



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIFTH GENERAL ASSEMBLY

172ND LEGISLATIVE DAY

TUESDAY, SEPTEMBER 23, 2008

10:20 O'CLOCK A.M.

SENATE
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172nd Legislative Day

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The Senate met pursuant to adjournment.
Senator James F. Clayborne, Belleville, Illinois, presiding.
Prayer by Pastor Barrie West, Holy City Baptist Church, Springfield, Illinois.
Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Monday, September 22, 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 report:

Public Health Program Beneficiaries Employer Disclosure Law, June 2008, submitted by the Department of Healthcare and Family Services.

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

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 872

Offered by Senator Millner and all Senators:
Mourns the death of U.S. Army Private First Class Leonard J. Gulczynski of Carol Stream.

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

MESSAGE FROM THE HOUSE

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

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

HOUSE JOINT RESOLUTION NO. 142

WHEREAS, Subsection (b) of Section 25-10 of the State Officials and Employees Ethics Act (5 ILCS 430/25-10) requires that the Legislative Ethics Commission shall diligently search out qualified candidates for the Legislative Inspector General and make recommendations to the General Assembly, which shall appoint a Legislative Inspector General by joint resolution; and

WHEREAS, Subsection (b) of Section 25-10 further states that the Legislative Inspector General shall be selected solely on the basis of integrity and demonstrated ability and sets forth the necessary educational and employment criteria; and

WHEREAS, On July 24, 2004, the General Assembly appointed Mr. Thomas J. Homer to serve as the Legislative Inspector General, with his term to end June 30, 2008; and

WHEREAS, The Legislative Ethics Commission at its last meeting voted to retain Mr. Thomas J. Homer as Legislative Inspector General in a holdover capacity pending his reappointment or the appointment of a new Legislative Inspector General; and

WHEREAS, As the personification of integrity and ability, Mr. Thomas J. Homer has had an

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exemplary career of public service that more than qualifies him to serve as the Legislative Inspector General; and

WHEREAS, A native of Illinois, Mr. Homer was admitted to the Illinois bar in 1974 and has devoted his professional life to the law in various capacities that provide him with a thorough and well-rounded understanding of the ethical demands of governmental endeavors; and

WHEREAS, After serving as an Assistant State's Attorney in Lake County and as the Fulton County State's Attorney, Mr. Homer was a member of the Illinois House of Representatives from 1982 to 1994, during which time he also engaged in the private practice of law; and

WHEREAS, Mr. Homer was elected to the Illinois Third District Appellate Court in 1996, thus adding to his skills in interpreting legislative intent and human behavior; and

WHEREAS, Mr. Homer's lengthy resume of experience and accomplishments uniquely qualifies him for the position of Legislative Inspector General, an office that necessitates both keen intellect and insight into the personal and professional motivations of persons acting in the public realm; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we reappoint Mr. Thomas J. Homer as Legislative Inspector General in accordance with subsection (b) of Section 25-10 of the State Officials and Employees Ethics Act, endorsing him wholeheartedly as surpassing all statutory requirements and ensuring that his sterling character and dedication to government service will enhance the office of Legislative Inspector General and benefit the administration of the ethical foundation on which Illinois legislators and legislative employees operate; and be it further

RESOLVED, That, in accordance with subsection (b) of Section 25-10 of the State Officials and Employees Ethics Act, the reappointment of Mr. Thomas J. Homer takes effect upon the adoption of this joint resolution by the affirmative vote of three-fifths of the members elected to each house of the General Assembly, the certification of this joint resolution by the Speaker of the House of Representatives and the President of the Senate, and the filing of this joint resolution with the Secretary of State; and be it further

RESOLVED, That, in accordance with subsection (b) of Section 25-10 of the State Officials and Employees Ethics Act, the term of Legislative Inspector General Homer shall run through June 30, 2013; and be it further

RESOLVED, That copies of this resolution be delivered to Mr. Thomas J. Homer and the Legislative Ethics Commission.

Adopted by the House, September 10, 2008.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 142 was referred to the Committee on Rules.

REPORT FROM STANDING COMMITTEE

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

Senate Amendment No. 1 to Senate Bill 780

Senate Amendment No. 2 to House Bill 2070

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

JOINT ACTION MOTION FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendments 1 and 7 to Senate Bill 1103

CONSIDERATION OF GOVERNOR'S VETO MESSAGES

Pursuant to the Motion in Writing filed on Monday, September 22, 2008 and journalized Monday, September 22, 2008, Senator Cullerton moved to accept the Governor's specific recommendations for change to **Senate Bill No. 546**.

And on that motion, a call of the roll was had resulting as follows:

Yeas 52; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

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

Pursuant to the Motion in Writing filed on Monday, September 22, 2008 and journalized Monday, September 22, 2008, Senator Cullerton moved to accept the Governor's specific recommendations for change to **Senate Bill No. 2327**.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Lauzen	Sandoval
Bivins	Forby	Lightford	Schoenberg
Bomke	Frerichs	Link	Silverstein
Bond	Garrett	Luechtefeld	Steans
Brady	Haine	Maloney	Sullivan
Burzynski	Halvorson	Millner	Syverson
Clayborne	Harmon	Murphy	Trotter
Collins	Hendon	Noland	Viverito

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

The motion prevailed.

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

Pursuant to the Motion in Writing filed on Monday, September 22, 2008 and journalized Monday, September 22, 2008, Senator Wilhelmi moved to accept the Governor's specific recommendations for change to **Senate Bill No. 2340**.

And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays 1.

The following voted in the affirmative:

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

The following voted in the negative:

Jacobs

The motion prevailed.

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

CONSIDERATION OF HOUSE BILLS VETOED BY THE GOVERNOR

Pursuant to the Motion in Writing filed on Monday, September 22, 2008 and journalized Monday, September 22, 2008, Senator Dillard moved to accept the Governor's specific recommendations for change to **House Bill No. 1533**.

And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Demuzio	Kotowski	Risinger
Bivins	Dillard	Lauzen	Rutherford

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

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 1533.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to the Motion in Writing filed on Monday, September 22, 2008 and journalized Monday, September 22, 2008, Senator Schoenberg moved to accept the Governor's specific recommendations for change to **House Bill No. 3286**.

And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 3286.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to the Motion in Writing filed on Monday, September 22, 2008 and journalized Monday, September 22, 2008, Senator Maloney moved to accept the Governor's specific recommendations for change to **House Bill No. 5318**.

And on that motion, a call of the roll was had resulting as follows:

Yeas 54; Nays None.

The following voted in the affirmative:

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

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 5318.

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILL RECALLED

On motion of Senator DeLeo, **House Bill No. 2070** 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 HOUSE BILL 2070

AMENDMENT NO. 2. Amend House Bill 2070, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 6.11 as follows:

(5 ILCS 375/6.11)

(Text of Section before amendment by P.A. 95-958)

Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Sections 356g.5, 356u, 356w, 356x, 356z.2, 356z.4, 356z.6, 356z.9, ~~and 356z.10~~ , ~~and 356z.13~~ of the Illinois Insurance Code. The program of health benefits must comply with Section 155.37 of the Illinois Insurance Code.

