



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SIXTH GENERAL ASSEMBLY

56TH LEGISLATIVE DAY

TUESDAY, MAY 26, 2009

12:15 O'CLOCK P.M.

SENATE
Daily Journal Index
56th Legislative Day

Action	Page(s)
Committee Meeting Announcements.....	8
Deadline Established	3
Joint Action Motions Filed.....	3, 9
Legislative Measure(s) Filed	3, 9
Message from the President	3
Presentation of Senate Joint Resolution No. 71	7
Presentation of Senate Resolution No. 299.....	6
Presentation of Senate Resolution No. 303.....	14
Presentation of Senate Resolution No'd. 300 - 302.....	6
Report from Assignments Committee.....	7
Report(s) Received	3

Bill Number	Legislative Action	Page(s)
SJR 0071	Committee on Assignments.....	7
SR 0299	Committee on Assignments	6
SR 0303	Committee on Assignments	14

The Senate met pursuant to adjournment.
Senator James F. Clayborne, Belleville, Illinois, presiding.
Prayer by Pastor Terry Grebing, Zion Lutheran Church, Bunker Hill, Illinois.
Senator Maloney led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Friday, May 22, 2009, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORT RECEIVED

The Secretary placed before the Senate the following report:

Legislative Audit Commission's 2008 Annual Report, submitted by the Legislative Audit Commission.

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

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 1 to Senate Bill 399
Senate Floor Amendment No. 2 to Senate Bill 1320

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

Senate Floor Amendment No. 1 to House Bill 314
Senate Floor Amendment No. 2 to House Bill 935
Senate Floor Amendment No. 2 to House Bill 1105
Senate Floor Amendment No. 1 to House Bill 2643
Senate Floor Amendment No. 2 to House Bill 2643

JOINT ACTION MOTIONS FILED

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

Motion to Concur in House Amendment 1 to Senate Bill 577
Motion to Concur in House Amendment 1 to Senate Bill 2046

MESSAGES FROM THE PRESIDENT

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 26, 2009

[May 26, 2009]

Ms. Jillayne Rock
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish May 31, 2009 as the 3rd Reading deadline for the following House Bills:

HB 19, HB 288, HB 705, HB 935, HB 2254, HB 2325, HB 2330, and HB 3840.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Republican Leader Christine Radogno

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 26, 2009

Ms. Jillayne Rock
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator James DeLeo to temporarily replace Senator Louis Viverito as a member of the Senate Committee on Assignments. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Committee on Assignments.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 26, 2009

Ms. Jillayne Rock
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

[May 26, 2009]

Pursuant to Rule 3-5(c), I hereby appoint Senator John Sullivan to temporarily replace Senator Jacqueline Collins as a member of the Senate Appropriations I Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Appropriations I Committee.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 26, 2009

Ms. Jillayne Rock
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Dan Kotowski to temporarily replace Senator William Delgado as a member of the Senate Appropriations I Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Appropriations I Committee.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 26, 2009

Ms. Jillayne Rock
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Edward Maloney to temporarily replace Senator Emil Jones, III as a member of the Senate Appropriations I Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Appropriations I Committee.

Sincerely,

[May 26, 2009]

s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 300

Offered by Senator Haine and all Senators:
Mourns the death of Ralph Eugene Butler of Alton.

SENATE RESOLUTION NO. 301

Offered by Senator Haine and all Senators:
Mourns the death of Retired Army Command Sergeant Major Robert G. Wolfe of Glen Carbon.

SENATE RESOLUTION NO. 302

Offered by Senator Haine and all Senators:
Mourns the death of Donald C. Gilkison of Godfrey.

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

Senator Cronin offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 299

WHEREAS, The manufacturing sector is a backbone of the Illinois economy and employs more than 620,000 Illinois workers directly, while contributing the single largest share (13 percent) of the State's Gross Domestic Product; and

WHEREAS, Illinois manufacturers have played a major role in nearly every historic event, from the advent of the assembly line to the Industrial Revolution; and

WHEREAS, Illinois' community college system has 48 community colleges, serving nearly one million people across the State with a comprehensive mission; and

WHEREAS, Community colleges serve 64 percent of people receiving a post-secondary education, while emphasizing open enrollment and serve individuals with all types of backgrounds and skills; and

WHEREAS, Manufacturers and community colleges work together on a regular basis to ensure that Illinois residents have the necessary skills and training to compete in today's global economy; and

WHEREAS, It is imperative to provide adequate job training funding for manufacturing curricula and workforce development programs like the Manufacturing Skills Standard Council and other training programs to help unemployed workers, current employees, and students; and

WHEREAS, It is essential that job training programs be provided to community colleges in all areas of the State, including those in areas that have been harmed by the economic downturn; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we strongly urge Governor Pat Quinn to support the provision of \$10 million in funding for community colleges to invest in manufacturing workforce development and job training so that employers can be assured of an adequate supply of qualified workers and Illinois residents can be prepared for good paying jobs in today's high performance manufacturing sector; and be it further

[May 26, 2009]

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

Senator Steans offered the following Senate Joint Resolution, which was referred to the Committee on Assignments:

SENATE JOINT RESOLUTION NO. 71

WHEREAS, The Illinois Medicaid program is a joint federal-state program to support medical services for certain portions of the low income population; and

WHEREAS, Approximately 2.5 million Illinois residents receive some Medicaid services and it is the primary source of medical coverage for more than one out of six residents; and

WHEREAS, Illinois Medicaid expenses have grown from \$11.8 billion in FY2005 to \$12.4 billion in FY2008; and

WHEREAS, FY2009 expenses are likely to exceed \$13 billion or about one-quarter of the State's annual operating appropriations; and

WHEREAS, The State operating budget is difficult to understand as it pertains to Medicaid since it confounds changes in payment cycles, eligibility standards, and inflation-related adjustments built into existing programs; and

WHEREAS, The State of Illinois will receive federal stimulus money from the American Recovery and Reinvestment Act of 2009 (ARRA) to support Medicaid services; and

