



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SIXTH GENERAL ASSEMBLY

103RD LEGISLATIVE DAY

THURSDAY, MARCH 25, 2010

10:06 O'CLOCK A.M.

SENATE
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103rd Legislative Day

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The Senate met pursuant to adjournment.
Senator Rickey R. Hendon, Chicago, Illinois, presiding.
Prayer by Father John Ossola, Church of the Little Flower, Springfield, Illinois.
Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, March 24, 2010, be postponed, pending arrival of the printed Journal.
The motion prevailed.

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. 2 to Senate Bill 120
Senate Floor Amendment No. 4 to Senate Bill 2627
Senate Floor Amendment No. 2 to Senate Bill 3346

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 1702

MESSAGE FROM THE PRESIDENT

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

March 25, 2010

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 7, 2010 as the 3rd Reading deadline for SB 3796.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Republican Leader Christine Radogno

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 730

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Offered by Senator Harmon and all Senators:
Mourns the death of Barbara Ebner, nee Schaeffer, of Oak Park.

SENATE RESOLUTION NO. 731

Offered by Senator Althoff and all Senators:
Mourns the death of former Illinois State Senator Richard “Dick” Klemm of Crystal Lake.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 5513, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5527, sponsored by Senator DeLeo, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5555, sponsored by Senator Pankau, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5685, sponsored by Senator Risinger, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5783, sponsored by Senator Raoul, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 6062, sponsored by Senator Garrett, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 6092, sponsored by Senator Maloney, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 6194, sponsored by Senator Pankau, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 6464, sponsored by Senator Jacobs, was taken up, read by title a first time and referred to the Committee on Assignments.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Holmes, **Senate Bill No. 3803**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 49; NAYS None.

The following voted in the affirmative:

Bivins	Frerichs	Lauzen	Sandoval
Bomke	Garrett	Lightford	Schoenberg
Brady	Haine	Link	Silverstein
Burzynski	Harmon	Maloney	Steans
Clayborne	Hendon	Martinez	Sullivan
Collins	Holmes	Meeks	Syverson
Cronin	Hunter	Muñoz	Trotter

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Crotty	Hutchinson	Murphy	Viverito
Delgado	Jacobs	Noland	Wilhelmi
Demuzio	Jones, E.	Radogno	Mr. President
Dillard	Jones, J.	Raoul	
Duffy	Koehler	Righter	
Forby	Kotowski	Rutherford	

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

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

SENATE BILLS RECALLED

On motion of Senator Steans, **Senate Bill No. 3822** was recalled from the order of third reading to the order of second reading.

Senator Steans offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3822

AMENDMENT NO. 1. Amend Senate Bill 3822 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Care of Students with Diabetes Act.

Section 5. Legislative findings. The General Assembly finds the following:

(1) Diabetes is a serious chronic disease in which the pancreas does not make insulin (Type 1) or the body cannot use insulin properly (Type 2).

(2) Diabetes must be managed 24 hours a day to avoid the potentially life-threatening, short-term consequences of low blood sugar and prevent or delay the serious complications caused by blood sugar levels that are too high for too long, such as atherosclerosis, coronary artery disease, peripheral vascular disease, hypertension, blindness, kidney failure, amputation, and stroke.

(3) Federal law affords people with diabetes specific rights and protections. These laws include Section 504 of the Rehabilitation Act of 1973, the Individuals with Disabilities Education Improvement Act of 2004, and the Americans with Disabilities Act of 1990, and the ADA Amendments Act of 2008.

(4) When these federal laws are not implemented or enforced consistently in school, students with diabetes are discriminated against, their educational opportunities are compromised, and their health and safety is jeopardized.

(5) A school nurse is the most appropriate person in a school setting to provide for all students' healthcare needs; however, a school nurse may not be available when needed, and many schools do not have a full-time nurse.

(6) Many students are capable of checking their blood glucose levels, calculating a carbohydrate-to-insulin ratio, and administering insulin independently. Allowing capable students to manage diabetes independently in school is consistent with the recommendations of pediatric endocrinologists and certified diabetes educators and other specialists.

(7) Because appropriate and consistent diabetes care decreases the risks of serious short-term and long-term complications, increases a student's learning opportunities, and promotes individual and public health benefits, the General Assembly deems it in the public interest to enact this Act.

Section 10. Definitions. As used in this Act:

"Delegated care aide" means a school employee who has agreed to receive training in diabetes care and to assist students in implementing their diabetes care plan and has entered into an agreement with a parent or guardian and the school district or private school.

"Diabetes care plan" means a document that specifies the diabetes-related services needed by a student at school and at school-sponsored activities and identifies the appropriate staff to provide and supervise these services.

"Health care provider" means a physician licensed to practice medicine in all of its branches,

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advanced practice nurse who has a written agreement with a collaborating physician, or a physician assistant who has been delegated a duty by his or her supervising physician.

"Principal" means the senior administrative school employee.

"School" means any primary or secondary public, charter, or private school located in this State.

"School employee" means a person who is employed by a public school district or private school, a person who is employed by a local health department and assigned to a school, or a person who contracts with a school or school district to perform services in connection with a student's diabetes care plan.

Section 15. Diabetes care plan.

(a) A diabetes care plan shall be signed by a student's parent or guardian and submitted to the school for any student with diabetes who seeks assistance with diabetes care in the school setting, unless the student has been managing his or her diabetes care in the school setting before the effective date of this Act, in which case the student's parent or guardian may sign and submit a diabetes care plan under this Act. The diabetes care plan shall include the treating doctor or nurse practitioner's instructions concerning the student's diabetes management during the school day, including requirements for diet, glucose testing, insulin administration, and treatment for hypoglycemia, hyperglycemia, and emergency situations.

(b) The services and accommodations specified in a diabetes care plan shall be reasonable, reflect the current standard of diabetes care, and include appropriate safeguards to ensure that syringes and lancets are disposed of properly.

(c) A diabetes care plan shall include a uniform record of glucometer readings and insulin administered by the school nurse or delegated care aide during the school day and shall use the form contained in "Helping Students with Diabetes Succeed at School", a reference and care guide published by the U.S. Department of Health and Human Services.