(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; 95-876, eff. 8-21-08.)

(Text of Section after amendment by P.A. 95-958)

Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Sections 356g.5, 356u, 356w, 356x, 356z.2, 356z.4, 356z.6, 356z.9, 356z.10, 356z.11, ~~and 356z.12~~ , ~~and 356z.13~~ of the Illinois Insurance Code. The program of health benefits must comply with Section 155.37 of the Illinois Insurance Code.

(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; 95-876, eff. 8-21-08; 95-958, eff. 6-1-09.)

Section 10. The Counties Code is amended by changing Section 5-1069.3 as follows:

(55 ILCS 5/5-1069.3)

(Text of Section before amendment by P.A. 95-958)

Sec. 5-1069.3. Required health benefits. If a county, including a home rule county, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356u, 356w, 356x, 356z.6, 356z.9,

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and 356z.10 , and 356z.13 of the Illinois Insurance Code. The requirement that health benefits be covered as provided in this Section is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule county to which this Section applies must comply with every provision of this Section.
(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; 95-876, eff. 8-21-08.)

(Text of Section after amendment by P.A. 95-958)

Sec. 5-1069.3. Required health benefits. If a county, including a home rule county, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356u, 356w, 356x, 356z.6, 356z.9, 356z.10, 356z.11, and 356z.12 , and 356z.13 of the Illinois Insurance Code. The requirement that health benefits be covered as provided in this Section is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule county to which this Section applies must comply with every provision of this Section.
(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; 95-876, eff. 8-21-08; 95-958, eff. 6-1-09.)

Section 15. The Illinois Municipal Code is amended by changing Section 10-4-2.3 as follows:
(65 ILCS 5/10-4-2.3)

(Text of Section before amendment by P.A. 95-958)

Sec. 10-4-2.3. Required health benefits. If a municipality, including a home rule municipality, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356u, 356w, 356x, 356z.6, 356z.9, and 356z.10 , and 356z.13 of the Illinois Insurance Code. The requirement that health benefits be covered as provided in this is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule municipality to which this Section applies must comply with every provision of this Section.
(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; 95-876, eff. 8-21-08.)

(Text of Section after amendment by P.A. 95-958)

Sec. 10-4-2.3. Required health benefits. If a municipality, including a home rule municipality, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356u, 356w, 356x, 356z.6, 356z.9, 356z.10, 356z.11, and 356z.12 , and 356z.13 of the Illinois Insurance Code. The requirement that health benefits be covered as provided in this is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule municipality to which this Section applies must comply with every provision of this Section.
(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; 95-876, eff. 8-21-08; 95-958, eff. 6-1-09.)

Section 20. The School Code is amended by changing Section 10-22.3f as follows:
(105 ILCS 5/10-22.3f)

(Text of Section before amendment by P.A. 95-958)

Sec. 10-22.3f. Required health benefits. Insurance protection and benefits for employees shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356u, 356w, 356x, 356z.6, and 356z.9 , and 356z.13 of the Illinois Insurance Code.
(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; 95-876, eff. 8-21-08.)

(Text of Section after amendment by P.A. 95-958)

Sec. 10-22.3f. Required health benefits. Insurance protection and benefits for employees shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356g.5, 356u, 356w, 356x, 356z.6, 356z.9, 356z.11, and 356z.12 , and 356z.13 of the Illinois Insurance Code.
(Source: P.A. 95-189, eff. 8-16-07; 95-422, eff. 8-24-07; 95-876, eff. 8-21-08; 95-958, eff. 6-1-09.)

Section 25. The Illinois Insurance Code is amended by adding Section 356z.13 as follows:
(215 ILCS 5/356z.13 new)

Sec. 356z.13. Autism spectrum disorders.

(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 must provide individuals under 21 years of age coverage for the diagnosis of autism spectrum disorders and for the treatment of autism spectrum disorders to the extent that the diagnosis and treatment of autism spectrum disorders are not already covered by the policy of accident and health insurance or managed care plan.

(b) Coverage provided under this Section shall be subject to a maximum benefit of \$36,000 per year, but shall not be subject to any limits on the number of visits to a service provider. After December 30, 2009, the Director of the Division of Insurance shall, on an annual basis, adjust the maximum benefit for inflation using the Medical Care Component of the United States Department of Labor Consumer Price Index for All Urban Consumers. Payments made by an insurer on behalf of a covered individual for any care, treatment, intervention, service, or item, the provision of which was for the treatment of a health condition not diagnosed as an autism spectrum disorder, shall not be applied toward any maximum benefit established under this subsection.

(c) Coverage under this Section shall be subject to co-payment, deductible, and coinsurance provisions of a policy of accident and health insurance or managed care plan to the extent that other medical services covered by the policy of accident and health insurance or managed care plan are subject to these provisions.

(d) This Section shall not be construed as limiting benefits that are otherwise available to an individual under a policy of accident and health insurance or managed care plan and benefits provided under this Section may not be subject to dollar limits, deductibles, copayments, or coinsurance provisions that are less favorable to the insured than the dollar limits, deductibles, or coinsurance provisions that apply to physical illness generally.

(e) An insurer may not deny or refuse to provide otherwise covered services, or refuse to renew, refuse to reissue, or otherwise terminate or restrict coverage under an individual contract to provide services to an individual because the individual or their dependent is diagnosed with an autism spectrum disorder or due to the individual utilizing benefits in this Section.

(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.

(i) As used in this Section:

"Autism spectrum disorders" means pervasive developmental disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, including autism, Asperger's disorder, and pervasive developmental disorder not otherwise specified.

"Diagnosis of autism spectrum disorders" means a diagnosis of an individual with an autism spectrum disorder by (A) a physician licensed to practice medicine in all its branches or (B) a licensed clinical psychologist with expertise in diagnosing autism spectrum disorders.

"Medically necessary" means any care, treatment, intervention, service or item which will or is reasonably expected to do any of the following: (i) prevent the onset of an illness, condition, injury, disease or disability; (ii) reduce or ameliorate the physical, mental or developmental effects of an illness, condition, injury, disease or disability; or (iii) assist to achieve or maintain maximum functional activity in performing daily activities.

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"Treatment for autism spectrum disorders" shall include the following care prescribed, provided, or ordered for an individual diagnosed with an autism spectrum disorder by (A) a physician licensed to practice medicine in all its branches or (B) a certified, registered, or licensed health care professional with expertise in treating effects of autism spectrum disorders when the care is determined to be medically necessary and ordered by a physician licensed to practice medicine in all its branches:

- (1) Psychiatric care, including diagnostic services.
- (2) Psychological assessments and treatments.
- (3) Rehabilitative treatments.
- (4) Therapeutic care, including behavioral speech, occupational, and physical therapies that provide treatment in the following areas: (i) self care and feeding, (ii) pragmatic, receptive, and expressive language, (iii) cognitive functioning, (iv) applied behavior analysis, intervention, and modification, (v) motor planning, and (vi) sensory processing.