WHEREAS, ARRA has temporarily raised the rate of Illinois federal Medicaid match to 60.48% from 50.32%, which is expected to generate an additional \$2.9 billion in federal Medicaid funds between October 1, 2008 and December 31, 2010; and

WHEREAS, Upon the expiration of ARRA in 2011, the State of Illinois will experience a Medicaid budget gap of at least \$1.3 billion; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the General Assembly of the State of Illinois hereby establishes a joint legislative and gubernatorial commission to launch a review of the future financing of the State's Medicaid program; and be it further

RESOLVED, That the review must include a plan to compensate for the expiration of the federal stimulus program on December 31, 2010; and be it further

RESOLVED, That the commission recommend the creation of an executive-level Medicaid management group to address program issues that cut across specific agencies and budgetary categories; and be it further

RESOLVED, That the commission recommend the issuance of a comprehensive annual report on Illinois Medicaid in a prescribed format that would provide essential data and evaluate the program's operations and effectiveness; and be it further

RESOLVED, That the commission will be composed of four members appointed by the Illinois House of Representatives, two by the Speaker of the House and two by the Minority Leader; four members appointed by the Illinois Senate, two by the Senate President and two by the Minority Leader; and three members appointed by the Governor of Illinois.

[May 26, 2009]

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 26, 2009 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Appropriations II: **Senate Floor Amendment No. 1 to House Bill 314.**
 Criminal Law: **Senate Floor Amendment No. 2 to Senate Bill 1320.**
 Executive: **Senate Floor Amendment No. 1 to Senate Bill 399.**
 Revenue: **HOUSE BILL 4046.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 26, 2009 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Commerce: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 1920**
 Education: **Motion to Concur in House Amendment 1 to Senate Bill 1508**
 Energy: **Motion to Concur in House Amendment 1 to Senate Bill 1448**
 Executive: **Motion to Concur in House Amendment 1 to Senate Bill 2090**
 Financial Institutions: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 1698**
 Licensed Activities: **Motion to Concur in House Amendment 1 to Senate Bill 122**
Motion to Concur in House Amendments 1, 2 and 3 to Senate Bill 290
Motion to Concur in House Amendment 1 to Senate Bill 1339
Motion to Concur in House Amendment 1 to Senate Bill 1384
 Local Government: **Motion to Concur in House Amendment 1 to Senate Bill 337**
 Public Health: **Motion to Concur in House Amendment 1 to Senate Bill 574**
Motion to Concur in House Amendment 2 to Senate Bill 2043
 Revenue: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 89**
Motion to Concur in House Amendment 1 to Senate Bill 1975
 Telecommunications and Information Technology: **Motion to Concur in House Amendment 1 to Senate Bill 577**

COMMITTEE MEETING ANNOUNCEMENTS

The Chair made the following committee meeting announcements:

Appropriations I	12:30 o'clock p.m.	Room 212
Appropriations II	12:32 o'clock p.m.	Room 212
Transportation	1:35 o'clock p.m.	Room 400
Education	1:35 o'clock p.m.	Room 409
Insurance	2:00 o'clock p.m.	Room 400
State Government & Veterans' Affairs	2:00 o'clock p.m.	Room 409
Executive	2:30 o'clock p.m.	Room 212
Revenue	2:30 o'clock p.m.	Room 400
Licensed Activities	2:30 o'clock p.m.	Room 409

[May 26, 2009]

Human Services	3:15 o'clock p.m.	Room 212
Judiciary	3:15 o'clock p.m.	Room 400
Criminal Law	3:45 o'clock p.m.	Room 212
Environment	3:45 o'clock p.m.	Room 400
Local Government	3:45 o'clock p.m.	Room 409
Labor	4:15 o'clock p.m.	Room 212
Pensions & Investments	4:15 o'clock p.m.	Room 409
Public Health	4:45 o'clock p.m.	Room 212
Elections	4:45 o'clock p.m.	Room 400
Agriculture & Conservation	4:45 o'clock p.m.	Room 409
Energy	5:15 o'clock p.m.	Room 212
Financial Institutions	5:15 o'clock p.m.	Room 400
Consumer Protection	5:15 o'clock p.m.	Room 409
Commerce	5:45 o'clock p.m.	Room 409
Telecommunications & Technology	5:45 o'clock p.m.	Room 212

INQUIRY OF THE CHAIR

Senator Burzynski had an inquiry of the Chair to clarify the meeting time of the Committee on Insurance, as it had been posted on the Senate Calendar for 12:01 o'clock p.m. today; however, the Chair announced a time of 2:00 o'clock p.m.

The Chair stated that the meeting is now to be held at 2:00 o'clock p.m.

At the hour of 12:36 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 6:16 o'clock p.m., the Senate resumed consideration of business.
Senator Clayborne, presiding.

LEGISLATIVE MEASURES FILED

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

Senate Committee Amendment No. 2 to House Bill 3923
Senate Committee Amendment No. 1 to House Bill 4046

JOINT ACTION MOTIONS FILED

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

Motion to Concur in House Amendment 1 to Senate Bill 1140
Motion to Concur in House Amendment 1 to Senate Bill 1285
Motion to Concur in House Amendments 1 and to Senate Bill 1293
Motion to Concur in House Amendment 1 to Senate Bill 1296
Motion to Concur in House Amendments 1 and 2 to Senate Bill 1333
Motion to Concur in House Amendment 1 to Senate Bill 1477
Motion to Concur in House Amendment 2 to Senate Bill 1750
Motion to Concur in House Amendments 1 and 2 to Senate Bill 2112
Motion to Concur in House Amendment 1 to Senate Bill 2256

REPORTS FROM STANDING COMMITTEES

Senator Trotter, Chairperson of the Committee on Appropriations I, to which was referred **Senate Bills Numbered 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251 and 1253**, reported the same back with the recommendation that the bills do pass.

