



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SIXTH GENERAL ASSEMBLY

64TH LEGISLATIVE DAY

WEDNESDAY, JULY 15, 2009

5:04 O'CLOCK P.M.

SENATE
Daily Journal Index
64th Legislative Day

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SB 0291	Concur in House Amendment(s)	9

The Senate met by direction of the President.
Senator James A. DeLeo, Chicago, Illinois, presiding.

Senator Crotty moved that reading and approval of the Journal of Tuesday, June 30, 2009, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Illinois Workforce Development Annual Report 2008, submitted by the Department of Commerce and Economic Opportunity.

2008 Suicide Prevention Report, March 2009, submitted by the Department of Public Health.

Illinois Suicide Prevention Alliance, State Agency Review and Initial Recommendations Report, April 2008, submitted by the Department of Public Health.

2009 Alzheimer's Disease and Other Related Dementia State Plan, submitted by the Department of Public Health.

FY 2009 Illinois Early Learning Council Report, submitted by the Illinois Early Learning Council.

Personal Information Protection Act Report, submitted by Northern Illinois University.

DOC Quarterly Report to the Legislature, July 1, 2009, submitted by the Department of Corrections.

Declaration of Exemption pursuant to the Mercury-Free Vaccine Act, submitted by the Department of Public Health.

Commission on Government Forecasting and Accountability's Monthly Briefing, June 2009, submitted by the Commission on Government Forecasting and Accountability.

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

MESSAGES FROM THE PRESIDENT

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

July 15, 2009

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

Dear Madam Secretary:

[July 15, 2009]

Pursuant to Rule 2-10, I am scheduling a session day on Wednesday, July 15, 2009. The Senate shall convene at 3:00 p.m.

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

July 15, 2009

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

Dear Madam Secretary:

Pursuant to Rule 2-10, I hereby establish December 31, 2009 as the Committee and 3rd Reading deadline for Senate Bill 662.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Republican Leader Christine Radogno

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 concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 291

A bill for AN ACT concerning civil law.

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. 291

Passed the House, as amended, July 15, 2009.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 291

AMENDMENT NO. 1. Amend Senate Bill 291 by replacing everything after the enacting clause with the following:

"Section 5. The Notice By Publication Act is amended by changing Section 5 and by adding Section 11 as follows:

(715 ILCS 5/5) (from Ch. 100, par. 5)

Sec. 5. When any notice is required by law or contract to be published in a newspaper (unless otherwise expressly provided in the contract), it shall be intended to be in a secular newspaper of general

[July 15, 2009]

circulation, published in the city, town or county, or some newspaper specially authorized by law to publish legal notices, in the city, town, or county. Unless otherwise expressly provided in the contract, the term "newspaper" means a newspaper

(a) which consists of not less than 4 pages of printed matter and contains at least 100 ~~430~~ square inches of printed matter per page; and

(b) which is printed through the use of one of the conventional and generally recognized printing processes such as letterpress, lithography or gravure; and

(c) which annually averages at least 25% news content per issue; or which annually averages at least 1,000 column inches of news content per issue, the term "news content" meaning for the purposes of this Act any printed matter other than advertising; and

(d) which publishes miscellaneous reading matter, legal or other announcements and notices, and news and information concerning current happenings and passing events of a political, social, religious, commercial, financial or legal nature, and advertisements or bulletins; and

(e) which has been continuously published at regular intervals of at least once each week with a minimum of 50 issues per year, for at least one year prior to the first publication of the notice; or which is a successor to a newspaper as herein defined with no interruption of publication of more than 30 days; or which is a merged or consolidated newspaper formed by the merger or consolidation of two or more newspapers, one of which has been continuously published at regular intervals of at least once each week with a minimum of 50 issues per year, for at least one year prior to the first publication of the notice. A newspaper shall be considered as continuously or regularly published although its publication has been suspended, where such suspension was caused by fire or an Act of God or by a labor dispute or by its owner, publisher, managing editor or other essential employee entering the active military service of the United States, if the newspaper was continuously or regularly published for at least one year prior to its suspension and if its publication is resumed at any time not later than 12 months after such fire or Act of God, or if its publication is resumed at any time within 12 months after the termination of the labor dispute, or if its publication is resumed at any time within 12 months after the termination of the war in connection with which such persons entered such military service.