Section 30. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

(Text of Section before amendment by P.A. 95-958)

Sec. 5-3. Insurance Code provisions.

(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 355.2, 356m, 356v, 356w, 356x, 356y, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.13, 364.01, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e, 370c, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.

(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;

(2) a corporation organized under the laws of this State; or

(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;

(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

(3) the Director shall have the power to require the following information:

(A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;

(B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;

(C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and

(D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the

Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section. (Source: P.A. 94-906, eff. 1-1-07; 94-1076, eff. 12-29-06; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; 95-876, eff. 8-21-08.)

(Text of Section after amendment by P.A. 95-958)

Sec. 5-3. Insurance Code provisions.

(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 355.2, 356m, 356v, 356w, 356x, 356y, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 364.01, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e, 370c, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.

(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;

(2) a corporation organized under the laws of this State; or

(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;

(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois

Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

(3) the Director shall have the power to require the following information:

(A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;

(B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;

(C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and

(D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section.

(Source: P.A. 94-906, eff. 1-1-07; 94-1076, eff. 12-29-06; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; 95-876, eff. 8-21-08; 95-958, eff. 6-1-09.)

Section 35. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:

(215 ILCS 165/10) (from Ch. 32, par. 604)

(Text of Section before amendment by P.A. 95-958)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c, 149, 155.37, 354, 355.2, 356g.5, 356r, 356t, 356u, 356v, 356w, 356x,

356y, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.13, 364.01, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.

(Source: P.A. 94-1076, eff. 12-29-06; 95-189, eff. 8-16-07; 95-331, eff. 8-21-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; 95-876, eff. 8-21-08.)

(Text of Section after amendment by P.A. 95-958)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c, 149, 155.37, 354, 355.2, 356g.5, 356r, 356t, 356u, 356v, 356w, 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 364.01, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.

(Source: P.A. 94-1076, eff. 12-29-06; 95-189, eff. 8-16-07; 95-331, eff. 8-21-07; 95-422, eff. 8-24-07; 95-520, eff. 8-28-07; 95-876, eff. 8-21-08; 95-958, eff. 6-1-09.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator DeLeo, **House Bill No. 2070**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 47; Nays 6; Present 2.

The following voted in the affirmative:

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

The following voted in the negative:

Brady	Dahl	Rutherford
Burzynski	Righter	Watson

The following voted present:

[September 23, 2008]

Murphy
Sylverson

This bill, having received the vote of three-fifths 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.

At the hour of 11:36 o'clock a.m., Senator Link, presiding.

SENATE BILL RECALLED

On motion of Senator DeLeo, **Senate Bill No. 780** was recalled from the order of third reading to the order of second reading.

Senator DeLeo offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 780

AMENDMENT NO. 1. Amend Senate Bill 780 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Governmental Ethics Act is amended by changing Sections 4A-102 and 4A-103 and by adding Section 2-106 as follows:

(5 ILCS 420/2-106 new)

Sec. 2-106. Dual employment. No member of the General Assembly, during the term for which he has been elected or appointed, may be employed by the State, a municipality, or unit of local government. This prohibition does not extend to employment as an elected official, firefighter, police officer, school counselor, teacher, or university instructor.

As used in this Section:

"Elected official" means any individual who was elected to an office in an election certified by the State Board of Elections.

"Firefighter" means an individual employed by a fire service.

"Police officer" means an individual employed in a regularly constituted police department appointed and sworn or designated by law as a peace officer.

"School counselor" has the meaning ascribed to it in Section 10-22.24a of the School Code.

"Teacher" means any or all school district employees regularly required to be certified under laws relating to the certification of teachers.

"University instructor" means any member of the educational staff of the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, or the Illinois Mathematics and Science Academy whose employment is permanent and continuous or who is employed in a position in which services are expected to be rendered on a continuous basis for at least 4 months or one academic term, whichever is less.

(5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

Sec. 4A-102. The statement of economic interests required by this Article shall include the economic interests of the person making the statement as provided in this Section. The interest (if constructively controlled by the person making the statement) of a spouse or any other party, shall be considered to be the same as the interest of the person making the statement. Campaign receipts shall not be included in this statement.

(a) The following interests shall be listed by all persons required to file:

(1) The name, address and type of practice of any professional organization or individual professional practice in which the person making the statement was an officer, director, associate, partner or proprietor, or served in any advisory capacity, from which income in excess of \$1200 was derived during the preceding calendar year;

(2) The nature of professional services (other than services rendered to the unit or units of government in relation to which the person is required to file) and the nature of the entity to which they were rendered if fees exceeding \$5,000 were received during the preceding calendar year from the entity for professional services rendered by the person making the statement.

[September 23, 2008]

(3) The identity (including the address or legal description of real estate) of any capital asset from which a capital gain of \$5,000 or more was realized in the preceding calendar year.

(4) The name of any unit of government which has employed the person making the statement during the preceding calendar year other than the unit or units of government in relation to which the person is required to file.

(5) The name of any entity from which a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of \$500, was received during the preceding calendar year.

(b) The following interests shall also be listed by persons listed in items (a) through (f) and item (l) of Section 4A-101:

(1) The name and instrument of ownership in any entity doing business in the State of Illinois, in which an ownership interest held by the person at the date of filing is in excess of \$5,000 fair market value or from which dividends of in excess of \$1,200 were derived during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description). No time or demand deposit in a financial institution, nor any debt instrument need be listed;

(2) Except for professional service entities, the name of any entity and any position held therein from which income of in excess of \$1,200 was derived during the preceding calendar year, if the entity does business in the State of Illinois. No time or demand deposit in a financial institution, nor any debt instrument need be listed.

(3) The identity of any compensated lobbyist with whom the person making the statement maintains a close economic association, including the name of the lobbyist and specifying the legislative matter or matters which are the object of the lobbying activity, and describing the general type of economic activity of the client or principal on whose behalf that person is lobbying.

(c) The following interests shall also be listed by persons listed in items (g), (h), and (i) of Section 4A-101:

(1) The name and instrument of ownership in any entity doing business with a unit of local government in relation to which the person is required to file if the ownership interest of the person filing is greater than \$5,000 fair market value as of the date of filing or if dividends in excess of \$1,200 were received from the entity during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description). No time or demand deposit in a financial institution, nor any debt instrument need be listed.

(2) Except for professional service entities, the name of any entity and any position held therein from which income in excess of \$1,200 was derived during the preceding calendar year if the entity does business with a unit of local government in relation to which the person is required to file. No time or demand deposit in a financial institution, nor any debt instrument need be listed.

(3) The name of any entity and the nature of the governmental action requested by any entity which has applied to a unit of local government in relation to which the person must file for any license, franchise or permit for annexation, zoning or rezoning of real estate during the preceding calendar year if the ownership interest of the person filing is in excess of \$5,000 fair market value at the time of filing or if income or dividends in excess of \$1,200 were received by the person filing from the entity during the preceding calendar year.