(d) A diabetes care plan shall be submitted to the school at the beginning of the school year; upon enrollment, as soon as practical following a student's diagnosis; or when a student's care needs change during the school year. Parents shall be responsible for informing the school in a timely manner of any changes to the diabetes care plan and their emergency contact numbers.

Section 20. Delegated care aides.

(a) Delegated care aides shall perform the activities and tasks necessary to assist a student with diabetes in accordance with his or her diabetes care plan and in compliance with any guidelines provided during training under Section 25 of this Act.

(b) Whenever a delegated care aide has a question about a student's care, or when an unexpected snack or meal requires a dose of insulin not anticipated by a student's diabetes care plan, the delegated care aide shall consult with the parent or guardian, school nurse, where available, or health care provider to confirm that the insulin dosage is appropriate given the number of carbohydrates to be taken and the student's blood glucose level as determined by a glucometer reading.

(c) The principal shall facilitate compliance with the provisions of a diabetes care plan during all school-sponsored activities.

(d) Delegated care aides are authorized to provide assistance by a student's parents or guardian and the school district or private school.

Section 25. Training for school employees and delegated care aides.

(a) In schools that have a student with diabetes, all school employees shall receive training in the basics of diabetes care, how to identify when a student with diabetes needs immediate or emergency medical attention, and whom to contact in the case of an emergency during a regular in-service training as provided for by Section 10-22.39 of the School Code.

(b) Delegated care aides shall be trained to perform the tasks necessary to assist a student with diabetes in accordance with his or her diabetes care plan, including training to do the following:

- (1) check blood glucose and record results;
- (2) recognize and respond to the symptoms of hypoglycemia according to the diabetes care plan;
- (3) recognize and respond to the symptoms of hyperglycemia according to the diabetes care plan;
- (4) estimate the number of carbohydrates in a snack or lunch;
- (5) administer insulin according to the student's diabetes care plan and keep a record of the amount administered; and
- (6) respond in an emergency, including how to administer glucagon.

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- (c) The school district shall coordinate staff training.
- (d) Initial training shall be provided by a licensed healthcare provider with expertise in diabetes or a certified diabetic educator and individualized by a student's parent or guardian. The training shall be updated when the diabetes care plan is changed and at least annually.
- (e) School nurses, where available, or health care providers may provide technical assistance or consultation or both to delegated care aides.
- (f) An information sheet shall be provided to any school employee who transports a student for school-sponsored activities. It shall identify the student with diabetes, identify potential emergencies that may occur as a result of the student's diabetes and the appropriate responses to such emergencies, and provide emergency contact information.

Section 30. Self-management. In accordance with his or her diabetes care plan, a student shall be permitted to do the following:

- (1) check blood glucose when and wherever needed;
- (2) administer insulin with the insulin delivery system used by the student;
- (3) treat hypoglycemia and hyperglycemia and otherwise attend to the care and management of his or her diabetes in the classroom, in any area of the school or school grounds and at any school-related activity or event in accordance with the diabetes care plan; and
- (4) possess on his or her person, at all times, the supplies and equipment necessary to monitor and treat diabetes, including, but not limited to, glucometers, lancets, test strips, insulin, syringes, insulin pens and needle tips, insulin pumps, infusion sets, alcohol swabs, a glucagon injection kit, glucose tablets, and food and drink, in accordance with the diabetes care plan.

Section 35. Restricting access to school prohibited. A school district shall not restrict the assignment of a student with diabetes to a particular school on the basis that the school does not have a full-time school nurse, nor shall a school deny a student access to any school or school-related activities on the basis that a student has diabetes.

Section 40. Protections against retaliation. A school employee shall not be subject to any penalty, sanction, reprimand, discharge, demotion, denial of a promotion, withdrawal of benefits, or other disciplinary action for choosing not to agree to serve as a delegated care aide.

Section 45. Civil immunity.

- (a) A school or a school employee is not liable for civil or other damages as a result of conduct, other than willful or wanton misconduct, related to the care of a student with diabetes.
- (b) A school employee shall not be subject to any disciplinary proceeding resulting from an action taken in compliance with this Act, unless the action constitutes willful or wanton misconduct.

Section 50. Federal law. Nothing in this Act shall limit any rights available under federal law.

Section 90. The School Code is amended by changing Section 10-22.21b as follows:
(105 ILCS 5/10-22.21b) (from Ch. 122, par. 10-22.21b)

Sec. 10-22.21b. Administering medication. To provide for the administration of medication to students. It shall be the policy of the State of Illinois that the administration of medication to students during regular school hours and during school-related activities should be discouraged unless absolutely necessary for the critical health and well-being of the student. Under no circumstances shall teachers or other non-administrative school employees, except certified school nurses, ~~and~~ non-certificated registered professional nurses, and advanced practice nurses, be required to administer medication to students. This Section shall not prohibit a school district from adopting guidelines for self-administration of medication by students. This Section shall not prohibit any school employee from providing emergency assistance to students.
(Source: P.A. 91-719, eff. 6-2-00.)

Section 95. The State Mandates Act is amended by adding Section 8.34 as follows:
(30 ILCS 805/8.34 new)

Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 96th General Assembly.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Cronin, **Senate Bill No. 580** was recalled from the order of third reading to the order of second reading.