(Source: Laws 1959, p. 1494.)

(715 ILCS 5/11 new)

Sec. 11. Applicability. Any notice published prior to the effective date of this amendatory Act of the 96th General Assembly and in compliance with the provisions of this amendatory Act shall be legal and valid for all purposes.

Section 10. The Newspaper Legal Notice Act is amended by changing Section 1 and by adding Section 3 as follows:

(715 ILCS 10/1) (from Ch. 100, par. 10)

Sec. 1.

Whenever it is required by law that any legal notice or publication shall be published in a newspaper in this State, it shall be held to mean a newspaper

(a) which consists of not less than 4 pages of printed matter and contains at least 100 ~~430~~ square inches of printed matter per page; and

(b) which is printed through the use of one of the conventional and generally recognized printing processes such as letterpress, lithography or gravure; and

(c) which annually averages at least 25% news content per issue; or which annually averages at least 1,000 column inches of news content per issue, the term "news content" meaning for the purposes of this Act any printed matter other than advertising; and

(d) which publishes miscellaneous reading matter, legal or other announcements and notices, and news and information concerning current happenings and passing events of a political, social, religious, commercial, financial or legal nature, and advertisements or bulletins; and

(e) which has been continuously published at regular intervals of at least once each week with a minimum of 50 issues per year, for at least one year prior to the first publication of the notice; or which is a successor to a newspaper as herein defined with no interruption of publication of more than 30 days; or which is a merged or consolidated newspaper formed by the merger or consolidation of two or more newspapers, one of which has been continuously published at regular intervals of at least once each week with a minimum of 50 issues per year for at least one year prior to the first publication of the notice. A newspaper shall be considered as continuously or regularly published although its publication has been suspended, where such suspension was caused by fire or an Act of God or by a labor dispute or by its owner, publisher, managing editor or other essential employee entering the active military service of the United States, if the newspaper was continuously or regularly published for at least one year prior

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to its suspension and if its publication is resumed at any time not later than 12 months after such fire or Act of God, or if its publication is resumed at any time within 12 months after the termination of the labor dispute, or if its publication is resumed at any time within 12 months after the termination of the war in connection with which such persons entered such military service.

(Source: Laws 1959, p. 1496.)

(715 ILCS 10/3 new)

Sec. 3. Applicability. Any notice published prior to the effective date of this amendatory Act of the 96th General Assembly and in compliance with the provisions of this amendatory Act shall be legal and valid for all purposes.

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

Under the rules, the foregoing **Senate Bill No. 291**, with House Amendment No. 1, was referred to the Secretary's Desk.

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 Assignments:

Motion to Concur in House Amendment 1 to Senate Bill 291

LEGISLATIVE MEASURE FILED

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

Senate Floor Amendment No. 1 to Senate Bill 662

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 347

Offered by Senator Schoenberg and all Senators:
Mourns the death of Robert H. Brady of Wilmette.

SENATE RESOLUTION NO. 348

Offered by Senator Schoenberg and all Senators:
Mourns the death of Mary Jane Haggerty of Skokie.

SENATE RESOLUTION NO. 349

Offered by Senator Link and all Senators:
Mourns the death of Jack S. Mallory of Waukegan.

SENATE RESOLUTION NO. 350

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

SENATE RESOLUTION NO. 351

Offered by Senator Haine and all Senators:
Mourns the death of Wilma St. Peters of Bethalto.

SENATE RESOLUTION NO. 352

Offered by Senator Murphy and all Senators:
Mourns the death of Peter J. Hogan, formerly of Arlington Heights.

SENATE RESOLUTION NO. 353

[July 15, 2009]

Offered by Senator Murphy and all Senators:
Mourns the death of Kenneth Gill of Sturgeon Bay, Wisconsin.

SENATE RESOLUTION NO. 354

Offered by Senator Haine and all Senators:
Mourns the death of Vergil H. Fletcher of Collinsville.

SENATE RESOLUTION NO. 355

Offered by Senator Collins and all Senators:
Mourns the death of Wanda White Gills of Chicago.

SENATE RESOLUTION NO. 356

Offered by Senator Collins and all Senators:
Mourns the death of Jewel Mary Elizabeth French.