(d) The following interests shall also be listed by persons listed in item (a) of Section 4A-101:

(1) the name of each client or entity on behalf of whom the individual filing the statement or his or her spouse personally engaged in lobbying or a representation case in the preceding 12 months, for which compensation in excess of \$5,000 was received by either the individual filing the statement or his or her spouse, or by any other entity in which the individual filing the statement or his or her spouse was an officer, director, associate, partner, member, proprietor, or served in an advisory capacity;

(2) the name of each client or entity that retained, hired, or otherwise engaged an entity in which the individual filing the statement or his or her spouse has an ownership interest in excess of 7 1/2%, for the purpose of lobbying or a representation case in the preceding 12 months, for which compensation in excess of \$5,000 was received by the entity; and

(3) the name of each client or entity that retained, hired, or otherwise engaged any entity for the purpose of lobbying or a representation case in the preceding 12 months, as a result of which the individual filing the statement or his or her spouse received financial compensation in excess of \$5,000.

For each client or entity listed pursuant to this subsection, the exact amount of compensation received from services rendered in connection with the lobbying or representation case listed, and the identity of the unit of government before which such services were rendered.

As used in this subsection:

"Lobbying" means communicating with representatives of a municipality, unit of local government,

State agency, or the General Assembly for the ultimate purpose of influencing executive, legislative, or administrative action. "Lobbying" does not include communications with a State agency, a municipality, a unit of local government, or a member of the General Assembly made in the course of a member of the General Assembly's legislative duties.

"Representation case" means the representation of any person, client, or principal in any matter before any State agency, municipality, or unit of local government where the action or non-action of the State agency, municipality, or unit of local government involves the exercise of discretion. For purposes of this subsection, "representation case" does not include (i) the professional representation of any person, client, or principal in any matter before any court created under Article VI of the Constitution of the State of Illinois or any court created under Article III of the Constitution of the United States, or (ii) inquiries for information or other services rendered in a legislative capacity on behalf of a constituent or other member of the public.

(Source: P.A. 92-101, eff. 1-1-02; 93-617, eff. 12-9-03.)

(5 ILCS 420/4A-103) (from Ch. 127, par. 604A-103)

Sec. 4A-103. The statement of economic interests required by this Article to be filed with the Secretary of State shall be filled in by typewriting or hand printing, shall be verified, dated, and signed by the person making the statement and shall contain substantially the following:

STATEMENT OF ECONOMIC INTEREST
(TYPE OR HAND PRINT)

.....
(name)

.....
(each office or position of employment for which this statement is filed)

.....
(full mailing address)

GENERAL DIRECTIONS:

The interest (if constructively controlled by the person making the statement) of a spouse or any other party, shall be considered to be the same as the interest of the person making the statement.

Campaign receipts shall not be included in this statement.

If additional space is needed, please attach supplemental listing.

1. List the name and instrument of ownership in any entity doing business in the State of Illinois, in which the ownership interest held by the person at the date of filing is in excess of \$5,000 fair market value or from which dividends in excess of \$1,200 were derived during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description.) No time or demand deposit in a financial institution, nor any debt instrument need be listed.

Business Entity	Instrument of Ownership
.....
.....
.....

2. List the name, address and type of practice of any professional organization in which the person making the statement was an officer, director, associate, partner or proprietor or served in any advisory capacity, from which income in excess of \$1,200 was derived during the preceding calendar year.

Name	Address	Type of Practice
.....
.....
.....

3. List the nature of professional services rendered (other than to the State of Illinois) to each entity from which income exceeding \$5,000 was received for professional services rendered during the preceding calendar year by the person making the statement.

.....
.....

4. List the identity (including the address or legal description of real estate) of any capital asset from which a capital gain of \$5,000 or more was realized during the preceding calendar year.

.....
.....

5. List the identity of any compensated lobbyist with whom the person making the statement maintains a close economic association, including the name of the lobbyist and specifying the legislative matter or matters which are the object of the lobbying activity, and describing the general type of

economic activity of the client or principal on whose behalf that person is lobbying.

Lobbyist	Legislative Matter	Client or Principal
.....
.....

6. List the name of any entity doing business in the State of Illinois from which income in excess of \$1,200 was derived during the preceding calendar year other than for professional services and the title or description of any position held in that entity. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description). No time or demand deposit in a financial institution nor any debt instrument need be listed.

Entity	Position Held
.....
.....
.....

7. List the name of any unit of government which employed the person making the statement during the preceding calendar year other than the unit or units of government in relation to which the person is required to file.

.....

8. List the name of any entity from which a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of \$500, was received during the preceding calendar year.

9. For members of the General Assembly and candidates for membership in the General Assembly, list the name of each client or entity on behalf of whom the individual filing the statement or his or her spouse personally engaged in lobbying or a representation case in the preceding 12 months, for which compensation in excess of \$5,000 was rendered to either the individual filing the statement or his or her spouse, or to any other entity in which the individual filing the statement or his or her spouse was an officer, director, associate, partner, member, proprietor, or served in an advisory capacity. This includes the name of the unit of government before which the services were rendered, as well as the exact amount of compensation received from services rendered.

For purposes of this statement, "lobbying" and "representation case" have the meanings ascribed to those terms in Section 4A-102 of the Illinois Governmental Ethics Act.

<u>Client/Entity</u>	<u>Unit of Government</u>	<u>Amount</u>
.....
.....
.....

10. For members of the General Assembly and candidates for membership in the General Assembly, list the name of each client or entity that retained, hired, or otherwise engaged an entity in which the individual filing the statement or his or her spouse has an ownership interest in excess of 7 1/2%, for the purpose of lobbying or a representation case in the preceding 12 months, for compensation in excess of \$5,000. This includes the name of the unit of government before which the services were rendered, as well as the exact amount of compensation received from services rendered.

For purposes of this statement, "lobbying" and "representation case" have the meanings ascribed to those terms in Section 4A-102 of the Illinois Governmental Ethics Act.

<u>Client/Entity</u>	<u>Unit of Government</u>	<u>Amount</u>
.....
.....
.....

11. For members of the General Assembly and candidates for membership in the General Assembly, list the name of each client or entity that retained, hired, or otherwise engaged any entity for the purpose of lobbying or a representation case in the preceding 12 months, as a result of which the individual filing this statement or his or her spouse received financial compensation in excess of \$5,000. This includes the name of the unit of government before which the services were rendered, as well as the exact amount of compensation received from services rendered.

For purposes of this statement, "lobbying" and "representation case" have the meanings ascribed to those terms in Section 4A-102 of the Illinois Governmental Ethics Act.

<u>Client/Entity</u>	<u>Unit of Government</u>	<u>Amount</u>
.....
.....
.....

VERIFICATION:

[September 23, 2008]

"I declare that this statement of economic interests (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of my economic interests as required by the Illinois Governmental Ethics Act. I understand that the penalty for willfully filing a false or incomplete statement shall be a fine not to exceed \$1,000 or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both fine and imprisonment."

.....
(date of filing)

.....
(signature of person making the statement)

(Source: P.A. 95-173, eff. 1-1-08.)