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

Senator Cronin offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 580

AMENDMENT NO. 2. Amend Senate Bill 580 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Sections 5-1012 and 5-1024 and by adding the heading of Div. 5-43 and Sections 5-43000, 5-43005, 5-43010, 5-43015, 5-43020, 5-43025, 5-43030, 5-43035, and 5-43040 as follows:

(55 ILCS 5/5-1012) (from Ch. 34, par. 5-1012)

Sec. 5-1012. Issuance of county bonds. When the county board of any county deems it necessary to issue county bonds to enable them to perform any of the duties imposed upon them by law, they may, by an order, entered of record, specifying the amount of bonds required, and the object for which they are to be issued, submit to the legal voters of their county, at any election, the question of issuing such county bonds. The county board shall certify the question to the proper election officials who shall submit the question at an election in accordance with the general election law. The amount of the bonds so issued shall not exceed, including the then existing indebtedness of the county, 5.75% of the value of such taxable property of such county, as ascertained by the assessment for the State and county tax for the preceding year or, until January 1, 1983, if greater, the sum that is produced by multiplying the county's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979. For the purposes of calculating the rate limitation, the amount of any bonds or indebtedness transferred to a county under the Water Commission Act of 1985 pursuant to this amendatory Act of the 96th General Assembly shall be excluded. The proposition shall be in substantially the following form: "For county bonds", or "Against county bonds", and if a majority of the votes on that question shall be "For county bonds", such county board may issue such bonds in such denominations as the county board may determine of not less than \$25 each, payable respectively, in not less than one, nor more than 20 years, with interest payable annually or semi-annually, at the rate of not more than the greater of (i) the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract, or (ii) 8% per annum. This Section shall not require submission to the voters of the county of bond issues authorized to be issued without such submission to the voters under Section 5-1027 or 5-1062 or under Division 5-33, 6-6, 6-8 or 6-27 of this Code.

With respect to instruments for the payment of money issued under this Section or its predecessor either before, on, or after the effective date of Public Act 86-4, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act or "An Act to revise the law in relation to counties", approved March 31, 1874, that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section or its predecessor are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section or its predecessor within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act or "An Act to revise the law in relation to counties", approved March 31, 1874, that may appear to be or to have been more restrictive than those Acts.

(Source: P.A. 90-655, eff. 7-30-98.)

(55 ILCS 5/5-1024) (from Ch. 34, par. 5-1024)

Sec. 5-1024. Taxes. A county board may cause to be levied and collected annually, except as hereinafter provided, taxes for county purposes, including all purposes for which money may be raised by the county by taxation, in counties having 80,000 or more but less than 3,000,000 inhabitants at a rate not exceeding .25%, of the value as equalized or assessed by the Department of Revenue; in counties

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with less than 80,000 but more than 15,000 inhabitants at a rate not exceeding .27%, of the value as equalized or assessed by the Department of Revenue; in counties with less than 80,000 inhabitants which have authorized a tax by referendum under Section 7-2 of the Juvenile Court Act prior to the effective date of this amendatory Act of 1985, at a rate not exceeding .32%, of the value as equalized or assessed by the Department of Revenue; and in counties with 15,000 or fewer inhabitants at a rate not exceeding .37%, of the value as equalized or assessed by the Department of Revenue; and in counties having 3,000,000 or more inhabitants for each even numbered year, subject to the abatement requirements hereinafter provided, at a rate not exceeding .39% of the value, as equalized or assessed by the Department of Revenue, and for each odd numbered year, subject to the abatement requirements hereinafter provided, at a rate not exceeding .35% of the value as equalized or assessed by the Department of Revenue, except taxes for the payment of interest on and principal of bonded indebtedness heretofore duly authorized for the construction of State aid roads in the county as defined in "An Act to revise the law in relation to roads and bridges", approved June 27, 1913, or for the construction of county highways as defined in the Illinois Highway Code, and except taxes for the payment of interest on and principal of bonded indebtedness duly authorized without a vote of the people of the county, and except taxes authorized as additional by a vote of the people of the county, and except taxes for working cash fund purposes, and except taxes as authorized by Sections 5-601, 5-602, 5-603, 5-604 and 6-512 of the Illinois Highway Code, and except taxes authorized under Section 7 of the Village Library Act, and except taxes levied to pay the annual rent payments due under a lease entered into by the county with a Public Building Commission as authorized by Section 18 of the Public Building Commission Act, and except taxes levied under Division 6-3, and except taxes levied for general assistance for needy persons in counties under commission form of government and except taxes levied under the County Care for Persons with Developmental Disabilities Act, and except taxes levied under the Community Mental Health Act, and except taxes levied under Section 5-1025 to pay the expenses of elections and except taxes levied under "An Act to provide the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule units and non-home rule municipalities and counties", approved September 21, 1973, and except taxes levied under Section 3a of the Revenue Act of 1939 for the purposes of helping to pay for the expenses of the assessor's office, and except taxes levied under Division 5-21, and except taxes levied pursuant to Section 19 of "The Illinois Emergency Services and Disaster Agency Act of 1975", as now or hereafter amended, and except taxes levied pursuant to Division 5-23, and except taxes levied under Section 5 of the County Shelter Care and Detention Home Act, and except taxes levied under the Children's Advocacy Center Act, and except taxes levied under Section 9-107 of the Local Governmental and Governmental Employees Tort Immunity Act, and except taxes levied under Section 2 of the Water Commission Act of 1985.

Those taxes a county has levied and excepted from the rate limitation imposed by this Section or Section 25.05 of "An Act to revise the law in relation to counties", approved March 31, 1874, in reliance on this amendatory Act of 1994 are not invalid because of any provision of this Section that may be construed to or may have been construed to restrict or limit those taxes levied and those taxes are hereby validated. This validation of taxes levied applies to all cases pending on or after the effective date of this amendatory Act of 1994.

Nothing contained in this amendatory Act of 1994 shall be construed to affect the application of the Property Tax Extension Limitation Law.

Any tax levied for general assistance for needy persons in any county in addition to and in excess of the maximum levy permitted by this Section for general county purposes shall be paid into a special fund in the county treasury and used only for the purposes for which it is levied except that any excess in such fund over the amount needed for general assistance may be used for County Nursing Home purposes and shall not exceed .10% of the value, as equalized or assessed by the Department of Revenue. Any taxes levied for general assistance pursuant to this Section may also be used for the payment of warrants issued against and in anticipation of such taxes and accrued interest thereon and may also be used for the payment of costs of administering such general assistance.