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

Senator Trotter, Chairperson of the Committee on Appropriations I, to which was referred **House Bills Numbered 13, 83, 609, 612, 859, 991, 2270, 2314, 2469, 2640 and 3841**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Schoenberg, Vice-Chairperson of the Committee on Appropriations II, to which was referred **Senate Bills Numbered 1187, 1196, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207 and 1208**, reported the same back with the recommendation that the bills do pass.

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

Senator Schoenberg, Vice-Chairperson of the Committee on Appropriations II, to which was referred **House Bills Numbered 84 and 962**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 1341; Motion to Concur in House Amendment 1 to Senate Bill 1729; Motion to Concur in House Amendment 1 to Senate Bill 1866

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Meeks, Chairperson of the Committee on Education, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 1391; Motion to Concur in House Amendment 1 to Senate Bill 1508; Motion to Concur in House Amendment 1 to Senate Bill 1557; Motion to Concur in House Amendments 1 and 2 to Senate Bill 1718; Motion to Concur in House Amendment 1 to Senate Bill 1882; Motion to Concur in House Amendment 1 to Senate Bill 1956; Motion to Concur in House Amendment 1 to Senate Bill 1977; Motion to Concur in House Amendments 1 and 2 to Senate Bill 2119; Motion to Concur in House Amendment 1 to Senate Bill 2277

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Haine, Chairperson of the Committee on Insurance, to which was referred **House Bill No. 152**, reported the same back with the recommendation that the bill, as amended, do pass.

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

Senator Haine, Chairperson of the Committee on Insurance, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendments 1 and 2 to Senate Bill 1877

[May 26, 2009]

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 27; Motion to Concur in House Amendment 1 to Senate Bill 47; Motion to Concur in House Amendment 1 to Senate Bill 1737; Motion to Concur in House Amendment 1 to Senate Bill 2045

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 206; Motion to Concur in House Amendment 1 to Senate Bill 269; Motion to Concur in House Amendment 1 to Senate Bill 2090

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Martinez, Chairperson of the Committee on Licensed Activities, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends that it be adopted:

Motion to Concur in House Amendment 1 to Senate Bill 69; Motion to Concur in House Amendment 1 to Senate Bill 122; Motion to Concur in House Amendments 1 and 2 to Senate Bill 149; Motion to Concur in House Amendments 1, 2 and 3 to Senate Bill 290; Motion to Concur in House Amendment 1 to Senate Bill 318; Motion to Concur in House Amendment 1 to Senate Bill 1339; Motion to Concur in House Amendment 1 to Senate Bill 1384; Motion to Concur in House Amendment 1 to Senate Bill 1486; Motion to Concur in House Amendment 1 to Senate Bill 1830

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Meeks, Vice-Chairperson of the Committee on Revenue, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendments 1 and 2 to Senate Bill 89; Motion to Concur in House Amendment 1 to Senate Bill 1490; Motion to Concur in House Amendments 1 and 2 to Senate Bill 1544; Motion to Concur in House Amendment 1 to Senate Bill 1975

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Hunter, Chairperson of the Committee on Human Services, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 209; Motion to Concur in House Amendment 1 to Senate Bill 340; Motion to Concur in House Amendment 1 to Senate Bill 1499; Motion to Concur in House Amendment 1 to Senate Bill 1583

Under the rules, the foregoing motions are eligible for consideration by the Senate.

[May 26, 2009]

Senator Wilhelmi, Chairperson of the Committee on Judiciary, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendments 1 and 2 to Senate Bill 266; Motion to Concur in House Amendments 1 and 2 to Senate Bill 1390; Motion to Concur in House Amendment 1 to Senate Bill 1493; Motion to Concur in House Amendment 1 to Senate Bill 2111

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Noland, Chairperson of the Committee on Criminal Law, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 1320

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Noland, Chairperson of the Committee on Criminal Law, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 145; Motion to Concur in House Amendment 1 to Senate Bill 1677; Motion to Concur in House Amendment 1 to Senate Bill 2010; Motion to Concur in House Amendment 1 to Senate Bill 2026

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Garrett, Chairperson of the Committee on Environment, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 125; Motion to Concur in House Amendment 1 to Senate Bill 1489; Motion to Concur in House Amendment 1 to Senate Bill 1601

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Koehler, Chairperson of the Committee on Local Government, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 246; Motion to Concur in House Amendment 1 to Senate Bill 337; Motion to Concur in House Amendment 1 to Senate Bill 587; Motion to Concur in House Amendment 1 to Senate Bill 1784; Motion to Concur in House Amendment 1 to Senate Bill 2272

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Forby, Chairperson of the Committee on Labor, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 1133; Motion to Concur in House Amendments 1 and 2 to Senate Bill 1770

[May 26, 2009]

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Raoul, Chairperson of the Committee on Pensions and Investments, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 214; Motion to Concur in House Amendment 1 to Senate Bill 1479; Motion to Concur in House Amendment 1 to Senate Bill 1705

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Frerichs, Chairperson of the Committee on Agriculture and Conservation, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 38

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Crotty, Chairperson of the Committee on Elections, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 1662; Motion to Concur in House Amendment 1 to Senate Bill 1801

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Delgado, Chairperson of the Committee on Public Health, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 133; Motion to Concur in House Amendment 1 to Senate Bill 212; Motion to Concur in House Amendment 1 to Senate Bill 574; Motion to Concur in House Amendment 1 to Senate Bill 1254; Motion to Concur in House Amendment 1 to Senate Bill 1685; Motion to Concur in House Amendment 2 to Senate Bill 2043

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Holmes, Chairperson of the Committee on Consumer Protection, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 1408; Motion to Concur in House Amendment 1 to Senate Bill 1629; Motion to Concur in House Amendments 1 and 2 to Senate Bill 1631; Motion to Concur in House Amendments 1 and 2 to Senate Bill 1922

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Collins, Chairperson of the Committee on Financial Institutions, to which was referred the Motion to Concur with House Amendments to the following Senate Bill, reported that the Committee recommends do adopt:

[May 26, 2009]

Motion to Concur in House Amendments 1 and 2 to Senate Bill 1698

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Kotowski, Chairperson of the Committee on Commerce, to which was referred the Motion to Concur with House Amendments to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendments 1 and 2 to Senate Bill 1920

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Bond, Chairperson of the Committee on Telecommunications and Information Technology, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 577

Under the rules, the foregoing motion is eligible for consideration by the Senate.