Section 10. The Election Code is amended by adding Section 9-35 as follows:

(10 ILCS 5/9-35 new)

Sec. 9-35. Registration of business entities.

(a) This Section governs the procedures for the registration required under Section 20-160 of the Illinois Procurement Code.

For the purposes of this Section, the terms "officeholder", "State contract", "business entity", "State agency", "affiliated entity", and "affiliated person" have the meanings ascribed to those terms in Section 50-37 of the Illinois Procurement Code.

(b) Registration under Section 20-160 of the Illinois Procurement Code, and any changes to that registration, must be made electronically. The State Board of Elections by rule shall provide for electronic registration, which must contain substantially the following:

(1) The name and address of the business entity.

(2) The name and address of any affiliated entity of the business entity, including a description of the affiliation.

(3) The name and address of any affiliated person of the business entity, including a description of the affiliation.

(c) The Board shall provide a certificate of registration to the business entity. The certificate shall be electronic and accessible to the business entity through the State Board of Elections' website and protected by a password.

(d) Any business entity required to register under Section 20-160 of the Illinois Procurement Code shall provide a copy of the registration certificate, by first class mail or hand delivery within 10 days after registration, to each affiliated entity or affiliated person whose identity is required to be disclosed. Failure to provide notice to an affiliated entity or affiliated person is a business offense for which the business entity is subject to a fine not to exceed \$1,001.

(e) In addition to any penalty under Section 20-160 of the Illinois Procurement Code, intentional, willful, or material failure to disclose information required for registration is subject to a civil penalty imposed by the State Board of Elections. The State Board shall impose a civil penalty of \$1,000 per business day for failure to update a registration.

(f) Any business entity required to register under Section 20-160 of the Illinois Procurement Code shall notify any political committee to which it makes a contribution, at the time of the contribution, that the business entity is registered with the State Board of Elections under Section 20-160 of the Illinois Procurement Code. Any affiliated entity or affiliated person of a business entity required to register under Section 20-160 of the Illinois Procurement Code shall notify any political committee to which it makes a contribution that it is affiliated with a business entity registered with the State Board of Elections under Section 20-160 of the Illinois Procurement Code.

(g) The State Board of Elections on its official website shall have a searchable database containing (i) all information required to be submitted to the Board under Section 20-160 of the Illinois Procurement Code and (ii) all reports filed under this Article with the State Board of Elections by all political committees. For the purposes of databases maintained by the State Board of Elections, "searchable" means able to search by "political committee", as defined in this Article, and by "officeholder", "State agency", "business entity", "affiliated entity", and "affiliated person". The Board shall not place the name of a minor child on the website. However, the Board shall provide a link to all contributions made by anyone reporting the same residential address as any affiliated person. In addition, the State Board of Elections on its official website shall provide an electronic connection to any searchable database of State contracts maintained by the Comptroller, searchable by business entity.

(h) The State Board of Elections shall have rulemaking authority to implement this Section.

Section 15. The Compensation Review Act is amended by changing Sections 4 and 5 as follows:
(25 ILCS 120/4) (from Ch. 63, par. 904)

Sec. 4. Meetings of the Board; determining compensation; public hearings; reports. The Board shall meet as often as may be necessary and shall determine, upon a vote requiring at least 7 affirmative votes, the compensation for members of the General Assembly, judges, other than the county supplement, State's attorneys, other than the county supplement, the elected constitutional officers of State government, and certain appointed officers of State government.

In determining the compensation for each office, the Compensation Review Board shall consider the following factors:

- (a) the skill required,
- (b) the time required,
- (c) the opportunity for other earned income,
- (d) the value of public services as performed in comparable states,
- (e) the value of such services as performed in the private sector in Illinois and comparable states based on the responsibility and discretion required in the office,
- (f) the average consumer prices commonly known as the cost of living,
- (g) the overall compensation presently received by the public officials and all other benefits received,
- (h) the interests and welfare of the public and the financial ability of the State to meet those costs, and
- (i) such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of such compensation.

The Board shall conduct public hearings prior to filing its ~~reports~~ report.

At the public hearings, the Board shall allow interested persons to present their views and comments. The Board may prescribe reasonable rules for the conduct of public hearings, to prevent undue repetition. The meetings of the Board are subject to the Open Meetings Act.

The Board shall ~~propose (i) one file an initial report with respect to all offices and positions, except judges and State's attorneys (known as "report A") and (ii) one report with respect to judges and State's attorneys (known as "report B").~~ propose (i) one report with respect to all offices and positions, except judges and State's attorneys (known as "report A") and (ii) one report with respect to judges and State's attorneys (known as "report B"). The Board shall ~~file the reports~~ file the reports with the House of Representatives, the Senate, the Comptroller and the Secretary of State. ~~Subsequent reports shall be filed therewith before April 1 in each even-numbered year. Report A shall state thereafter stating the annual salary for all offices and positions, except judges and State's attorneys, for which the Board files reports. Report B shall state members of the General Assembly, the elected State constitutional officers and certain appointed State officers and compensated employees and members of certain State departments, agencies, boards and commissions whose terms begin in the next calendar year; the annual salary for State's attorneys; and the annual salary for the Auditor General and for Supreme Court, Appellate Court, Circuit Court and Associate judges. If a the report increases the annual salary of judges, State's attorneys, and the Auditor General, such increase shall take effect when the report is approved as soon as the time period for disapproval or reduction, as provided in subsection (b) of Section 5, has expired.~~

The salaries in ~~a the~~ a report or as reduced by the General Assembly, other than for judges, State's attorneys, and the Auditor General, shall take effect as provided by law.
(Source: P.A. 90-375, eff. 8-14-97; 91-798, eff. 7-9-00.)

(25 ILCS 120/5) (from Ch. 63, par. 905)

Sec. 5. (a) If the Board fails to recommend a change in salary or the General Assembly ~~does not approve a disapproves~~ does not approve the report as provided in subsection (b), and a new term for any officer provided for in this Act begins, the salary for the new term shall be the same as the salary in effect when the previous term ended.

(b) The General Assembly may ~~approve a disapprove the~~ approve or disapprove the report of the Board in whole, or reduce it in whole proportionately, within 30 session days after each house of the legislature next convenes after the report is filed, by adoption of a resolution by a record vote of the majority of the members elected in each house directed to the Board. Such resolution shall be binding upon the Board. A resolution may approve or reduce no more than one report, and no more than one resolution may be adopted by a single vote.

~~For the initial report filed by the Board after this Act takes effect, the General Assembly may, by January 9, 1985, disapprove the report of the Board in whole, or reduce it in whole proportionately, after the report is filed, by the adoption of a resolution by a record vote of the majority of the members.~~
(Source: P.A. 83-1177.)

Section 20. The Illinois Procurement Code is amended by adding Sections 20-160 and 50-37 as follows:

(30 ILCS 500/20-160 new)

[September 23, 2008]

Sec. 20-160. Business entities; certification; registration with the State Board of Elections.

(a) For purposes of this Section, the terms "business entity", "contract", "State contract", "contract with a State agency", "State agency", "affiliated entity", and "affiliated person" have the meanings ascribed to those terms in Section 50-37.