In counties having 3,000,000 or more inhabitants, taxes levied for any year for any purpose or purposes, except amounts levied for the payment of bonded indebtedness or interest thereon and for pension fund purpose, and except taxes levied to pay the annual rent payments due under a lease entered into by the county with a Public Building Commission as authorized by Section 18 of the Public Building Commission Act, are subject to the limitation that they shall not exceed the estimated amount of taxes to be levied for the year for the purpose or purposes as determined in accordance with Section 6-24001 and set forth in the annual appropriation bill of the county and in ascertaining the rate per cent that will produce the amount of any tax levied in any county, the county clerk shall not add to the tax or

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rate any sum or amount to cover the loss and cost of collecting the tax, except in the case of amounts levied for the payment of bonded indebtedness or interest thereon, and in the case of amounts levied for pension fund purposes, and except taxes levied to pay the annual rent payments due under a lease entered into by the county with a Public Building Commission as authorized by Section 18 of the Public Building Commission Act.

In counties having a population of 3,000,000 or more inhabitants, the county clerk shall in each even numbered year, before extending the county tax for the year, reduce the levy for county purposes for the year (exclusive of levies for payment of indebtedness and payment of interest on and principal of bonded indebtedness as aforesaid, and exclusive of county highway taxes as aforesaid, and exclusive of pension fund taxes, and except taxes levied to pay the annual rent payments due under a lease entered into by the county with a Public Building Commission as authorized by Section 18 of the Public Building Commission Act) in the manner described and in an amount to be determined as follows: If the amount received from the collection of the tax levied in the last preceding even numbered year for county purposes as aforesaid, as shown by the county treasurer's final settlement for the last preceding even numbered year and also by subsequent receipts of delinquent taxes for the county purposes fund levied for the last preceding even numbered year, equals or exceeds the amount produced by multiplying the rate extended for the county purposes for the last preceding even numbered year by the total assessed valuation of all property in the county used in the year for purposes of state and county taxes, and by deducting therefrom the amount appropriated to cover the loss and cost of collecting taxes to be levied for the county purposes fund for the last preceding even numbered year, the clerk in determining the rate per cent to be extended for the county purposes fund shall deduct from the amount of the levy certified to him for county purposes as aforesaid for even numbered years the amount received by the county clerk or withheld by the county treasurer from other municipal corporations within the county as their pro rata share of election expenses for the last preceding even numbered year, as authorized in Sections 13-11, 13-12, 13-13 and 16-2 of the Election Code, and the clerk in these counties shall extend only the net amount remaining after such deductions.

The foregoing limitations upon tax rates, insofar as they are applicable to counties having less than 3,000,000 inhabitants, may be increased or decreased under the referendum provisions of the General Revenue Law of Illinois and there shall be no limit on the rate of tax for county purposes that may be levied by a county so long as any increase in the rate is authorized by referendum in that county.

Any county having a population of less than 3,000,000 inhabitants that has determined to change its fiscal year may, as a means of effectuating a change, instead of levying taxes for a one-year period, levy taxes for a period greater or less than a year as may be necessary.

In counties having less than 3,000,000 inhabitants, in ascertaining the rate per cent that will produce the amount of any tax levied in that county, the County Clerk shall not add to the tax or rate any sum or amount to cover the loss and cost of collecting the tax except in the case of amounts levied for the payment of bonded indebtedness or interest thereon and in the case of amounts levied for pension fund purposes and except taxes levied to pay the annual rent payments due under a lease entered into by the county with a Public Building Commission as authorized by Section 18 of the Public Building Commission Act.

A county shall not have its maximum tax rate reduced as a result of a population increase indicated by the 1980 federal census.

(Source: P.A. 91-51, eff. 6-30-99.)

(55 ILCS 5/Div. 5-43 heading new)

Division 5-43. Water Supply Powers

(55 ILCS 5/5-43000 new)

Sec. 5-43000. Water supply powers. A county shall have and exercise all powers, functions, and duties of a water commission created pursuant to Division 135 of the Illinois Municipal Code, and the county may rely on that Division, as modified and supplemented by the provisions of this Act, as lawful authority under which it may act. A county served by a water commission that is abolished by this amendatory Act of the 96th General Assembly shall assume the assets, property, powers, rights, and monetary indebtedness duties of the abolished commission, including the right to impose and receive taxes previously approved pursuant to Sections 2, 4, and 5 of the Water Commission Act of 1985 and all interest in Great Lakes water allocated to the abolished commission by the Illinois Department of Natural Resources and may exercise those powers within the territory of the abolished commission notwithstanding that some of the territory may lie outside the county.

(55 ILCS 5/5-43005 new)

Sec. 5-43005. Water Operations and Planning Committee. A county exercising powers under this

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amendatory Act of the 96th General Assembly shall, by ordinance, establish a Water Operations and Planning Committee. The Water Operations and Planning Committee shall consist of equal numbers of county board members and municipal representatives from each county board district and any other members as may be determined by the county and municipal members.

The county board members shall be appointed as provided by the rules of the county board. Municipal members from each county board district or other represented area shall be appointed by a majority vote of the mayors of those municipalities that have the greatest percentage of their respective populations residing in the county board district or other represented area. All municipal and county board representatives shall be entitled to a vote. No committee member shall receive a salary or compensation for service other than as provided by rule of the county board. Officers of the committee shall include a chair to be selected by the chairperson of the county board and a vice-chair to be selected by the municipal representatives. The county clerk and treasurer shall perform their respective functions as for other county committees and departments.

The principal duties of the Water Operations and Planning Committee shall be to provide recommendations related to the exercise of the county's powers under this Division 5-43. The Water Operations and Planning Committee shall have no duties related to a county's public works water system.

(55 ILCS 5/5-43010 new)

Sec. 5-43010. Annual audit. The county auditor shall annually audit the county's accounts related to the exercise of county water supply powers and shall post the annual audit on the county's official Internet website.

(55 ILCS 5/5-43015 new)

Sec. 5-43015. Taxes. Beginning on December 1, 2010, the county board of a county serviced by an abolished water commission under this amendatory Act of the 96th General Assembly may, by ordinance, impose throughout the territory of the abolished commission, including those areas served that are located outside of the county, any or all of the taxes provided in Sections 2 and 4 of the Water Commission Act of 1985. The revenues collected from these taxes shall be held in a water enterprise fund and shall be expended by the county board solely to repay the debts, obligations, and operating expenses incurred by an abolished water commission.