SENATE RESOLUTION NO. 357

Offered by Senator Harmon and all Senators:
Mourns the death of William Cassin of Oak Park.

SENATE RESOLUTION NO. 358

Offered by Senator J. Jones and all Senators:
Mourns the death of Corporal Casey Hills of Salem.

SENATE RESOLUTION NO. 359

Offered by Senator Duffy and all Senators:
Mourns the death of James E. Dolan of Libertyville.

SENATE RESOLUTION NO. 360

Offered by Senator Link and all Senators:
Mourns the death of Richard T. Luka of Pleasant Prairie

SENATE RESOLUTION NO. 361

Offered by Senator Link and all Senators:
Mourns the death of Stephanie (Stella) Walczak of North Chicago.

SENATE RESOLUTION NO. 362

Offered by Senator Demuzio and all Senators:
Mourns the death of Anna L. Neunaber of Carlinville.

SENATE RESOLUTION NO. 363

Offered by Senator Demuzio and all Senators:
Mourns the death of Mary N. Griffith of Carlinville.

SENATE RESOLUTION NO. 364

Offered by Senator Hutchinson and all Senators:
Mourns the death of Illinois National Guard First Lieutenant Derwin Williams of Glenwood.

SENATE RESOLUTION NO. 365

Offered by Senator Haine and all Senators:
Mourns the death of William H. "Bill" St. Peters.

SENATE RESOLUTION NO. 366

Offered by Senator Viverito and all Senators:
Mourns the death of Lorraine C. Foy.

SENATE RESOLUTION NO. 367

Offered by Senator Viverito and all Senators:
Mourns the death of Charles A. "Chuck" Moscato of Orland Park.

SENATE RESOLUTION NO. 368

Offered by Senator Hunter and all Senators:
Mourns the death of Wanda White Gills of Chicago.

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

ANNOUNCEMENT ON ATTENDANCE

Senator J. Jones announced for the record that Senator Bomke was absent due to a death in the family..

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its July 15, 2009 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Floor Amendment No. 1 to Senate Bill 662.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its July 15, 2009 meeting, reported the following Joint Action Motion has been assigned to the indicated Standing Committee of the Senate:

Executive: **Motion to Concur in House Amendment 1 to Senate Bill 291**

Senator Clayborne, Chairperson of the Committee on Assignments, during its July 15, 2009 meeting, reported that the following Legislative Measure has been approved for consideration:

Motion to Concur in House Amendments 1, 2 and 3 to Senate Bill 321

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

COMMITTEE MEETING ANNOUNCEMENT

Senator Silverstein, Chairperson of the Committee on Executive, announced that the Executive Committee will hold a subject-matter-only hearing in Room 212, at 5:25 o'clock p.m., and the Committee on Executive will also meet at 6:20 o'clock p.m. in Room 212 for substantive committee business.

At the hour of 5:24 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 7:15 o'clock p.m., the Senate resumed consideration of business.
Senator Harmon, presiding.

REPORT FROM STANDING COMMITTEE

[July 15, 2009]

Senator Silverstein, Chairperson of the Committee on Executive, 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 291

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

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

On motion of Senator Raoul, **Senate Bill No. 291**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 51; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lauzen	Righter
Bivins	Garrett	Lightford	Risinger
Bond	Haine	Link	Sandoval
Brady	Harmon	Luechtefeld	Schoenberg
Burzynski	Hendon	Maloney	Silverstein
Clayborne	Holmes	McCarter	Steans
Collins	Hunter	Millner	Sullivan
Crotty	Hutchinson	Muñoz	Syverson
DeLeo	Jacobs	Murphy	Trotter
Delgado	Jones, E.	Noland	Viverito
Demuzio	Jones, J.	Pankau	Wilhelmi
Dillard	Koehler	Radogno	Mr. President
Duffy	Kotowski	Raoul	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 291**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Millner asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the negative on **Senate Bill 291**.

At the hour of 7:22 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 7:58 o'clock p.m., the Senate resumed consideration of business.

Senator Hendon, presiding.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 347

Offered by Senator Schoenberg and all Senators:

Mourns the death of Robert H. Brady of Wilmette.

