory Act of the 95th General Assembly, a settlor who in writing irrevocably transfers property in any manner to a trust having at least one trustee as defined in subsection (b) of this Section may, subject to the limitations in subsection (c) of this Section, provide that the income or principal interest of the settlor as beneficiary may not be either voluntarily or involuntarily transferred before payment or delivery to the settlor as beneficiary by the trustee. This Section shall be considered to be a restriction on the transfer of the settlor's beneficial interest in the trust that is enforceable under applicable nonbankruptcy law within the meaning of Section 541(c)(2) of the Bankruptcy Code or any successor provision.

(b) (1) If the settlor is a beneficiary of the trust, at least one trustee of a trust described in this Section must be a corporate fiduciary authorized by the laws of this State to act as a trustee and whose activities are subject to supervision by the Director of the Division of Banking of this State, the Office of the Comptroller of the Currency, or the Office of Thrift Supervision, or any successor thereto; and

(2) maintains or arranges for custody in this State of some or all of the property that is the subject of the trust described in this Section, maintains records for the trust on an exclusive or nonexclusive basis, prepares or arranges for the preparation of fiduciary income tax returns for the trust, or otherwise materially participates in the administration of the trust.

(c) (1) Except as provided in this subsection, if a trust has a restriction as provided in subsection (a) of this Section, a creditor or other claimant of the settlor may not satisfy a claim, or liability on a claim, in either law or equity, out of the settlor's transfer or the settlor's beneficial interest in the trust. For purposes of this Section, a creditor includes one holding or seeking to enforce a judgment entered by a court or other body having adjudicative authority as well as one with a right to payment, whether or not reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.

(2) A trust described in this Section does not prevent a creditor or person described in this subsection (c) from satisfying a claim or liability out of the settlor's beneficial interest in or transfer into trust if:

(i) the claim is a judgment, order, decree, or other legally enforceable decision or ruling resulting from a judicial, arbitration, mediation, or administrative proceeding commenced prior to or within 3 years after the trust is created;

(ii) the settlor's transfer into trust is made with actual intent to hinder, delay, or defraud that creditor or claimant;

(iii) the trust provides that the settlor may revoke or terminate all or part of the trust;

(iv) the claim is for a payment owed by the settlor under a child support judgment or order;

(v) the claim is by a spouse or former spouse of the settlor on account of an agreement or court

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order for the payment of support or maintenance or for a division or distribution of property;

(vi) the claim is a tax or other amount owed by the settlor to any governmental entity;

(vii) the claim is by a governmental entity for recovery of public assistance received by the settlor from the governmental entity;

(viii) the transfer is made when the settlor is insolvent or the transfer renders the settlor insolvent;

(ix) the claim is a judgment, award, order, sentence, fine, penalty, or other determination of liability of the settlor for conduct of the settlor constituting fraud, intentional infliction of harm, or a crime; or

(x) the settlor transferred assets into the trust that: (1) were listed in a written representation of the settlor's assets given to a claimant to induce the claimant to enter into a transaction or agreement with the settlor; or (2) were transferred from the settlor's control in breach of any written agreement, covenant, or security interest between the settlor and the claimant.

(d) The statute of limitations for actions to satisfy a claim or liability out of the settlor's beneficial interest in or transfer into trust under this Section is the statute of limitations applicable to the underlying action.

(e) The satisfaction of a claim under this Section is limited to that part of the trust or transfer to which it applies.

(f) For purposes of this Section, a trust is not revoked or terminated by:

(i) a power to veto a distribution from the trust;

(ii) a testamentary special power of appointment or similar power;

(iii) the right to receive a distribution of income, principal, or both in the discretion of another, including a trustee other than the settlor;

(iv) an interest in a charitable remainder unitrust or charitable remainder annuity trust as defined in Internal Revenue Code Section 664 or any successor provision;

(v) a right to receive principal subject to an ascertainable standard set forth in the trust; or

(vi) the power to appoint a nonsubordinate adviser or trust protector who can remove and appoint trustees, who can direct, consent to, or disapprove distributions, or who is an investment adviser or has the power to appoint an investment adviser or investment director pursuant to the laws of this State.