PRESENTATION OF RESOLUTION

Senator Hutchinson offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 303

WHEREAS, There are 39 public community college districts serving all 102 counties within the State of Illinois; and

WHEREAS, Within the 39 community college districts, there are 48 community colleges, serving nearly one million Illinoisans annually; and

WHEREAS, Over the past decade, enrollment at the 48 community colleges has increased by more than 20%, and the role of the community college has expanded dramatically; and

WHEREAS, The system serves displaced workers, students in adult education, students learning English as their second language, students seeking transfer degrees, students seeking certificates and degrees for immediate employment, and students with degrees returning to upgrade skills; and

WHEREAS, 81.2% of all high school remediation is done at community colleges, making the colleges the frontlines for ensuring that students have the technical aptitude, including functional math and science knowledge, to fill jobs; and

WHEREAS, More than 75% of all minorities in Illinois public higher education attend a community college; and

WHEREAS, In the Fall of 2007, total enrollment figures for Illinois community colleges showed that just under 40% of its students were minority students; and

WHEREAS, Nearly 12,500 students with disabilities and 66,000 students with limited English proficiency are served annually at an Illinois community college; and

WHEREAS, The U.S. Department of Labor estimates that by the end of this decade, 85% of all jobs

[May 26, 2009]

in the State of Illinois that are capable of sustaining a middle-class lifestyle will require access to post-secondary education; and

WHEREAS, According to an economic impact study done by the Northern Illinois University Center for Governmental Studies in 2007, more than 8 out of 10 employers hired a community college student at some point during the 10-year timeframe of the study; and during that same timeframe, there was a 62.9% increase in students completing community college programs; and

WHEREAS, According to the study done by Northern Illinois University, students who completed their Illinois community college education in Fiscal Year 2005 and worked full-time realized a 31% increase in earnings over their pre-enrollment wages; and over the course of a lifetime, a 25-year-old graduate can expect to see a 55% increase over the projected \$1.2 million in total earnings he or she would have earned had he or she not completed an Illinois community college program; and

WHEREAS, President Obama has urged every American to commit to at least one year of postsecondary education, and according to Georgetown University's Center for Education and the Workforce, at least 54% of the new positions created by the federal American Recovery and Reinvestment Act of 2009 will require at least a postsecondary certificate; and

WHEREAS, In the State of Illinois, 64% of all students attending public institutions of higher education attend a community college, while only 13% of State instructional funding is appropriated to community colleges; and

WHEREAS, The philosophy of funding community colleges' dates back to 1965 when the Public Community College Act was created, and it is based on the concept of shared responsibility between the State, local community college district residents, and students; and

WHEREAS, The generally accepted goal of one-third of the costs being distributed equally has shifted to a burden on students and local taxpayers; the current statewide funding ratio is 40% local taxes, 32% student tuition, and 28% State funds; and

WHEREAS, Nine out of 10 Illinois community college graduates live, work, pay taxes, and raise their families in Illinois; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that there is created a Task Force on Illinois Community College System Funding for the purpose of reviewing the present community college system and making recommendations to the Senate pertaining to whether the community college system is adequately funded; and be it further

RESOLVED, That the Task Force on Illinois Community College System Funding shall study the impact that the present funding system for community colleges has on both regional and racial diversity in the Illinois community college system today, including, but not limited to, reviewing the process of how community college capital projects are ranked by priority, and make recommendations regarding any improvements that are necessary to make the funding system more equitable; and be it further

RESOLVED, That the Task Force on the Illinois Community College System Funding shall consist of the following members:

- (1) 2 co-chairpersons, each a member of the Senate, with one appointed by the President of the Senate and one appointed by the Minority Leader of the Senate;
- (2) 4 spokespersons, with 2 appointed by the President of the Senate and 2 appointed by the Minority Leader of the Senate;
- (3) 2 members of the Illinois Community College Board appointed by the Illinois Community College Board;
- (4) 2 members who are statewide educational labor union representatives from a 2-year higher education institution, with each member appointed by the union that he or she represents;
- (5) 2 community college trustees appointed by the Illinois Community College Trustees Association; and
- (6) 4 chief fiscal officers of Illinois community colleges from the following regional

[May 26, 2009]

areas of the State: (i) one chief fiscal officer from the City Colleges of Chicago appointed by the Chancellor of the City Colleges of Chicago; (ii) one chief fiscal officer from a community college in a non-metropolitan county in the central region of the State, as determined and appointed by the Illinois Community College Board; (iii) one chief fiscal officer from a community college in a non-metropolitan county in the southern region of the State, as determined and appointed by the Illinois Community College Board; and (iv) one chief fiscal officer from a community college in a metropolitan county in the northern region of the State, as determined and appointed by the Illinois Community College Board; and be it further

RESOLVED, That the members of the Task Force on Illinois Community College System Funding shall serve on a voluntary basis and shall be responsible for any costs associated with their participation on the task force; and be it further

RESOLVED, That the Task Force on Illinois Community College System Funding shall meet initially at the call of the co-chairpersons of the task force, in consultation with the Chairperson of the Illinois Community College Board, and thereafter as necessary and shall report its findings and recommendations to the Senate by filing a copy of its report with the Secretary of the Senate no later than December 31, 2009; and that upon filing its report, the task force is dissolved; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Chairperson of the Illinois Community College Board, the Illinois Community College Trustees Association, and the Chancellor of the City Colleges of Chicago.

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 235

A bill for AN ACT concerning education.