(55 ILCS 5/5-43020 new)

Sec. 5-43020. Water enterprise fund. On December 1, 2010, the county shall establish a water enterprise fund. All moneys transferred to the county under this amendatory Act of the 96th General Assembly shall, for accounting purposes, be stated separately in the water enterprise fund, which may include sub-funds for bond repayment and any other purposes as deemed useful for management purposes. Any surplus remaining after full payment of indebtedness for which a separate tax has been levied shall not be transferred to the common fund as provided in Section 5-1011, but shall remain in the water enterprise fund. If the county has an existing water fund, the moneys from the abolished commission shall be kept as a separate fund in the county treasury.

(55 ILCS 5/5-43025 new)

Sec. 5-43025. Water service for unincorporated areas. The county may require as a condition of a new or existing water supply contract that a municipality provide water to unincorporated areas of the county that adjoin that municipality, without annexation of those areas, in accordance with the terms of this Section. Before imposing the requirement, the county shall find that the area to be served received well water that is tainted, contaminated, or otherwise substandard or the general safety of the area is compromised.

(55 ILCS 5/5-43030 new)

Sec. 5-43030. Water rate guarantee. The county shall charge its customers a rate that is equal to or reasonably exceeds its bulk water purchase rate to pay for the reasonable costs of operation, including debt obligations, of its water supply system. The rate charged by the county shall increase in an amount equal to any increase charged to the county for the purchase of bulk water, and such increased charge shall automatically become effective without county action no later than one month after the purchase rate increase takes effect. Under no circumstances may the county charge a rate less than the rate of the bulk water purchased by the county. If the rate in effect on December 1, 2010 is less than the bulk purchase rate, then the rate shall be immediately adjusted as set forth in this Section.

(55 ILCS 5/5-43035 new)

Sec. 5-43035. Preparation and transition costs. All reasonable costs incurred by a county in preparation for the assumption of the functions of an abolished water commission and in transition to the exercise of the powers and duties provided in this Division 5-43 shall be paid by or reimbursed from the assets and revenue of the abolished commission, and shall be deemed proper costs attributable to water

supply purposes.

(55 ILCS 5/5-43040 new)

Sec. 5-43040. Home rule. A home rule unit may not regulate its water systems in a manner that is inconsistent with the provisions of this amendatory Act of the 96th General Assembly. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 10. The Water Commission Act of 1985 is amended by adding Sections 0.001, 0.001a, 0.001b, 0.001c, 0.001d, 0.001e, and 0.001f as follows:

(70 ILCS 3720/0.001 new)

Sec. 0.001. Purpose and findings. It is the purpose of this amendatory Act of the 96th General Assembly to abolish the water commissions created by this Act and to transfer to the respective counties that are served by the water commissions the assets, property, rights, powers, monetary indebtedness duties, and functions of the commissions.

The General Assembly finds and declares that it is necessary and in the best interest of the people of the State and the persons served by these commissions to change the governance of the water systems created and functioning under this Act. The changes made by this amendatory Act of the 96th General Assembly are intended to save costs by eliminating an unnecessary additional level of government, make the governance of the water systems more responsive to the electors and water users, serve more equitably the municipalities receiving water, ensure the financial viability of the water systems, spread the costs of the water systems more equitably among the users, ensure proper financial and operational oversight, and ensure that government services are delivered in a transparent and responsible manner.

It is the intent of this amendatory Act of the 96th General Assembly to permit the changing of any obligations of a water commission established under this Act to supply water, including the rate charged for supplying water and other matters related to a water commission's supply obligations. It is not the intent of this amendatory Act of the 96th General Assembly to change or permit the changing of any financial covenants or obligations of a water commission established under this Act to supply water.

(70 ILCS 3720/0.001a new)

Sec. 0.001a. Districts abolished. Notwithstanding any provision of law to the contrary, any water commission established under this Act is abolished on December 1, 2010.

(70 ILCS 3720/0.001b new)

Sec. 0.001b. Assumption of powers, rights, and monetary indebtedness; tax rate limitation. On December 1, 2010, the county in which the abolished commission has operated, shall assume all powers, rights, and monetary indebtedness duties of the abolished commission including without limitation the following: (i) the right to impose and receive taxes previously approved pursuant to Sections 2, 4, and 5 of this Act and (ii) all interest in Great Lakes water allocated to the abolished commission by the Illinois Department of Natural Resources. No contract, except those evidencing monetary indebtedness, entered into by the abolished commission shall remain in effect unless re-affirmed or re-negotiated by the county. The assumption of the monetary indebtedness of a water commission as provided for in this Section shall constitute a merger or consolidation for purposes of the Property Tax Extension Limitation Law, notwithstanding the abolishment of the existing water commission.

(70 ILCS 3720/0.001c new)

Sec. 0.001c. Transfer of assets and property. Effective December 1, 2010, all assets, books, records, documents, real and personal property, and unexpended appropriations of a water commission abolished under this amendatory Act of the 96th General Assembly are transferred and delivered to the county served by the abolished water commission.

(70 ILCS 3720/0.001d new)

Sec. 0.001d. Cross references. Beginning on December 1, 2010, all references in other statutes, however phrased, to a water commission abolished under this amendatory act of the 96th General Assembly shall be references to the county in its capacity as successor to the abolished water commission.

(70 ILCS 3720/0.001e new)

Sec. 0.001e. Ordinances, orders, and resolutions.

(a) On December 1, 2010, the ordinances, orders, and resolutions of a water commission abolished by this amendatory Act of the 96th General Assembly that were in effect on November 30, 2010 and that pertain to the assets, property, rights, powers, monetary indebtedness duties, and functions transferred to the county served by the abolished commission, exclusive of those relating to contracts to be re-affirmed or re-negotiated under Section 0.001b, shall become, with respect to that territory, the ordinances, orders, and resolutions of the county and shall continue in effect until amended or repealed or until December 1,

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2010, whichever occurs first.