(g) The courts of this State shall have exclusive jurisdiction over any action brought under this Section."

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.

### READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Haine, **Senate Bill No. 2725**, 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 52; Nays None.

The following voted in the affirmative:

Althoff	Demuzio	Lauzen	Risinger
Bivins	Forby	Lightford	Rutherford
Bomke	Frerichs	Link	Silverstein
Bond	Haine	Luechtefeld	Steans
Brady	Halvorson	Maloney	Sullivan
Burzynski	Harmon	Martinez	Trotter
Clayborne	Hendon	Millner	Viverito
Collins	Holmes	Munoz	Watson
Cronin	Hultgren	Murphy	Wilhelmi
Crotty	Hunter	Noland	Mr. President
Cullerton	Jacobs	Pankau	

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Dahl	Jones, J.	Peterson
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 Noland, **Senate Bill No. 2748**, 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 52; Nays None.

The following voted in the affirmative:

Althoff	Demuzio	Lauzen	Risinger
Bivins	Forby	Lightford	Rutherford
Bomke	Frerichs	Link	Silverstein
Bond	Haine	Luechtefeld	Steans
Brady	Halvorson	Maloney	Sullivan
Burzynski	Harmon	Martinez	Trotter
Clayborne	Hendon	Millner	Viverito
Collins	Holmes	Munoz	Watson
Cronin	Hultgren	Murphy	Wilhelmi
Crotty	Hunter	Noland	Mr. President
Cullerton	Jacobs	Pankau	
Dahl	Jones, J.	Peterson	
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 Harmon, **Senate Bill No. 2754**, 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	Koehler	Radogno
Bivins	Demuzio	Kotowski	Raoul
Bomke	Forby	Lauzen	Risinger
Bond	Frerichs	Lightford	Rutherford
Brady	Haine	Link	Silverstein
Burzynski	Halvorson	Maloney	Steans
Clayborne	Harmon	Martinez	Sullivan
Collins	Hendon	Millner	Trotter
Cronin	Holmes	Munoz	Viverito
Crotty	Hultgren	Murphy	Watson

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Cullerton	Hunter	Noland	Wilhelmi
Dahl	Jacobs	Pankau	Mr. President
DeLeo	Jones, J.	Peterson	

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 Harmon, **Senate Bill No. 2755** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO SENATE BILL 2755

AMENDMENT NO. 1. Amend Senate Bill 2755 on page 1, line 5, by replacing "Section 5-1" with "Sections 5-1 and 8-2"; and

on page 31, immediately below line 17, by inserting the following:

"(235 ILCS 5/8-2) (from Ch. 43, par. 159)

Sec. 8-2. It is the duty of each manufacturer with respect to alcoholic liquor produced or imported by such manufacturer, or purchased tax-free by such manufacturer from another manufacturer or importing distributor, and of each importing distributor as to alcoholic liquor purchased by such importing distributor from foreign importers or from anyone from any point in the United States outside of this State or purchased tax-free from another manufacturer or importing distributor, to pay the tax imposed by Section 8-1 to the Department of Revenue on or before the 15th day of the calendar month following the calendar month in which such alcoholic liquor is sold or used by such manufacturer or by such importing distributor other than in an authorized tax-free manner or to pay that tax electronically as provided in this Section.

Each manufacturer and each importing distributor shall make payment under one of the following methods: (1) on or before the 15th day of each calendar month, file in person or by United States first-class mail, postage pre-paid, with the Department of Revenue, on forms prescribed and furnished by the Department, a report in writing in such form as may be required by the Department in order to compute, and assure the accuracy of, the tax due on all taxable sales and uses of alcoholic liquor occurring during the preceding month. Payment of the tax in the amount disclosed by the report shall accompany the report or, (2) on or before the 15th day of each calendar month, electronically file with the Department of Revenue, on forms prescribed and furnished by the Department, an electronic report in such form as may be required by the Department in order to compute, and assure the accuracy of, the tax due on all taxable sales and uses of alcoholic liquor occurring during the preceding month. An electronic payment of the tax in the amount disclosed by the report shall accompany the report. A manufacturer or distributor who files an electronic report and electronically pays the tax imposed pursuant to Section 8-1 to the Department of Revenue on or before the 15th day of the calendar month following the calendar month in which such alcoholic liquor is sold or used by that manufacturer or importing distributor other than in an authorized tax-free manner shall pay to the Department the amount of the tax imposed pursuant to Section 8-1, less a discount which is allowed to reimburse the manufacturer or importing distributor for the expenses incurred in keeping and maintaining records, preparing and filing the electronic returns, remitting the tax, and supplying data to the Department upon request.