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

House Amendment No. 1 to SENATE BILL NO. 235

Passed the House, as amended, May 26, 2009.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 235

AMENDMENT NO. 1. Amend Senate Bill 235 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 34A-604 as follows:
(105 ILCS 5/34A-604) (from Ch. 122, par. 34A-604)

Sec. 34A-604. Abolition of Authority. The Authority shall be abolished one year after all its obligations have been fully paid and discharged or otherwise provided for. Upon the abolition of the Authority, all of its rights and property shall pass to and be vested in the Board of State.
(Source: P.A. 81-1221)."

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 933

A bill for AN ACT concerning transportation.

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

[May 26, 2009]

House Amendment No. 1 to SENATE BILL NO. 933
Passed the House, as amended, May 26, 2009.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 933

AMENDMENT NO. 1. Amend Senate Bill 933 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Automated Speed Enforcement Act.

Section 5. Purpose. The purpose of this Act is to enhance the safety of the traveling public.

Section 10. Definitions. As used in this Act:

(a) "Automated speed enforcement system" means a photographic device, radar device, laser device, or other electrical or mechanical device or devices designed to record a violation of Section 11-601(b) of the Illinois Vehicle Code and obtain a clear photograph or other recorded image of the vehicle and the vehicle's registration plate.

(b) "Automated speed enforcement violation" or "violation" means a violation of Section 11-601(b) of the Illinois Vehicle Code that is recorded by an automated speed enforcement system.

(c) "Department" means the Department of Transportation.

(d) "Vehicle owner" means the person or entity to whom the vehicle is registered with the Secretary of State.

(e) "System" means an automated speed enforcement system.

Section 15. Establishment of an automated speed enforcement pilot program.

(a) The Department shall establish an automated speed enforcement pilot program in St. Clair County.

(b) The Department shall install the automated speed enforcement systems on the Martin Luther King Bridge and the immediate approach thereto located in St. Clair County and in no other location.

(c) The Department shall contract with a private entity to provide for the installation, maintenance, and operation of the systems and other services necessary to implement and administer the pilot program.

Section 17. Automated speed enforcement violations.

(a) An automated speed enforcement violation is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the vehicle owner.

(b) Unless the driver of a vehicle was cited by a law enforcement officer at the time of an automated speed enforcement violation and received a uniform traffic citation, the vehicle owner is subject to a civil penalty, plus an additional penalty for failure to pay the original penalty in a timely manner.

(c) A law enforcement officer is not required to be present or to witness the violation.

Section 18. System Requirements.

(a) The Department shall employ only those systems capable of recording the speed, date, time, and location of a vehicle committing a violation.

(b) The Department shall employ only those systems capable of producing a photograph or other recorded image of a vehicle committing a violation in which the vehicle and the vehicle's registration plate are clearly visible.

(c) The photograph or other recorded image must display the date, time, speed, and location of a vehicle committing a violation.

Section 20. Deposits. All moneys paid as civil penalties for automated speed enforcement violations shall be deposited into the Automated Speed Enforcement Fund, which is hereby created as a special fund in the State Treasury, for the administration of the automated speed enforcement pilot program. Of the remaining amounts, 90% shall be deposited into the Road Fund, and 10% shall be paid to the City of East St. Louis for the purposes of road construction, reconstruction, improvement, rehabilitation, and resurfacing.

Section 25. Mandatory public information campaign. The Department, with or without the assistance of a private entity, must conduct a public information campaign to inform drivers about the use of

[May 26, 2009]

automated speed enforcement systems prior to the establishment of the automated speed enforcement pilot program.

Section 30. Signage. A location that is equipped with an automated speed enforcement system must be posted with a sign visible to approaching traffic one-half mile before the location that the location is being monitored by an automated speed enforcement system.

Section 35. Confidentiality. Any photograph or recorded image made by an automated speed enforcement system is confidential and shall be made available only to the vehicle owner, governmental and law enforcement agencies, and the private entity contracted by the Department pursuant to Section 15 of this Act for the purposes of adjudicating a violation, for statistical purposes, or for other governmental purposes. Any photograph or recorded image made by an automated speed enforcement system evidencing a violation, however, may be admissible in any proceeding to adjudicate the violation.

Section 40. Administrative adjudication of violations.

(a) The Department shall provide for a system of administrative adjudication of automated speed enforcement system violations. The system of administrative adjudication shall have at its purpose the fair and efficient enforcement of automated speed enforcement systems. The system of administrative adjudication shall only have the authority to adjudicate a violation carrying a civil penalty not in excess of \$250.

(b) The system of administrative adjudication shall provide for:

(1) Determinations made by technicians employed or contracted by the Department that, based on inspections of photographs or recorded images and other information recorded by the systems, a violation occurred.

(2) A schedule of civil penalties for automated speed enforcement violations including a schedule of additional penalties for failure to pay the original penalties in a timely manner; provided, however, that the total amount of the civil penalties for a single violation shall not exceed \$250, unless the driver of a vehicle was cited by a law enforcement officer at the time of the violation and received a uniform traffic citation.

(3) Procedures for payment of and contesting liability for civil penalties for violations.

(4) Collection of moneys paid as civil penalties.

(5) Retention of records, including but not limited to violation notices. The Department shall retain a copy of all violation notices, electronically or otherwise.

(6) A list of allowable defenses.

(7) Regular and timely access to vehicle identification records maintained by the Secretary of State insofar as it is necessary to carry out this Act.

(8) Procedures for non residents. The Department shall adopt procedures by which persons who are not residents of the State may contest the merits of the alleged violation without attending a hearing in person.

(9) The processing and delivery of notices required by this Act and Section 3-704.3 of the Illinois Vehicle Code. The notices shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary of State or, if any notice to that address is returned undeliverable, to the last known address recorded in a United States Post Office approved database. The notices shall include, but not be limited to, the information specified herein:

(A) A first notice of violation. The notice shall be delivered to the vehicle owner within 30 days after the Secretary of State provides the Department with information necessary to identify the vehicle owner and in no event, later than 90 days after the violation. This notice must include:

(i) the name and address of the vehicle owner;

(ii) the registration number of the vehicle;

(iii) the violation charged;

(iv) the speed of the vehicle;

(v) the time, date, and location of the violation;

(vi) a statement providing that the basis of the violation is a photograph or recorded image made by an automated speed enforcement system;

(vii) a copy of the photograph or recorded image made by the system;

(viii) the amount of the civil penalty imposed and the date by which the penalty

must be paid or contested;

(ix) the amount of the civil penalty that may be imposed for failure to pay the original penalty in a timely manner;

(x) a statement that recorded images are evidence of a violation;

(xi) information regarding the manner in which and the time and place that the violation may be contested; and

(xii) a written statement that lists the vehicle owner's rights, obligations, and allowable defenses and explains how the vehicle owner can elect to proceed by either paying the civil penalty or contesting liability for the civil penalty.