(b) Every bid submitted to and every contract executed by the State on or after the effective date of this amendatory Act of the 95th General Assembly shall contain (1) a certification by the bidder or contractor that either (i) the bidder or contractor is not required to register as a business entity with the State Board of Elections pursuant to this Section or (ii) the bidder or contractor has registered as a business entity with the State Board of Elections and acknowledges a continuing duty to update the registration and (2) a statement that the contract is voidable under Section 50-60 for the bidder's or contractor's failure to comply with this Section.

(c) Within 30 days after the effective date of this amendatory Act of the 95th General Assembly, each business entity (i) whose aggregate bids and proposals on State contracts annually total more than \$50,000, (ii) whose aggregate bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed \$50,000, or (iii) whose contracts with State agencies, in the aggregate, annually total more than \$50,000 shall register with the State Board of Elections in accordance with Section 9-35 of the Election Code. A business entity required to register under this subsection shall submit a copy of the certificate of registration to the applicable chief procurement officer within 90 days after the effective date of this amendatory Act of the 95th General Assembly. A business entity required to register under this subsection due to item (i) or (ii) has a continuing duty to ensure that the registration is accurate during the period beginning on the date of registration and ending on the day after the date the contract is awarded; any change in information must be reported to the State Board of Elections within 2 business days following such change. A business entity required to register under this subsection due to item (iii) has a continuing duty to ensure that the registration is accurate in accordance with subsection (f).

(d) Any business entity, not required under subsection (c) to register within 30 days after the effective date of this amendatory Act of the 95th General Assembly, whose aggregate bids and proposals on State contracts annually total more than \$50,000, or whose aggregate bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed \$50,000, shall register with the State Board of Elections in accordance with Section 9-35 of the Election Code prior to submitting to a State agency the bid or proposal whose value causes the business entity to fall within the monetary description of this subsection. A business entity required to register under this subsection has a continuing duty to ensure that the registration is accurate during the period beginning on the date of registration and ending on the day after the date the contract is awarded. Any change in information must be reported to the State Board of Elections within 2 business days following such change.

(e) A business entity whose contracts with State agencies, in the aggregate, annually total more than \$50,000 must maintain its registration under this Section and has a continuing duty to ensure that the registration is accurate for the duration of the term of office of the incumbent officeholder awarding the contracts or for a period of 2 years following the expiration or termination of the contracts, whichever is longer. Any change in information shall be reported to the State Board of Elections within 10 days following such change; however, if a business entity required to register under this subsection has a pending bid or proposal, any change in information shall be reported to the State Board of Elections within 2 business days.

(f) A business entity's continuing duty under this Section to ensure the accuracy of its registration includes the requirement that the business entity notify the State Board of Elections of any change in information, including but not limited to changes of affiliated entities or affiliated persons.

(g) A copy of a certificate of registration must accompany any bid or proposal for a contract with a State agency by a business entity required to register under this Section. A chief procurement officer shall not accept a bid or proposal unless the certificate is submitted to the agency with the bid or proposal.

(h) A registration, and any changes to a registration, must include the business entity's verification of accuracy and subjects the business entity to the penalties of the laws of this State for perjury.

In addition to any penalty under Section 9-35 of the Election Code, intentional, willful, or material failure to disclose information required for registration shall render the contract, bid, proposal, or other procurement relationship voidable by the chief procurement officer if he or she deems it to be in the best interest of the State of Illinois.

(i) This Section applies regardless of the method of source selection used in awarding the contract.

(30 ILCS 500/50-37 new)

Sec. 50-37. Prohibition of political contributions.

(a) As used in this Section:

The terms "contract", "State contract", and "contract with a State agency" each mean any contract, as defined in this Code, between a business entity and a State agency let or awarded pursuant to this Code. The terms "contract", "State contract", and "contract with a State agency" do not include cost reimbursement contracts; purchase of care agreements as defined in Section 1-15.68 of this Code; grants, including but are not limited to grants for job training or transportation; and grants, loans, or tax credit agreements for economic development purposes.

"Contribution" means a contribution as defined in Section 9-1.4 of the Election Code.

"Declared candidate" means a person who has filed a statement of candidacy and petition for nomination or election in the principal office of the State Board of Elections.

"State agency" means and includes all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the State, created by or in accordance with the Illinois Constitution or State statute, of the executive branch or legislative branch of State government, and the Auditor General, and does include colleges, universities, public employee retirement systems, and institutions under the jurisdiction of the governing boards of the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governors State University, Northeastern Illinois University, and the Illinois Board of Higher Education.

"Officeholder" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, or Treasurer. The Governor shall be considered the officeholder responsible for awarding all contracts by all officers and employees of, and vendors and others doing business with, executive branch State agencies under the jurisdiction of the Executive Ethics Commission and not within the jurisdiction of the Attorney General, the Secretary of State, the Comptroller, or the Treasurer.

"Sponsoring entity" means a sponsoring entity as defined in Section 9-3 of the Election Code.

"Affiliated person" means (i) any person with any ownership interest or distributive share of the bidding or contracting business entity in excess of 7.5%, (ii) executive employees of the bidding or contracting business entity, and (iii) the spouse and minor children of any such persons.

"Affiliated entity" means (i) any subsidiary of the bidding or contracting business entity, (ii) any member of the same unitary business group, (iii) any organization recognized by the United States Internal Revenue Service as a tax-exempt organization described in Section 501(c) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law) established by the bidding or contracting business entity, any affiliated entity of that business entity, or any affiliated person of that business entity, or (iv) any political committee for which the bidding or contracting business entity, or any 501(c) organization described in item (iii) related to that business entity, is the sponsoring entity.

"Business entity" means any entity doing business for profit, whether organized as a corporation, partnership, sole proprietorship, limited liability company or partnership, or otherwise.

"Executive employee" means the President, Chairman, Chief Executive Officer, or other employee with executive decision-making authority over the long-term and day-to-day affairs of the entity employing the employee, or an employee whose compensation is determined directly, in whole or in part, by the award or payment of contracts by a State agency to the entity employing the employee.

(b) Any business entity whose contracts with State agencies, in the aggregate, annually total more than \$50,000, and any affiliated entities or affiliated persons of such business entity, are prohibited from making any contributions to (i) any political committees established to promote the candidacy of an officeholder or declared candidate for that office, (ii) any political committees established to promote the candidacy of any member of the General Assembly or declared candidate for membership in the General Assembly, or (iii) any political committee of a state central committee of any political party that is represented by an officeholder or member of the General Assembly or a declared candidate for that office or membership in the General Assembly. This prohibition shall be effective for the duration of the term of the contract and for a period of 2 years following the expiration or termination of the contracts.

(c) Any business entity whose aggregate pending bids and proposals on State contracts total more than \$50,000, or whose aggregate pending bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed \$50,000, and any affiliated entities or affiliated persons of such business entity, are prohibited from making any contributions to (i) any political committee established to promote the candidacy of any officeholder or declared candidate for that office, (ii) any political committee established to promote the candidacy of any member of the General Assembly or declared candidate for membership in the General Assembly, or (iii) any political committee of a state central committee of any political party that is represented by an officeholder or member of the General Assembly or a declared candidate for that office or membership in the General Assembly. This prohibition shall be effective during the period beginning on the date the invitation for

bids or request for proposals is issued and ending on the day after the date the contract is awarded.