The discount shall be in an amount as follows:

- (1) For original returns due on or after January 1, 2003 through September 30, 2003, the discount shall be 1.75% or \$1,250 per return, whichever is less;
- (2) For original returns due on or after October 1, 2003 through September 30, 2004, the discount shall be 2% or \$3,000 per return, whichever is less; and
- (3) For original returns due on or after October 1, 2004, the discount shall be 2% or \$2,000 per return, whichever is less.

The Department may, if it deems it necessary in order to insure the payment of the tax imposed by this Article, require returns to be made more frequently than and covering periods of less than a month. Such

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return shall contain such further information as the Department may reasonably require.

It shall be presumed that all alcoholic liquors acquired or made by any importing distributor or manufacturer have been sold or used by him in this State and are the basis for the tax imposed by this Article unless proven, to the satisfaction of the Department, that such alcoholic liquors are (1) still in the possession of such importing distributor or manufacturer, or (2) prior to the termination of possession have been lost by theft or through unintentional destruction, or (3) that such alcoholic liquors are otherwise exempt from taxation under this Act.

The Department may require any foreign importer to file monthly information returns, by the 15th day of the month following the month which any such return covers, if the Department determines this to be necessary to the proper performance of the Department's functions and duties under this Act. Such return shall contain such information as the Department may reasonably require.

Every manufacturer and importing distributor shall also file, with the Department, a bond in an amount not less than \$1,000 and not to exceed \$100,000 on a form to be approved by, and with a surety or sureties satisfactory to, the Department. Such bond shall be conditioned upon the manufacturer or importing distributor paying to the Department all monies becoming due from such manufacturer or importing distributor under this Article. The Department shall fix the penalty of such bond in each case, taking into consideration the amount of alcoholic liquor expected to be sold and used by such manufacturer or importing distributor, and the penalty fixed by the Department shall be sufficient, in the Department's opinion, to protect the State of Illinois against failure to pay any amount due under this Article, but the amount of the penalty fixed by the Department shall not exceed twice the amount of tax liability of a monthly return, nor shall the amount of such penalty be less than \$1,000. The Department shall notify the Commission of the Department's approval or disapproval of any such manufacturer's or importing distributor's bond, or of the termination or cancellation of any such bond, or of the Department's direction to a manufacturer or importing distributor that he must file additional bond in order to comply with this Section. The Commission shall not issue a license to any applicant for a manufacturer's or importing distributor's license unless the Commission has received a notification from the Department showing that such applicant has filed a satisfactory bond with the Department hereunder and that such bond has been approved by the Department. Failure by any licensed manufacturer or importing distributor to keep a satisfactory bond in effect with the Department or to furnish additional bond to the Department, when required hereunder by the Department to do so, shall be grounds for the revocation or suspension of such manufacturer's or importing distributor's license by the Commission. If a manufacturer or importing distributor fails to pay any amount due under this Article, his bond with the Department shall be deemed forfeited, and the Department may institute a suit in its own name on such bond.

After notice and opportunity for a hearing the State Commission may revoke or suspend the license of any manufacturer or importing distributor who fails to comply with the provisions of this Section. Notice of such hearing and the time and place thereof shall be in writing and shall contain a statement of the charges against the licensee. Such notice may be given by United States registered or certified mail with return receipt requested, addressed to the person concerned at his last known address and shall be given not less than 7 days prior to the date fixed for the hearing. An order revoking or suspending a license under the provisions of this Section may be reviewed in the manner provided in Section 7-10 of this Act. No new license shall be granted to a person whose license has been revoked for a violation of this Section or, in case of suspension, shall such suspension be terminated until he has paid to the Department all taxes and penalties which he owes the State under the provisions of this Act.