(b) Any ordinances, orders, or resolutions pertaining to the assets, property, rights, powers, monetary indebtedness duties, and functions transferred to the county under this amendatory Act of the 96th General Assembly that have been proposed by a water commission abolished by this amendatory Act of the 96th General Assembly but have not taken effect or been finally adopted by November 30, 2010 shall become, with respect to that territory, the proposed ordinances, orders, and resolutions of the county, and any procedures that have already been completed by the abolished water commission for those proposed ordinances, orders, or resolutions need not be repeated.

(70 ILCS 3720/0.001f new)

Sec. 0.001f. Savings provisions.

(a) The assets, property, rights, powers, monetary indebtedness duties, and functions transferred to a county by this amendatory Act of the 96th General assembly shall be vested in that county subject to the provisions of this amendatory Act of the 96th General Assembly. An act done by an abolished water commission with respect to the transferred assets, property, rights, powers, monetary indebtedness duties, or functions, exclusive of those relating to contracts to be re-affirmed or re-negotiated under Section 0.001b, shall have the same legal effect as if done by the county. The county is not liable for any act done by an officer, employee, or agent of the abolished commission on or before December 1, 2010 if the act was an individual or unofficial act or an act outside of the scope of duties.

(b) The transfer of assets, property, rights, powers, monetary indebtedness duties, and functions under this amendatory Act of the 96th General Assembly does not invalidate any previous action, exclusive of those relating to contracts to be re-affirmed or re-negotiated under Section 0.001b, taken by or in respect to an abolished water commission or its officers, employees, or agents. References to an abolished water commission or to its officers, employees, or agents in any document, contract, agreement, or law shall, in appropriate contexts, be deemed to refer to the county served by the abolished commission.

(c) The transfer under this amendatory Act of the 96th General Assembly of assets, property, rights, powers, monetary indebtedness duties, and functions of an abolished water commission, exclusive of those relating to contracts to be re-affirmed or re-negotiated under Section 0.001b, does not affect any person's rights, obligations, or duties, including any applicable civil or criminal penalties, arising out of those transferred assets, property, rights, powers, monetary indebtedness duties, and functions.

(d) With respect to matters pertaining to an asset, property, right, power, monetary indebtedness duty, or function transferred to a county under this amendatory Act of the 96th General Assembly:

(1) Beginning December 1, 2010, a report or notice that was previously required to be made or given by any person to an abolished water commission or to any of its officers, employees, or agents must be made or given in the same manner to the county.

(2) Beginning December 1, 2010, a document that was previously required to be furnished or served by any person to or upon an abolished water commission or to or upon any of its officers, employees, or agents must be furnished or served in the same manner to or upon the county.

(e) This amendatory Act of the 96th General Assembly does not affect any act done, ratified, or cancelled or any right occurring or established, exclusive of those relating to contracts to be re-affirmed or re-negotiated under Section 0.001b; or any action or proceeding had or commenced in an administrative, civil, or criminal cause before December 1, 2010. Any such action or proceeding that pertains to an asset, property, right, power, monetary indebtedness duty, or function transferred to a county under this amendatory Act of the 96th General Assembly, exclusive of those relating to contracts to be re-affirmed or re-negotiated under Section 0.001b, and that is pending on November 30, 2010 may be prosecuted, defended, or continued by the county.

Section 15. The State Mandates Act is amended by adding Section 8.34 as follows:

(30 ILCS 805/8.34 new)

Sec. 8.34. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 96th General Assembly.

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

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

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

On motion of Senator Trotter, **Senate Bill No. 1182**, with House Amendment No. 2 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 36; NAYS 21.

The following voted in the affirmative:

Clayborne	Hendon	Maloney	Stears
Collins	Holmes	Martinez	Sullivan
Crotty	Hunter	Meeks	Trotter
Delgado	Hutchinson	Muñoz	Viverito
Demuzio	Jacobs	Noland	Wilhelmi
Forby	Jones, E.	Raoul	Mr. President
Frerichs	Koehler	Risinger	
Garrett	Kotowski	Sandoval	
Haine	Lightford	Schoenberg	
Harmon	Link	Silverstein	

The following voted in the negative:

Althoff	Dahl	Luechtefeld	Righter
Bivins	Dillard	McCarter	Rutherford
Bomke	Duffy	Millner	Syverson
Brady	Hultgren	Murphy	
Burzynski	Jones, J.	Pankau	
Cronin	Laufen	Radogno	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 2 to **Senate Bill No. 1182**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Noland, **Senate Bill No. 1578**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Noland 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 57; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Risinger
Bivins	Garrett	Link	Rutherford
Bomke	Haine	Luechtefeld	Sandoval
Brady	Harmon	Maloney	Schoenberg
Burzynski	Hendon	Martinez	Silverstein
Clayborne	Holmes	McCarter	Stears

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Collins	Hultgren	Meeks	Sullivan
Cronin	Hunter	Millner	Syverson
Crotty	Hutchinson	Muñoz	Trotter
Dahl	Jacobs	Murphy	Viverito
Delgado	Jones, E.	Noland	Wilhelmi
Demuzio	Jones, J.	Pankau	Mr. President
Dillard	Koehler	Radogno	
Duffy	Kotowski	Raoul	
Forby	Lauzen	Righter	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1578**.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 10:44 o'clock a.m., Senator Harmon, presiding.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Meeks, **Senate Bill No. 2494**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 33; NAYS 20; Present 3.