(B) A second notice of violation. The second notice shall include the date of delivery of the first notice of violation and state that the person may obtain a copy of the first notice by sending a self addressed, stamped envelope to the Department along with a request for the copy. It shall also state that failure either to pay the indicated penalty or to appear at a hearing on the merits in the time and manner specified will result in a final determination of automated speed enforcement violation liability in the amount of the penalty indicated, and that, upon the occurrence of a final determination of violation liability for the failure, and the exhaustion of, or failure to exhaust, any available procedures for review, any unpaid penalty will constitute a debt due and owing the Department.

(C) A notice of final determination of automated speed enforcement violation liability. The notice shall be sent following a final determination of automated speed enforcement violation liability and the exhaustion of or failure to exhaust any procedures for review. The notice shall state that the person may obtain a copy of the first notice of violation or second notice of violation by sending a self addressed, stamped envelope to the Department along with a request for the copy. The notice shall state that the unpaid civil penalty is a debt due and owing the Department. The notice shall contain warnings that failure to pay any civil penalty due and owing the Department within the time specified may result in the Department filing of a petition in the circuit court to have the unpaid civil penalty rendered a judgment or may result in suspension of vehicle registration under Section 3-704.3 of the Illinois Vehicle Code for failure to pay 3 or more automated speed enforcement violations.

(D) A notice of impending registration suspension. The notice shall be sent to the person liable for any civil penalty that remains due and owing on 3 or more automated speed enforcement violations. The notice shall state that failure to pay the civil penalty owing within 45 days of the notice's date will result in the Department notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 3-704.3 of the Illinois Vehicle Code. The notice shall also state that the person may obtain a copy of any violation notice described in this Act by sending a self addressed, stamped envelope to the Department along with a request for the copy.

(10) An opportunity for a hearing for the vehicle owner cited in the violation notice in which the vehicle owner may contest the merits of the alleged violation, and during which formal or technical rules of evidence shall not apply; provided, however, that the lessee of a vehicle cited in the violation notice likewise shall be provided an opportunity for a hearing of the same kind afforded to the vehicle owner. The hearings shall be recorded, and the hearing officer shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. Persons appearing at the hearing under this Section may be represented by counsel at their expense. The system of administrative adjudication may also provide for internal administrative review following the decision of the hearing officer.

(11) Final determinations of automated speed enforcement violation liability. A final determination of automated speed enforcement violation liability shall occur following failure to pay the civil penalty after a hearing officer's determination of violation liability and the exhaustion of or failure to exhaust any available administrative procedures for review. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior mailed notice, the hearing officer's determination of violation liability shall become final:

(A) upon denial of a timely petition to set aside that determination; or

(B) upon expiration of the period for filing the petition to set aside that determination without a filing having been made.

(12) A petition to set aside a determination of an automated speed enforcement violation liability that may be filed by a person owing an unpaid civil penalty. The petition shall be filed with and ruled upon by the Department in the manner and within the time specified by rule. After the determination of an automated speed enforcement violation liability has been set aside upon a

showing of just cause, the vehicle owner shall be provided with a hearing on the merits for that violation. The grounds for the petition may be limited to:

- (A) the person not having been the vehicle owner or lessee of the cited vehicle on the date the violation notice was issued;
- (B) the person having already paid the civil penalty for the violation in question;
- and
- (C) excusable failure to appear at or request a new date for a hearing.

(c) Judicial review of final determinations of automated speed enforcement violation liability shall be subject to the provisions of the Administrative Review Law.

(d) Any civil penalty or part of any civil penalty remaining unpaid after the exhaustion of, or the failure to exhaust, procedures for administrative or judicial review shall be a debt due and owing to the Department and, as such, may be collected in accordance with applicable law. Payment in full of any civil penalty resulting from an automated speed enforcement violation shall constitute a final disposition of the violation.

(e) After the expiration of the period within which judicial review of a final determination of automated speed enforcement liability may be sought, the Department may commence a proceeding in the circuit court for purposes of obtaining a judgment on the final determination. Nothing in this Section shall prevent the Department from consolidating multiple final determinations against a person in a proceeding. Upon commencement of the action, the Department shall file a certified copy or record of the final determination, which shall be accompanied by a certification that recites facts sufficient to show that the final determination was issued in accordance with this Act. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested. If the court is satisfied that the final determination was entered in accordance with the requirements of this Act, and that the vehicle owner or the lessee, as the case may be, had an opportunity for administrative and judicial review, the court shall render judgment in favor of the Department and against the vehicle owner or the lessee for the amount indicated in the final determination, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money.

Section 45. Identification of a renter or lessee.

(a) A notice of violation issued under this Act to a motor vehicle rental or leasing company shall be dismissed with respect to the motor vehicle rental or leasing company if:

(1) the company responds to the notice of violation by submitting, within 30 days of the mailing of the citation, an affidavit of non-liability stating that, at the time of the alleged violation, the vehicle was in the custody and control of a renter or lessee under the terms of a rental agreement or lease; and

(2) the company provides the driver's license number, name, and address of the renter or lessee.

(b) A notice of violation dismissed with respect to a motor vehicle rental or leasing company in accordance with subsection (a) may then be issued and delivered by mail or other means to the renter or lessee identified in the affidavit of non liability.

Section 50. Semi-annual reporting requirement.