Every manufacturer or importing distributor who has, as verified by the Department, continuously complied with the conditions of the bond under this Act for a period of 2 years shall be considered to be a prior continuous compliance taxpayer. In determining the consecutive period of time for qualification as a prior continuous compliance taxpayer, any consecutive period of time of qualifying compliance immediately prior to the effective date of this amendatory Act of 1987 shall be credited to any manufacturer or importing distributor.

A manufacturer or importing distributor that is a prior continuous compliance taxpayer under this Section and becomes a successor as the result of an acquisition, merger, or consolidation of a manufacturer or importing distributor shall be deemed to be a prior continuous compliance taxpayer with respect to the acquired, merged, or consolidated entity.

Every prior continuous compliance taxpayer shall be exempt from the bond requirements of this Act until the Department has determined the taxpayer to be delinquent in the filing of any return or deficient in the payment of any tax under this Act. Any taxpayer who fails to pay an admitted or established liability under this Act may also be required to post bond or other acceptable security with the Department guaranteeing the payment of such admitted or established liability.

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The Department shall discharge any surety and shall release and return any bond or security deposit assigned, pledged or otherwise provided to it by a taxpayer under this Section within 30 days after: (1) such taxpayer becomes a prior continuous compliance taxpayer; or (2) such taxpayer has ceased to collect receipts on which he is required to remit tax to the Department, has filed a final tax return, and has paid to the Department an amount sufficient to discharge his remaining tax liability as determined by the Department under this Act.  
(Source: P.A. 92-393, eff. 1-1-03; 93-22, eff. 6-20-03.)".

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 Harmon, **Senate Bill No. 2755**, 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	Demuzio	Kotowski	Radogno
Bivins	Forby	Lauzen	Raoul
Bomke	Frerichs	Lightford	Risinger
Bond	Haine	Link	Rutherford
Brady	Halvorson	Luechtefeld	Silverstein
Burzynski	Harmon	Maloney	Steans
Clayborne	Hendon	Martinez	Sullivan
Cronin	Holmes	Millner	Trotter
Crotty	Hultgren	Munoz	Viverito
Cullerton	Hunter	Murphy	Watson
Dahl	Jacobs	Noland	Wilhelmi
DeLeo	Jones, J.	Pankau	Mr. President
Delgado	Koehler	Peterson	

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 Cullerton, **Senate Bill No. 2757** was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO SENATE BILL 2757

AMENDMENT NO. 1. Amend Senate Bill 2757 by replacing everything after the enacting clause with the following:

"Section 5. The Smoke Free Illinois Act is amended by changing Sections 10 and 35 as follows:  
(410 ILCS 82/10)

Sec. 10. Definitions. In this Act:

"Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by

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guests on the premises and that derives no more than 10% of its gross revenue from the sale of food consumed on the premises. "Bar" includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities, and cabarets.

"Department" means the Department of Public Health.

"Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profits or a person who volunteers his or her services for a non-profit entity.

"Employer" means a person, business, partnership, association, or corporation, including a municipal corporation, trust, or non-profit entity, that employs the services of one or more individual persons.

"Enclosed area" means all space between a floor and a ceiling that is enclosed or partially enclosed with (i) solid walls or windows, exclusive of doorways, or (ii) solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

"Enclosed or partially enclosed sports arena" means any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller rink, ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise or participate in athletic competitions or recreational activities or to witness sports, cultural, recreational, or other events.

"Gaming equipment or supplies" means gaming equipment/supplies as defined in the Illinois Gaming Board Rules of the Illinois Administrative Code.

"Gaming facility" means an establishment utilized primarily for the purposes of gaming and where gaming equipment or supplies are operated for the purposes of accruing business revenue.

"Healthcare facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. "Healthcare facility" includes all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within healthcare facilities.

"Place of employment" means any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including, but not limited to entrances and exits to places of employment, including a minimum distance, as set forth in Section 70 of this Act, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a "place of employment", nor are enclosed laboratories, not open to the public, in an accredited university or government facility where the activity of smoking is exclusively conducted for the purpose of medical or scientific health-related research.