The following voted in the affirmative:

Althoff	Duffy	Maloney	Righter
Bivins	Garrett	Martinez	Risinger
Bomke	Harmon	McCarter	Rutherford
Brady	Hendon	Meeks	Sandoval
Burzynski	Hultgren	Muñoz	Syverson
Cronin	Jones, E.	Murphy	Viverito
Dahl	Lauzen	Noland	
Delgado	Lightford	Pankau	
Dillard	Luechtefeld	Radogno	

The following voted in the negative:

Clayborne	Holmes	Link	Trotter
Crotty	Hunter	Millner	Wilhelmi
Demuzio	Hutchinson	Raoul	
Forby	Jones, J.	Schoenberg	
Frerichs	Koehler	Steans	
Haine	Kotowski	Sullivan	

The following voted present:

Collins
Silverstein
Mr. President

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

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

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SENATE BILL RECALLED

On motion of Senator Cullerton, **Senate Bill No. 935** was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 935

AMENDMENT NO. 1. Amend Senate Bill 935 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 11-208.3 and 11-208.6 as follows:

(625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

Sec. 11-208.3. Administrative adjudication of violations of traffic regulations concerning the standing, parking, or condition of vehicles and automated traffic law violations.

(a) Any municipality may provide by ordinance for a system of administrative adjudication of vehicular standing and parking violations and vehicle compliance violations as defined in this subsection and automated traffic law violations as defined in Section 11-208.6 or 11-1201.1. The administrative system shall have as its purpose the fair and efficient enforcement of municipal regulations through the administrative adjudication of automated traffic law violations and violations of municipal ordinances regulating the standing and parking of vehicles, the condition and use of vehicle equipment, and the display of municipal wheel tax licenses within the municipality's borders. The administrative system shall only have authority to adjudicate civil offenses carrying fines not in excess of \$500 or requiring the completion of a traffic education program, or both, that occur after the effective date of the ordinance adopting such a system under this Section. For purposes of this Section, "compliance violation" means a violation of a municipal regulation governing the condition or use of equipment on a vehicle or governing the display of a municipal wheel tax license.

(b) Any ordinance establishing a system of administrative adjudication under this Section shall provide for:

(1) A traffic compliance administrator authorized to adopt, distribute and process

parking, compliance, and automated traffic law violation notices and other notices required by this Section, collect money paid as fines and penalties for violation of parking and compliance ordinances and automated traffic law violations, and operate an administrative adjudication system. The traffic compliance administrator also may make a certified report to the Secretary of State under Section 6-306.5.

(2) A parking, standing, compliance, or automated traffic law violation notice that

shall specify the date, time, and place of violation of a parking, standing, compliance, or automated traffic law regulation; the particular regulation violated; any requirement to complete a traffic education program; the fine and any penalty that may be assessed for late payment or failure to complete a required traffic education program, or both, when so provided by ordinance; the vehicle make and state registration number; and the identification number of the person issuing the notice. With regard to automated traffic law violations, vehicle make shall be specified on the automated traffic law violation notice if the make is available and readily discernible. With regard to municipalities with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the state registration number or vehicle make specified is incorrect. The violation notice shall state that the completion of any required traffic education program, the payment of any indicated fine, and the payment of any applicable penalty for late payment or failure to complete a required traffic education program, or both, shall operate as a final disposition of the violation. The notice also shall contain information as to the availability of a hearing in which the violation may be contested on its merits. The violation notice shall specify the time and manner in which a hearing may be had.

(3) Service of the parking, standing, or compliance violation notice by affixing the

original or a facsimile of the notice to an unlawfully parked vehicle or by handing the notice to the operator of a vehicle if he or she is present and service of an automated traffic law violation notice by mail to the address of the registered owner of the cited vehicle as recorded with the Secretary of State within 30 days after the Secretary of State notifies the municipality or county of the identity of the owner of the vehicle, but in no event later than 90 days after the violation. A person authorized by ordinance to issue and serve parking, standing, and compliance violation notices shall certify as to the

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correctness of the facts entered on the violation notice by signing his or her name to the notice at the time of service or in the case of a notice produced by a computerized device, by signing a single certificate to be kept by the traffic compliance administrator attesting to the correctness of all notices produced by the device while it was under his or her control. In the case of an automated traffic law violation, the ordinance shall require a determination by a technician employed or contracted by the municipality or county that, based on inspection of recorded images, the motor vehicle was being operated in violation of Section 11-208.6 or 11-1201.1 or a local ordinance. If the technician determines that the vehicle entered the intersection as part of a funeral procession or in order to yield the right-of-way to an emergency vehicle, a citation shall not be issued. In municipalities with a population or less than 1,000,000 inhabitants and counties with a population of less than 3,000,000 inhabitants, the automated traffic law ordinance shall require that all determinations by a technician that a motor vehicle was being operated in violation of Section 11-208.6 or 11-1201.1 or a local ordinance must be reviewed and approved by a law enforcement officer of the municipality or county issuing the violation. In municipalities with a population of 1,000,000 or more inhabitants and counties with a population of 3,000,000 or more inhabitants, the automated traffic law ordinance shall require that all determinations by a technician that a motor vehicle was being operated in violation of Section 11-208.6 or 11-1201.1 or a local ordinance must be reviewed and approved by a law enforcement officer of the municipality or county issuing the violation or by an additional technician trained in traffic management and not employed by the contractor who employs the technician who made the initial determination. In all municipalities and counties, the automated traffic law ordinance shall require that no additional fee shall be charged to the alleged violator for exercising his or her right to an administrative hearing, and the automated traffic law ordinance shall provide that after an administrative hearing where a person is found to have violated Section 11-208.6 or 11-1201.1 or a similar local ordinance, the person shall be given additional time to pay the civil penalty imposed equal to the amount of time that the person had to pay the original violation upon issuance. The original or a facsimile of the violation notice or, in the case of a notice produced by a computerized device, a printed record generated by the device showing the facts entered on the notice, shall be retained by the traffic compliance administrator, and shall be a record kept in the ordinary course of business. A parking, standing, compliance, or automated traffic law violation notice issued, signed and served in accordance with this Section, a copy of the notice, or the computer generated record shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice. The notice, copy, or computer generated record shall be admissible in any subsequent administrative or legal proceedings.

(4) An opportunity for a hearing for the registered owner of the vehicle cited in the parking, standing, compliance, or automated traffic law violation notice in which the owner may contest the merits of the alleged violation, and during which formal or technical rules of evidence shall not apply; provided, however, that under Section 11-1306 of this Code the lessee of a vehicle cited in the violation notice likewise shall be provided an opportunity for a hearing of the same kind afforded the registered owner. The hearings shall be recorded, and the person conducting the hearing on behalf of the traffic compliance administrator 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 a hearing under this Section may be represented by counsel at their expense. The ordinance may also provide for internal administrative review following the decision of the hearing officer.