(a) The Department shall report to the General Assembly on the automated speed enforcement pilot program by January 1, 2011 and every 6 months thereafter. The report shall, at a minimum, include:

(1) a specific description of the exact location of the systems;

(2) in the event any systems were removed or relocated, a specific description of the exact location in which the systems were formerly located;

(3) the criterion adopted by the Department to determine where to install the systems;

(4) in the event any systems were removed or relocated, the specific reason or reasons why the Department decided to remove or relocate the systems;

(5) fatality and crash data for each location equipped with a system;

(6) the name, address, company history, and finances of the private entity contracted by the Department pursuant to Section 15 of this Act;

(7) the total cost of administering the pilot program, including all moneys paid to the private entity contracted by the Department;

(8) the total amount of moneys, to date, deposited into the Automated Speed Enforcement Fund described in Section 20 of this Act;

- (9) the total amount of moneys, to date, transferred into the Road Fund pursuant to Section 20 of this Act;
 - (10) the qualifications of the technicians employed or contracted by the Department or a private entity having a contract with the Department that inspect photographs, images, and other information recorded by the system pursuant to this Act;
 - (11) the average number of violations recorded by the system per hour, per day, and per month; and
 - (12) a survey of automated speed enforcement laws and programs enacted or implemented in other states.
- (b) The private entity contracted by the Department pursuant to Section 15 of this Act is mandated to cooperate with the Department in the preparation of this report.

Section 55. The Department may promulgate rules to carry out its duties under this Act.

Section 60. Repeal. This Act is repealed on January 1, 2013.

Section 905. The State Finance Act is amended by adding Section 5.719 as follows:

(30 ILCS 105/5.719 new)

Sec. 5.719. The Automated Speed Enforcement Fund.

Section 910. The Illinois Vehicle Code is amended by adding Section 3-704.3 and by changing Sections 11-612 and 11-1302 as follows:

(625 ILCS 5/3-704.3 new)

Sec. 3-704.3. Failure to satisfy civil penalties for automated speed enforcement violations.

(a) Upon receipt of a certified report, as described in this Section, from the Department stating that the owner of a registered vehicle failed to pay any civil penalty due and owing as a result of 3 offenses for automated speed enforcement system violations pursuant to the Automated Speed Enforcement Act, the Secretary may suspend the vehicle registration of the person in accordance with the procedures set forth in this Section.

(b) Following receipt of the certified report, as described in this Section, the Secretary shall notify the person whose name appears on the certified report that the vehicle owner's registration will be suspended at the end of a specified period unless the Secretary is presented with a notice from the Department certifying that the civil penalties owing the Department have been satisfied or that inclusion of that person's name on the certified report was in error. The Secretary's notice shall state in substance the information contained in the Department's certified report to the Secretary, and shall be effective as specified by subsection (c) of Section 6-211 of this Code. The notice must be given in writing by certified mail, return receipt requested, and is effective on the date listed in the notice of suspension, except that the notice is not effective until 4 days after the date on which the notice was deposited into the United States mail. The notice becomes effective 4 days after its deposit into the United States mail regardless of whether the Secretary receives the return receipt and regardless of whether the written notification is returned for any reason to the Secretary as undeliverable.

(c) The Department's report notifying the Secretary of unsatisfied civil penalties shall be certified and shall contain the following:

(1) The name, last known address, and the registration number of the vehicle of the person who failed to satisfy the civil penalties.

(2) A statement that, pursuant to Section 40 of the Automated Speed Enforcement Act, the Department sent a notice of an impending vehicle registration suspension to the person named in the report at the address recorded with the Secretary; the date on which the notice was sent; and the address to which the notice was sent.

(d) The Department, after making a certified report as described in this Section, shall notify the Secretary, on a form prescribed by the Secretary, whenever a person named in the certified report has paid the previously reported civil penalties or whenever the Department determines that the original report was in error. A certified copy of the notification shall also be given upon request and at no additional charge to the person named therein. Upon receipt of the Department's notification or presentation of a certified copy of the notification, the Secretary shall terminate the suspension.

(e) The Department shall, by rule, establish procedures for persons to challenge the accuracy of the certified report described in this Section. The Department shall also, by rule, establish allowable grounds for a challenge, which may be limited to:

(1) the person not having been the owner or lessee of the vehicle or vehicles receiving 3 or more

automated speed enforcement violations on the date or dates the notices were issued; or

(2) the person having already paid the civil penalties for the 3 or more automated speed enforcement violations indicated on the certified report.

(f) A person may request an administrative hearing to contest an impending suspension or a suspension made pursuant to this Section upon filing a written request with the Secretary. The filing fee for this hearing is \$20, to be paid at the time of the request. The Department shall reimburse the Secretary for all reasonable costs incurred by the Secretary as a result of the filing of a certified report described in this Section, including, but not limited to, the costs of providing notice required pursuant to subsection (b) and the costs incurred by the Secretary in any hearing conducted with respect to the certified report described in this Section and any appeal from that hearing.

(g) The Secretary and the Department may promulgate rules to enable them to carry out their duties under this Section.

(h) The Department shall cooperate with the Secretary in the administration of this Section and shall provide the Secretary with any information the Secretary may deem necessary for these purposes.

(i) The Secretary shall cooperate with the Department in the administration of this Section and shall provide the Department with any information the Department may deem necessary for the purposes of this Section, including regular and timely access to vehicle registration records. Section 2-123 of this Code shall not apply to the provision of this information, but the Secretary shall be reimbursed for the cost of providing this information.

(j) For purposes of this Section, the term "Department" means the Department of Transportation and "Secretary" means the Secretary of State.

(625 ILCS 5/11-612)

Sec. 11-612. Certain systems to record vehicle speeds prohibited. Except as authorized in the Automated Traffic Control Systems in Highway Construction or Maintenance Zones Act and the Automated Speed Enforcement Act, no photographic, video, or other imaging system may be used in this State to record vehicle speeds for the purpose of enforcing any law or ordinance regarding a maximum or minimum speed limit unless a law enforcement officer is present at the scene and witnesses the event. No State or local governmental entity, including a home rule county or municipality, may use such a system in a way that is prohibited by this Section. The regulation of the use of such systems is an exclusive power and function of the State. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 94-771, eff. 1-1-07; 94-795, eff. 5-22-06; 94-814, eff. 1-1-07.)