"Private club" means a not-for-profit association that (1) has been in active and continuous existence for at least 3 years prior to the effective date of this amendatory Act of the 95th General Assembly, whether incorporated or not, (2) is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, (3) is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and (4) only sells alcoholic beverages incidental to its operation. For purposes of this definition, "private club" means an organization that is managed by a board of directors, executive committee, or similar body chosen by the members at an annual meeting, has established bylaws, a constitution, or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. 501.

"Private residence" means the part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin, or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home, or assisted living facility shall not be considered a private residence.

"Public place" means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance, as set forth in Section 70 of this Act, of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A "public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. A "public place" includes, but is not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor

theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government owned vehicles and facilities, including buildings and vehicles owned, leased, or operated by the State or State subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than 75% of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodation that are rented to guests, but excludes private residences.

"Restaurant" means (i) an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees, and (ii) a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. "Restaurant" includes a bar area within the restaurant.

"Retail tobacco store" means a retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.

"Smoke" or "smoking" means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment.

"State agency" has the meaning formerly ascribed to it in subsection (a) of Section 3 of the Illinois Purchasing Act (now repealed).

"Unit of local government" has the meaning ascribed to it in Section 1 of Article VII of the Illinois Constitution of 1970.

(Source: P.A. 95-17, eff. 1-1-08.)

(410 ILCS 82/35)

Sec. 35. Exemptions. Notwithstanding any other provision of this Act, smoking is allowed in the following areas:

(1) Private residences or dwelling places, except when used as a child care, adult day care, or healthcare facility or any other home-based business open to the public.

(2) Retail tobacco stores as defined in Section 10 of this Act in operation prior to the effective date of this amendatory Act of the 95th General Assembly. The retail tobacco store shall annually file with the Department by January 31st an affidavit stating the percentage of its gross income during the prior calendar year that was derived from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, or other smoking devices for smoking tobacco and related smoking accessories. Any retail tobacco store that begins operation after the effective date of this amendatory Act may only qualify for an exemption if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited.

(3) Private and semi-private rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain in a room where smoking is permitted and the smoke shall not infiltrate other areas of the nursing home.

(4) Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than 25% of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.

(5) Enclosed laboratories that are excluded from the definition of "place of employment" in Section 10 of this Act.

(Source: P.A. 95-17, eff. 1-1-08.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

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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.

### READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Cullerton, **Senate Bill No. 2757**, 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 49; Nays None.

The following voted in the affirmative:

Bivins	Demuzio	Lightford	Risinger
Bomke	Forby	Link	Rutherford
Bond	Frerichs	Luechtefeld	Silverstein
Brady	Haine	Maloney	Steans
Burzynski	Halvorson	Martinez	Sullivan
Clayborne	Harmon	Millner	Trotter
Collins	Hendon	Munoz	Viverito
Cronin	Holmes	Murphy	Watson
Crotty	Hultgren	Noland	Wilhelmi
Cullerton	Hunter	Pankau	Mr. President
Dahl	Koehler	Peterson	
DeLeo	Kotowski	Radogno	
Delgado	Lauzen	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 BILL RECALLED

On motion of Senator Martinez, **Senate Bill No. 2827** was recalled from the order of third reading to the order of second reading.

Senators Martinez - Dillard offered the following amendment and moved its adoption:

#### AMENDMENT NO. 3 TO SENATE BILL 2827

AMENDMENT NO. 3. Amend Senate Bill 2827, AS AMENDED, in Section 10, Sec. 12, subdivision (5)(a), after the sentence beginning "The acknowledgement of paternity", by inserting the following: "The statement shall be set forth in bold-face capital letters not less than 0.25 inches in height"; and

in Section 20, Sec. 10-5.5, in the Section caption, by replacing "Unlawful parenting time visitation interference" with "Unlawful visitation or parenting time interference"; and

in Section 20, Sec. 10-5.5, subsection (b), in the sentence beginning "Every person", by replacing "unlawful parenting time visitation interference" with "unlawful visitation or parenting time interference"; and

in Section 20, Sec. 10-5.5, subsection (c), in the sentence beginning "A person committing", by replacing "unlawful parenting time visitation interference" with "unlawful visitation or parenting time interference"; and

in Section 20, Sec. 10-5.5, subsection (c), in the sentence beginning "However, any person", by

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replacing "unlawful parenting time interference" with "unlawful visitation or parenting time interference"; and

in Section 20, Sec. 10-5.5, subsection (h), in the sentence beginning "A person convicted", by replacing "unlawful parenting time visitation interference" with "unlawful visitation or parenting time interference".