(d) All contracts between State agencies and a business entity that violate subsection (b) or (c) shall be voidable under Section 50-60. If a business entity violates subsection (b) 3 or more times within a 36-month period, then all contracts between State agencies and that business entity shall be void, and that business entity shall not bid or respond to any invitation to bid or request for proposals from any State agency or otherwise enter into any contract with any State agency for 3 years from the date of the last violation. A notice of each violation and the penalty imposed shall be published in both the Procurement Bulletin and the Illinois Register.

(e) Any political committee that has received a contribution in violation of subsection (b) or (c) shall pay an amount equal to the value of the contribution to the State no more than 30 days after notice of the violation concerning the contribution appears in the Illinois Register. Payments received by the State pursuant to this subsection shall be deposited into the general revenue fund.

(f) Nothing in this Section shall prohibit an individual from making a contribution to a political committee established to promote his or her own candidacy for office or for membership in the General Assembly.

(g) This Section shall not apply in circumstances when it is determined by the federal government or a court of competent jurisdiction that its application would violate federal law or regulation or otherwise prevent the State's receipt of federal funds.

Section 97. Severability. If the provisions 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 other provisions or applications of this Act that can be given effect without the invalid provision or application."

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 DeLeo, **Senate Bill No. 780**, 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 1; Present 5.

The following voted in the affirmative:

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

The following voted in the negative:

Jacobs

The following voted present:

[September 23, 2008]

Haine
Harmon

Koehler
Maloney

Silverstein

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

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

At the hour of 12:40 o'clock p.m., Senator Clayborne, presiding.

Senator Righter had an inquiry of the Chair as to what time the Rules Committee would be meeting.

Senator Hendon responded that the committee is awaiting paperwork and would be meeting shortly.

At the hour of 12:41 o'clock p.m., the Chair announced the Senate stand at ease.

AT EASE

At the hour of 2:22 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 3:35 o'clock p.m., the Senate resumed consideration of business.
Senator Clayborne, presiding.

REPORT FROM RULES COMMITTEE

Senator Hendon, Chairperson of the Committee on Rules, reported that the following Legislative Measures have been approved for consideration:

Motion to Concur in House Amendments 1, 5 and 9 to SB 790; Motion to Concur in House Amendments 1 and 7 to SB 1103

The foregoing concurrences were placed on the Secretary's Desk.

Senator Link asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

Senator Risinger asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

At the hour of 3:42 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 4:12 o'clock p.m., the Senate resumed consideration of business.
Senator Clayborne, presiding.

[September 23, 2008]

**CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON
SECRETARY'S DESK**

On motion of Senator Schoenberg, **Senate Bill No. 790**, with House Amendments numbered 1, 5 and 9 on the Secretary's Desk, was taken up for immediate consideration.

Senator Schoenberg moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 40; Nays 15.

The following voted in the affirmative:

Bivins	Forby	Koehler	Silverstein
Bomke	Frerichs	Kotowski	Steans
Bond	Garrett	Lightford	Sullivan
Brady	Haine	Link	Trotter
Clayborne	Halvorson	Luechtefeld	Viverito
Collins	Harmon	Maloney	Wilhelmi
Crotty	Hendon	Noland	Mr. President
Dahl	Holmes	Raoul	
DeLeo	Hunter	Risinger	
Delgado	Jacobs	Sandoval	
Demuzio	Jones, J.	Schoenberg	

The following voted in the negative:

Althoff	Hultgren	Pankau	Rutherford
Burzynski	Lauzen	Peterson	Syverson
Cronin	Millner	Radogno	Watson
Dillard	Murphy	Righter	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1, 5 and 9 to **Senate Bill No. 790**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Trotter, **Senate Bill No. 1103**, with House Amendments numbered 1 and 7 on the Secretary's Desk, was taken up for immediate consideration.

Senator Trotter moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Kotowski	Risinger
Bivins	Forby	Lauzen	Rutherford
Bomke	Frerichs	Lightford	Sandoval
Bond	Garrett	Link	Schoenberg
Brady	Haine	Luechtefeld	Silverstein
Burzynski	Halvorson	Maloney	Steans
Clayborne	Harmon	Millner	Sullivan
Collins	Hendon	Murphy	Syverson
Cronin	Holmes	Noland	Trotter
Crotty	Hultgren	Pankau	Viverito
Dahl	Hunter	Peterson	Watson
DeLeo	Jacobs	Radogno	Wilhelmi

Delgado
Demuzio

Jones, J.
Koehler

Raoul
Righter

Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 7 to **Senate Bill No. 1103**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

EXCUSED FROM ATTENDANCE

On motion of Senator Sandoval, Senator Munoz was excused from attendance due to a medical emergency.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 873

Offered by Senator Demuzio and all Senators:

Mourns the death of Thomas P. "Cotton" Campbell of Benld, formerly of Gillespie.

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

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 839

Offered by Senator Crotty and all Senators:

Mourns the death of Matteson Village President Mark Stricker.

SENATE RESOLUTION NO. 840

Offered by Senator Lightford and all Senators:

Mourns the death of Beverly Thompson of Forest Park.

SENATE RESOLUTION NO. 841

Offered by Senator Althoff and all Senators:

Mourns the death of Dorothy M. Orsolini of Marco Island, Florida, formerly of McHenry and Richmond.

SENATE RESOLUTION NO. 842

Offered by Senator Koehler and all Senators:

Mourns the death of Phillip Fisher of Hanna City.

SENATE RESOLUTION NO. 843

Offered by Senator Koehler and all Senators:

Mourns the death of Edna Earl Young of Peoria.

SENATE RESOLUTION NO. 844

Offered by Senator Dahl and all Senators:

Mourns the death of Dr. A.J. Sellett.

SENATE RESOLUTION NO. 845

Offered by Senator Hunter and all Senators:

Mourns the death of Charlotte Helena Goss of Chicago.

SENATE RESOLUTION NO. 846

Offered by Senators Bomke – Harmon and all Senators:

Mourns the death of Justin Lee Smith of Chatham, formerly of New Berlin.

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SENATE RESOLUTION NO. 847

Offered by Senator Forby and all Senators:
Mourns the death of John P. Hock of Herrin.

SENATE RESOLUTION NO. 848

Offered by Senator Dillard and all Senators:
Mourns the death of Robert B. Faje of Downers Grove.

SENATE RESOLUTION NO. 849

Offered by Senator Dillard and all Senators:
Mourns the death of William R. "Bill" Hector of Naperville.

SENATE RESOLUTION NO. 850

Offered by Senator E. Jones and all Senators:
Mourns the death of Carita Nancy Louise Trotter.

SENATE RESOLUTION NO. 851

Offered by Senator Hunter and all Senators:
Mourns the death of Nina Lynette Gilbert.