(625 ILCS 5/11-1302) (from Ch. 95 1/2, par. 11-1302)

Sec. 11-1302. Officers authorized to remove vehicles. (a) Whenever any police officer finds a vehicle in violation of any of the provisions of Section 11-1301 such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the roadway.

(b) Any police officer is hereby authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway, or in a tunnel, in such a position or under such circumstances as to obstruct the normal movement of traffic.

Whenever the Department finds an abandoned or disabled vehicle standing upon the paved or main-traveled part of a highway, which vehicle is or may be expected to interrupt the free flow of traffic on the highway or interfere with the maintenance of the highway, the Department is authorized to move the vehicle to a position off the paved or improved or main-traveled part of the highway.

(c) Any police officer is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:

1. Report has been made that such vehicle has been stolen or taken without the consent of its owner, or

2. The person or persons in charge of such vehicle are unable to provide for its custody or removal, or

3. When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay, or -

4. When the registration plate or plates on the vehicle has been suspended, cancelled, or revoked.

(Source: P.A. 79-1069.)

Section 999. Effective date. This Act takes effect upon becoming law."

A message from the House by

[May 26, 2009]

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 2103

A bill for AN ACT concerning safety.

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

House Amendment No. 1 to SENATE BILL NO. 2103

Passed the House, as amended, May 26, 2009.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2103

AMENDMENT NO. 1. Amend Senate Bill 2103, on page 17 by replacing lines 18 and 19 with the following:

"(1) Cause or allow water to accumulate in used or waste tires. The prohibition set forth in this paragraph (1) of subsection (k) shall not apply to used or waste tires located at a residential household, as long as not more than 12 used or waste tires are located at the site."

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE BILL 85

A bill for AN ACT concerning elections.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 85

Non-concurred in by the House, May 26, 2009.

MARK MAHONEY, Clerk of the House

Under the rules, the foregoing **House Bill No. 85**, with Senate Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE BILL 261

A bill for AN ACT concerning gaming.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 261

Senate Amendment No. 2 to HOUSE BILL NO. 261

Senate Amendment No. 3 to HOUSE BILL NO. 261

Senate Amendment No. 4 to HOUSE BILL NO. 261

Non-concurred in by the House, May 26, 2009.

MARK MAHONEY, Clerk of the House

Under the rules, the foregoing **House Bill No. 261**, with Senate Amendments numbered 1, 2, 3 and 4, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

[May 26, 2009]

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

HOUSE BILL 529

A bill for AN ACT concerning children.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 529

Concurred in by the House, May 26, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE BILL 2405

A bill for AN ACT concerning civil law.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 2405

Senate Amendment No. 2 to HOUSE BILL NO. 2405

Concurred in by the House, May 26, 2009.

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 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. 55

WHEREAS, An estimated 210,000 Illinoisans have Alzheimer's or a related dementia disorder, with the likelihood of being afflicted rising with age; it is believed that almost 50% of individuals age 85 and older will have Alzheimer's; these estimates do not include individuals with other dementia disorders; and

WHEREAS, Alzheimer's has no respect for bravery, courage, and service, affecting roughly 55,000 of the State's veterans 65 years of age and older, with 40% over the age of 85; those with other dementia disorders are not included in these numbers; and

WHEREAS, While one in four Illinois families are caring for a loved one with Alzheimer's in their home, most families are forced to seek residential programs as the disease progresses; and

WHEREAS, The State has few alternatives for families seeking residential care for a family member with dementia, although Illinois has repeatedly studied the issue with task force reports calling for services to be put in place issued as far back as 1986; and

WHEREAS, For those who can afford private-pay market-rate services, 80 of the licensed assisted living facilities in Illinois have dedicated Alzheimer's units; and

WHEREAS, For most Illinois families, private-pay assisted living facilities are financially outside their means; and

WHEREAS, These market-rate programs report countless calls from families desperate to find a solution for their loved one, but who clearly cannot afford market-rate care; they also report that it is not uncommon for residents to have to leave their programs for Medicaid-funded nursing home beds,

[May 26, 2009]

because they have spent down all their resources; and

WHEREAS, The State has 147 nursing homes with dedicated Alzheimer's units, yet most individuals with Alzheimer's do not have complex medical needs that require 24-hour skilled nursing care; and

WHEREAS, For many moderate and low-income families, who can no longer care for their loved ones at home, a Medicaid nursing home bed is the only solution that they can afford; and

WHEREAS, Neither of Illinois' existing subsidized affordable assisted living type programs include Alzheimer's dedicated units, although the Supportive Living Facilities have filed rules for a demonstration project, which would need to be amended to permit existing Assisted Living dedicated Alzheimer's units to participate; and

WHEREAS, A similar program at the Illinois Department on Aging - Comprehensive Community Residential Settings - could easily be expanded to permit dedicated dementia programs; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the State of Illinois establish an affordable Alzheimer's housing-with-services program that builds off of both the Supportive Living Facilities and the Comprehensive Community Residential Settings programs; and be it further

RESOLVED, That existing assisted living dedicated Alzheimer's programs be permitted to participate and that nursing homes be encouraged to convert a distinct portion of their facilities to Alzheimer's dedicated housing-with-services units; and be it further

RESOLVED, That appropriate Medicaid waivers be sought to permit the State to access enhanced federal matching funds for the support of the project; and be it further

RESOLVED, That the Department of Healthcare and Family Services, the Department of Public Health, and the Department on Aging collaborate in the development, implementation, oversight, and evaluation of the project.

Adopted by the House, May 26, 2009.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 55 was referred to the Committee on Assignments.

At the hour of 6:24 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, May 27, 2009, at 8:45 o'clock a.m.

[May 26, 2009]