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.

### READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Martinez, **Senate Bill No. 2827**, 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 52; Nays None.

The following voted in the affirmative:

Althoff	Demuzio	Lauzen	Risinger
Bivins	Forby	Lightford	Rutherford
Bomke	Frerichs	Link	Silverstein
Bond	Haine	Luechtefeld	Steans
Brady	Halvorson	Maloney	Sullivan
Burzynski	Harmon	Martinez	Trotter
Clayborne	Hendon	Millner	Viverito
Collins	Holmes	Munoz	Watson
Cronin	Hultgren	Murphy	Wilhelmi
Crotty	Hunter	Noland	Mr. President
Cullerton	Jacobs	Pankau	
Dahl	Jones, J.	Peterson	
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 Martinez, **Senate Bill No. 2828**, 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 43; Nays 7; Present 1.

The following voted in the affirmative:

Bivins	Forby	Lightford	Raoul
Bomke	Frerichs	Link	Risinger
Bond	Haine	Luechtefeld	Silverstein
Brady	Halvorson	Maloney	Steans
Clayborne	Harmon	Martinez	Sullivan

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Collins	Hendon	Millner	Trotter
Cronin	Holmes	Munoz	Viverito
Crotty	Hunter	Noland	Watson
Cullerton	Jones, J.	Pankau	Wilhelmi
Delgado	Koehler	Peterson	Mr. President
Demuzio	Kotowski	Radogno	

The following voted in the negative:

Burzynski	Hultgren	Lauzen	Rutherford
Dahl	Jacobs	Murphy	

The following voted present:

DeLeo

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. 2864**, 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 44; Nays 6; Present 1.

The following voted in the affirmative:

Althoff	Demuzio	Kotowski	Rutherford
Bivins	Forby	Lightford	Silverstein
Bond	Frerichs	Link	Steans
Brady	Haine	Luechtefeld	Sullivan
Burzynski	Halvorson	Martinez	Trotter
Clayborne	Harmon	Millner	Viverito
Collins	Hendon	Munoz	Wilhelmi
Cronin	Holmes	Murphy	Mr. President
Crotty	Hultgren	Noland	
Cullerton	Hunter	Pankau	
DeLeo	Jacobs	Peterson	
Delgado	Koehler	Raoul	

The following voted in the negative:

Bomke	Jones, J.	Risinger
Dahl	Lauzen	Watson

The following voted present:

Maloney

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 Forby, **Senate Bill No. 2906** was recalled from the order of third reading to the order of second reading.

Senator Forby offered the following amendment and moved its adoption:

**AMENDMENT NO. 2 TO SENATE BILL 2906**

AMENDMENT NO. 2. Amend Senate Bill 2906, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Fish and Aquatic Life Code is amended by changing Section 20-45 as follows:

(515 ILCS 5/20-45) (from Ch. 56, par. 20-45)

Sec. 20-45. License fees for residents. Fees for licenses for residents of the State of Illinois shall be as follows:

(a) Except as otherwise provided in this Section, for sport fishing devices as defined in Section 10-95 or spearing devices as defined in Section 10-110 the fee is \$12.50 for individuals 16 to 64 years old, and one-half of the current fishing license fee for individuals age 65 or older, commencing with the 1994 license year.

(b) All residents before using any commercial fishing device shall obtain a commercial fishing license, the fee for which shall be \$35. Each and every commercial device used shall be licensed by a resident commercial fisherman as follows:

(1) For each 100 lineal yards, or fraction thereof, of seine the fee is \$18. For each minnow seine, minnow trap, or net for commercial purposes the fee is \$20.

(2) For each device to fish with a 100 hook trot line device, basket trap, hoop net, or dip net the fee is \$3.