[July 15, 2009]

SENATE RESOLUTION NO. 348

Offered by Senator Schoenberg and all Senators:
Mourns the death of Mary Jane Haggerty of Skokie.

SENATE RESOLUTION NO. 349

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Mourns the death of Jack S. Mallory of Waukegan.

SENATE RESOLUTION NO. 350

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

SENATE RESOLUTION NO. 351

Offered by Senator Haine and all Senators:
Mourns the death of Wilma St. Peters of Bethalto.

SENATE RESOLUTION NO. 352

Offered by Senator Murphy and all Senators:
Mourns the death of Peter J. Hogan, formerly of Arlington Heights.

SENATE RESOLUTION NO. 353

Offered by Senator Murphy and all Senators:
Mourns the death of Kenneth Gill of Sturgeon Bay, Wisconsin.

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Offered by Senator Haine and all Senators:
Mourns the death of Vergil H. Fletcher of Collinsville.

SENATE RESOLUTION NO. 355

Offered by Senator Collins and all Senators:
Mourns the death of Wanda White Gills of Chicago.

SENATE RESOLUTION NO. 356

Offered by Senator Collins and all Senators:
Mourns the death of Jewel Mary Elizabeth French.

SENATE RESOLUTION NO. 357

Offered by Senator Harmon and all Senators:
Mourns the death of William Cassin of Oak Park.

SENATE RESOLUTION NO. 358

Offered by Senator John Jones and all Senators:
Mourns the death of Corporal Casey Hills of Salem.

SENATE RESOLUTION NO. 359

Offered by Senator Duffy and all Senators:
Mourns the death of James E. Dolan of Libertyville.

SENATE RESOLUTION NO. 360

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Mourns the death of Richard T. Luka of Pleasant Prairie

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Mourns the death of Mary N. Griffith of Carlinville.

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Offered by Senator Hutchinson and all Senators:
Mourns the death of Illinois National Guard First Lieutenant Derwin Williams of Glenwood.

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Offered by Senator Haine and all Senators:
Mourns the death of William H. "Bill" St. Peters.

SENATE RESOLUTION NO. 366

Offered by Senator Viverito and all Senators:
Mourns the death of Lorraine C. Foy.

SENATE RESOLUTION NO. 367

Offered by Senator Viverito and all Senators:
Mourns the death of Charles A. "Chuck" Moscato of Orland Park.

SENATE RESOLUTION NO. 368

Offered by Senator Hunter and all Senators:
Mourns the death of Wanda White Gills of Chicago.

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

INTRODUCTION OF BILLS

SENATE BILL NO. 2460. Introduced by Senator Koehler, a bill for AN ACT concerning public employee benefits.

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

SENATE BILL NO. 2461. Introduced by Senator Dillard, a bill for AN ACT concerning education.

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

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. 69

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two Houses adjourn, the House of Representatives stands adjourned until the call of the Speaker; and the Senate stands adjourned until the call of the President.

Adopted by the House, July 15, 2009.

[July 15, 2009]

MARK MAHONEY, Clerk of the House

By unanimous consent, on motion of Senator Clayborne, the foregoing message reporting House Joint Resolution No. 69 was taken up for immediate consideration.

Senator Clayborne moved that the Senate concur with the House in the adoption of the resolution. The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.

Ordered that the Secretary inform the House of Representatives thereof.

MESSAGES FROM THE PRESIDENT

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

July 15, 2009

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

Dear Madam Secretary:

Pursuant to Rule 2-10, I am scheduling a session day on Tuesday, January 12, 2010. The Senate shall convene at noon.

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

July 15, 2009

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

Dear Madam Secretary:

Enclosed please find the Senate Veto Session Schedule for the 96th General Assembly. Please contact my Chief of Staff, Andrew Manar, should you have any questions.

Sincerely,
s/John J. Cullerton
Senate President

[July 15, 2009]

**OCTOBER 2009
FALL VETO SESSION**

OCTOBER	5 th	SESSION	PERFUNCTORY
	14 th	SESSION	
	15 th	SESSION	
	16 th	SESSION	
	28 th	SESSION	
	29 th	SESSION	
	30 th	SESSION	

At the hour of 7:58 o'clock p.m., pursuant to **House Joint Resolution No. 69**, the Chair announced the Senate stand adjourned until the call of the President.