SENATE RESOLUTION NO. 852

Offered by Senator Hunter and all Senators:
Mourns the death of Douglas Miller Lindsey.

SENATE RESOLUTION NO. 853

Offered by Senator Haine and all Senators:
Mourns the death of Ramona Lee Napp of Godfrey.

SENATE RESOLUTION NO. 854

Offered by Senator Clayborne and all Senators:
Mourns the death of Dwight Rattler of East St. Louis.

SENATE RESOLUTION NO. 855

Offered by Senator Haine and all Senators:
Mourns the death of John VonBergen of Alton.

SENATE RESOLUTION NO. 856

Offered by Senator Haine and all Senators:
Mourns the death of Kim Rhodes of Bethalto.

SENATE RESOLUTION NO. 857

Offered by Senator Peterson and all Senators:
Mourns the death of Carl H. Roscher of Prairie View.

SENATE RESOLUTION NO. 858

Offered by Senator Dahl and all Senators:
Mourns the death of Harry Debo.

SENATE RESOLUTION NO. 859

Offered by Senator E. Jones and all Senators:
Mourns the death of Leszek S. "Les" Kuczynski.

SENATE RESOLUTION NO. 860

Offered by Senator Lightford and all Senators:
Mourns the death of Donald Augustus of Chicago.

SENATE RESOLUTION NO. 861

Offered by Senator Koehler and all Senators:
Mourns the death of Vicki Jo Hiatt of Pekin.

SENATE RESOLUTION NO. 862

Offered by Senator Sullivan and all Senators:
Mourns the death of Dr. Bruno Anton Desulis of Yorkville.

SENATE RESOLUTION NO. 863

Offered by Senator Lauzen and all Senators:
Mourns the death of Zachary VanderGriend of Aurora.

SENATE RESOLUTION NO. 864

Offered by Senator Wilhelmi and all Senators:
Mourns the death of Janice Ruban, former Mayor of Elwood.

SENATE RESOLUTION NO. 865

Offered by Senator Wilhelmi and all Senators:
Mourns the death of Joanne L. (Krynski) Karlstad of Bolingbrook.

SENATE RESOLUTION NO. 866

Offered by Senator Dillard and all Senators:
Mourns the death of James Kennan Hotchkiss of Hinsdale.

SENATE RESOLUTION NO. 867

Offered by Senator Hunter and all Senators:
Mourns the death of Warren Clifford Ellison.

SENATE RESOLUTION NO. 868

Offered by Senator Haine and all Senators:
Mourns the death of Henry L. Cotter.

SENATE RESOLUTION NO. 869

Offered by Senator Haine and all Senators:
Mourns the death of Donna Jean Herr of Collinsville.

SENATE RESOLUTION NO. 870

Offered by Senator Haine and all Senators:
Mourns the death of Betty Lou Morris of Collinsville.

SENATE RESOLUTION NO. 871

Offered by Senator Haine and all Senators:
Mourns the death of David Michael Freer of Brighton.

SENATE RESOLUTION NO. 872

Offered by Senator Millner and all Senators:
Mourns the death of U.S. Army Private First Class Leonard J. Gulczynski of Carol Stream.

SENATE RESOLUTION NO. 873

Offered by Senator Demuzio and all Senators:
Mourns the death of Thomas P. "Cotton" Campbell of Benld, formerly of Gillespie.

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

SENATE BILL TABLED

Senator Watson moved that **Senate Bill No. 3061** be ordered to lie on the table.
The motion to table prevailed.

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the acceptance of the Governor's specific recommendations for change, which is attached, to a bill of the following title, to-wit:

SENATE BILL 546

A bill for AN ACT concerning government.

Concurred in by the House, September 23, 2008.

MARK MAHONEY, Clerk of the House

SB0546AVM001

MOTION

I move to accept the specific recommendations of the Governor as to Senate Bill 546 in manner and form as follows:

AMENDMENT TO SENATE BILL 546

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 546 on page 2, line 3, by replacing "July 1, 2011" with "July 1, 2013"; and on page 9, line 24, by replacing "July 1, 2011" with "July 1, 2013"; and on page 9, line 25, by replacing "July 1, 2011" with "July 1, 2013"; and on page 10, line 10, by replacing "July 1, 2011" with "July 1, 2013"; and on page 12, line 22, by replacing "July 1, 2011" with "July 1, 2013"; and on page 26, by replacing lines 13 and 14 with the following:

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

Date: _____, 2008 _____

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the acceptance of the Governor's specific recommendations for change, which is attached, to a bill of the following title, to-wit:

SENATE BILL 2327

A bill for AN ACT concerning State government.

Concurred in by the House, September 23, 2008.

MARK MAHONEY, Clerk of the House

SB2327AVM001

MOTION

I move to accept the specific recommendations of the Governor as to Senate Bill 2327 in manner and form as follows:

AMENDMENT TO SENATE BILL 2327

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 2327 on page 2, line 5, by replacing "The Department" with "Subject to appropriation, the Department"; and

on page 3, lines 9 and 10, by replacing "effective date of this amendatory Act of the 95th General

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Assembly" with "completion of the study".

Date: _____, 2008 _____

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, the Governor's specific recommendation for change notwithstanding, to-wit:

SENATE BILL 1864

A bill for AN ACT concerning fatherhood.

Passed the House, September 23, 2008, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, the Governor's specific recommendation for change notwithstanding, to-wit:

SENATE BILL 1879

A bill for AN ACT concerning regulation.

Passed the House, September 23, 2008, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, the Governor's specific recommendation for change notwithstanding, to-wit:

SENATE BILL 1975

A bill for AN ACT concerning criminal law.

Passed the House, September 23, 2008, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, the Governor's specific recommendation for change notwithstanding, to-wit:

SENATE BILL 2190

A bill for AN ACT concerning elections.

Passed the House, September 23, 2008, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, the Governor's specific recommendation for change notwithstanding, to-wit:

SENATE BILL 2380

[September 23, 2008]

A bill for AN ACT concerning regulation.
Passed the House, September 23, 2008, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, the Governor's specific recommendation for change notwithstanding, to-wit:

SENATE BILL 2632

A bill for AN ACT concerning economic development.
Passed the House, September 23, 2008, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, the Governor's specific recommendation for change notwithstanding, to-wit:

SENATE BILL 2685

A bill for AN ACT concerning education.
Passed the House, September 23, 2008, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

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

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

SENATE BILL 2298

A bill for AN ACT concerning local government.
Passed the House, September 23, 2008, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

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

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

SENATE BILL 2676

A bill for AN ACT concerning local government.
Passed the House, September 23, 2008, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

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

[September 23, 2008]

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

SENATE BILL 2679

A bill for AN ACT concerning local government.

Passed the House, September 23, 2008, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

At the hour of 5:31 o'clock p.m., the Chair announced the Senate stand adjourned until such time as the Senate assembles in regular, veto or other session pursuant to the schedule established and published by the Senate President and in accordance with **Senate Joint Resolution No. 105**, as adopted on May 31, 2008.