(3) When used in the waters of Lake Michigan, for the first 2000 lineal feet, or fraction thereof, of gill net the fee is \$10; and for each 1000 additional lineal feet, or fraction thereof, the fee is \$10. These fees shall apply to all gill nets in use in the water or on drying reels on the shore.

(4) For each 100 lineal yards, or fraction thereof, of gill net or trammel net the fee is \$18.

(c) Residents of the State of Illinois may obtain a sportsmen's combination license that shall entitle the holder to the same non-commercial fishing privileges as residents holding a license as described in subsection (a) of this Section and to the same hunting privileges as residents holding a license to hunt all species as described in Section 3.1 of the Wildlife Code. No sportsmen's combination license shall be issued to any individual who would be ineligible for either the fishing or hunting license separately. The sportsmen's combination license fee shall be \$18.50. For residents age 65 or older, the fee is one-half of the fee charged for a sportsmen's combination license.

(d) For 24 hours of fishing by sport fishing devices as defined in Section 10-95 or by spearing devices as defined in Section 10-110 the fee is \$5. This license exempts the licensee from the requirement for a salmon or inland trout stamp. The licenses provided for by this subsection are not required for residents of the State of Illinois who have obtained the license provided for in subsection (a) of this Section.

(e) All residents before using any commercial mussel device shall obtain a commercial mussel license, the fee for which shall be \$50.

(f) Residents of this State, upon establishing residency as required by the Department, may obtain a lifetime hunting or fishing license or lifetime sportsmen's combination license which shall entitle the holder to the same non-commercial fishing privileges as residents holding a license as described in paragraph (a) of this Section and to the same hunting privileges as residents holding a license to hunt all species as described in Section 3.1 of the Wildlife Code. No lifetime sportsmen's combination license shall be issued to or retained by any individual who would be ineligible for either the fishing or hunting license separately, either upon issuance, or in any year a violation would subject an individual to have either or both fishing or hunting privileges rescinded. The lifetime hunting and fishing license fees shall be as follows:

(1) Lifetime fishing: 30 x the current fishing license fee.

(2) Lifetime hunting: 30 x the current hunting license fee.

(3) Lifetime sportsmen's combination license: 30 x the current sportsmen's combination license fee.

Lifetime licenses shall not be refundable. A \$10 fee shall be charged for reissuing any lifetime license.

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The Department may establish rules and regulations for the issuance and use of lifetime licenses and may suspend or revoke any lifetime license issued under this Section for violations of those rules or regulations or other provisions under this Code or the Wildlife Code. Individuals under 16 years of age who possess a lifetime hunting or sportsmen's combination license shall have in their possession, while in the field, a certificate of competency as required under Section 3.2 of the Wildlife Code. Any lifetime license issued under this Section shall not exempt individuals from obtaining additional stamps or permits required under the provisions of this Code or the Wildlife Code. Individuals required to purchase additional stamps shall sign the stamps and have them in their possession while fishing or hunting with a lifetime license. All fees received from the issuance of lifetime licenses shall be deposited in the Fish and Wildlife Endowment Fund.

Except for licenses issued under subsection (e) of this Section, all licenses provided for in this Section shall expire on March 31 of each year, except that the license provided for in subsection (d) of this Section shall expire 24 hours after the effective date and time listed on the face of the license.

Any person on active duty with the Armed Forces of the United States who (i) is now and was at the time of entering the Armed Forces a resident of Illinois, (ii) entered the Armed Forces from this State, and (iii) is presently on leave from the Armed Forces may fish as permitted by this Code without procuring a license, but only during such period of time and only with sport fishing devices as are permitted by this Code.

All individuals required to have and failing to have the license provided for in subsection (a) or (d) of this Section shall be fined according to the provisions of Section 20-35 of this Code.

All individuals required to have and failing to have the licenses provided for in subsections (b) and (e) of this Section shall be guilty of a Class B misdemeanor.

(Source: P.A. 89-66, eff. 1-1-96; 90-225, eff. 7-25-97; 90-743, eff. 1-1-99.)

Section 10. The Wildlife Code is amended by changing Section 3.1 as follows:

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

Sec. 3.1. License and stamps required.

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

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

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

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

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

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

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

(c) The owners residing on, or bona fide tenants of, farm lands and their children, parents, brothers, and sisters actually permanently residing on their lands shall have the right to hunt any of the species protected by Section 2.2 upon their lands and waters without procuring hunting licenses; but the hunting shall be done only during periods of time and with devices and by methods as are permitted by this Act. Any person on active duty with the Armed Forces of the United States who is now and who was at the time of entering the Armed Forces a resident of Illinois and who entered the Armed Forces from this State, and who is presently on ~~ordinary~~ leave from the Armed Forces, and any resident of Illinois who is

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disabled may hunt any of the species protected by Section 2.2 without procuring a hunting license, but the hunting shall be done only during such periods of time and with devices and by methods as are permitted by this Act. For the purpose of this Section a person is disabled when that person has a Type 1 or Type 4, Class 2 disability as defined in Section 4A of the Illinois Identification Card Act. For purposes of this Section, an Illinois Disabled Person Identification Card issued pursuant to the Illinois Identification Card Act indicating that the person named has a Type 1 or Type 4, Class 2 disability shall be adequate documentation of the disability.

(d) A courtesy non-resident license, permit, or stamp for taking game may be issued at the discretion of the Director, without fee, to any person officially employed in the game and fish or conservation department of another state or of the United States who is within the State to assist or consult or cooperate with the Director; or to the officials of other states, the United States, foreign countries, or officers or representatives of conservation organizations or publications while in the State as guests of the Governor or Director. The Director may provide to nonresident participants and official gunners at field trials an exemption from licensure while participating in a field trial.

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

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

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

(Source: P.A. 94-1024, eff. 7-14-06.)".

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.

### READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Forby, **Senate Bill No. 2906**, 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 52; Nays None.

The following voted in the affirmative:

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

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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.

### SENATE BILL RECALLED

On motion of Senator DeLeo, **Senate Bill No. 1900** 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. 2 TO SENATE BILL 1900

AMENDMENT NO. 2. Amend Senate Bill 1900, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1 as follows:

on page 6, immediately below line 2, by inserting the following:

"(f) Upon request of the reimbursing insurer, a provider of treatment for autism spectrum disorders shall furnish medical records, clinical notes, or other necessary data that substantiate that initial or continued medical treatment is medically necessary and is resulting in improved clinical status. When treatment is anticipated to require continued services to achieve demonstrable progress, the insurer may request a treatment plan consisting of diagnosis, proposed treatment by type, frequency, anticipated duration of treatment, the anticipated outcomes stated as goals, and the frequency by which the treatment plan will be updated.

(g) When making a determination of medical necessity for a treatment modality for autism spectrum disorders, an insurer must make the determination in a manner that is consistent with the manner used to make that determination with respect to other diseases or illnesses covered under the policy, including an appeals process. During the appeals process, any challenge to medical necessity must be viewed as reasonable only if the review includes a physician with expertise in the most current and effective treatment modalities for autism spectrum disorders.

(h) Coverage for medically necessary early intervention services must be delivered by certified early intervention specialists, as defined in the early intervention operational standards by the Department of Human Services and in accordance with applicable certification requirements."; and

on page 6, line 3, by replacing "(f)" with "(i)"; and

on page 6, lines 12 through 13, by replacing "a certified, registered, or licensed health care professional" with "a licensed clinical psychologist"; and

on page 6, line 17, by replacing "following." with "following."; and

on page 6, line 18, by replacing "disability." with "disability."; and

on page 6, line 21, by replacing "disability." with "disability; or"; and

on page 7, line 6, by replacing "(A)" with "(1)"; and

on page 7, line 7, by replacing "(B)" with "(2)"; and

on page 7, line 8, by replacing "(C)" with "(3)"; and

on page 7, line 9, by replacing "(D)" with "(4)"; and

on page 7, line 15, by replacing "integration." with "processing.".

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.

### READING BILL OF THE SENATE A THIRD TIME

On motion of Senator DeLeo, **Senate Bill No. 1900**, 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 None; Present 4.

The following voted in the affirmative:

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

The following voted present:

Burzynski	Murphy
Dahl	Watson

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.

The Chair announced that all committees have been delayed fifteen minutes.

At the hour of 1:51 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, April 16, 2008, at 2:00 o'clock p.m.