(5) Service of additional notices, sent by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database, or, under Section 11-1306 of this Code, to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of lease or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database. The service shall be deemed complete as of the date of deposit in the United States mail. The notices shall be in the following sequence and shall include but not be limited to the information specified herein:

(i) A second notice of parking, standing, or compliance violation. This notice shall specify the date and location of the violation cited in the parking, standing, or compliance violation notice, the particular regulation violated, the vehicle make and state registration number, any requirement to complete a traffic education program, the fine and any penalty that may be assessed for late payment or failure to complete a traffic education program, or both, when so provided by ordinance, the availability of a hearing in which the violation may be contested on its

merits, and the time and manner in which the hearing may be had. The notice of violation shall also state that failure to complete a required traffic education program, to pay the indicated fine and any applicable penalty, or to appear at a hearing on the merits in the time and manner specified, will result in a final determination of violation liability for the cited violation in the amount of the fine or 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, available administrative or judicial procedures for review, any incomplete traffic education program or any unpaid fine or penalty, or both, will constitute a debt due and owing the municipality.

(ii) A notice of final determination of parking, standing, compliance, or automated traffic law violation liability. This notice shall be sent following a final determination of parking, standing, compliance, or automated traffic law violation liability and the conclusion of judicial review procedures taken under this Section. The notice shall state that the incomplete traffic education program or the unpaid fine or penalty, or both, is a debt due and owing the municipality. The notice shall contain warnings that failure to complete any required traffic education program or to pay any fine or penalty due and owing the municipality, or both, within the time specified may result in the municipality's filing of a petition in the Circuit Court to have the incomplete traffic education program or unpaid fine or penalty, or both, rendered a judgment as provided by this Section, or may result in suspension of the person's drivers license for failure to complete a traffic education program or to pay fines or penalties, or both, for 10 or more parking violations under Section 6-306.5 or 5 or more automated traffic law violations under Section 11-208.6.

(6) A notice of impending drivers license suspension. This notice shall be sent to the person liable for failure to complete a required traffic education program or to pay any fine or penalty that remains due and owing, or both, on 10 or more parking violations or 5 or more unpaid automated traffic law violations. The notice shall state that failure to complete a required traffic education program or to pay the fine or penalty owing, or both, within 45 days of the notice's date will result in the municipality notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of this Code. The notice shall also state that the person may obtain a photostatic copy of an original ticket imposing a fine or penalty by sending a self addressed, stamped envelope to the municipality along with a request for the photostatic copy. The notice of impending drivers license suspension 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 as undeliverable, to the last known address recorded in a United States Post Office approved database.

(7) Final determinations of violation liability. A final determination of violation liability shall occur following failure to complete the required traffic education program or to pay the fine or penalty, or both, after a hearing officer's determination of violation liability and the exhaustion of or failure to exhaust any administrative review procedures provided by ordinance. 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 without a filing having been made.

(8) A petition to set aside a determination of parking, standing, compliance, or automated traffic law violation liability that may be filed by a person owing an unpaid fine or penalty. A petition to set aside a determination of liability may also be filed by a person required to complete a traffic education program. The petition shall be filed with and ruled upon by the traffic compliance administrator in the manner and within the time specified by ordinance. The grounds for the petition may be limited to: (A) the person not having been the owner or lessee of the cited vehicle on the date the violation notice was issued, (B) the person having already completed the required traffic education program or paid the fine or penalty, or both, for the violation in question, and (C) excusable failure to appear at or request a new date for a hearing. With regard to municipalities with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the state registration number, or vehicle make if specified, is incorrect. After the determination of parking, standing, compliance, or automated traffic law violation liability has been set aside upon a showing of just cause, the registered owner shall be provided with a hearing on the merits for that violation.

(9) Procedures for non-residents. Procedures by which persons who are not residents of the municipality may contest the merits of the alleged violation without attending a hearing.

(10) A schedule of civil fines for violations of vehicular standing, parking, compliance, or automated traffic law regulations enacted by ordinance pursuant to this Section, and a schedule of penalties for late payment of the fines or failure to complete required traffic education programs, provided, however, that the total amount of the fine and penalty for any one violation shall

not exceed \$250, except as provided in subsection (c) of Section 11-1301.3 of this Code.

(11) Other provisions as are necessary and proper to carry into effect the powers granted and purposes stated in this Section.

(c) Any municipality establishing vehicular standing, parking, compliance, or automated traffic law regulations under this Section may also provide by ordinance for a program of vehicle immobilization for the purpose of facilitating enforcement of those regulations. The program of vehicle immobilization shall provide for immobilizing any eligible vehicle upon the public way by presence of a restraint in a manner to prevent operation of the vehicle. Any ordinance establishing a program of vehicle immobilization under this Section shall provide:

(1) Criteria for the designation of vehicles eligible for immobilization. A vehicle shall be eligible for immobilization when the registered owner of the vehicle has accumulated the number of incomplete traffic education programs or unpaid final determinations of parking, standing, compliance, or automated traffic law violation liability, or both, as determined by ordinance.

(2) A notice of impending vehicle immobilization and a right to a hearing to challenge the validity of the notice by disproving liability for the incomplete traffic education programs or unpaid final determinations of parking, standing, compliance, or automated traffic law violation liability, or both, listed on the notice.

(3) The right to a prompt hearing after a vehicle has been immobilized or subsequently towed without the completion of the required traffic education program or payment of the outstanding fines and penalties on parking, standing, compliance, or automated traffic law violations, or both, for which final determinations have been issued. An order issued after the hearing is a final administrative decision within the meaning of Section 3-101 of the Code of Civil Procedure.

(4) A post immobilization and post-towing notice advising the registered owner of the vehicle of the right to a hearing to challenge the validity of the impoundment.

(d) Judicial review of final determinations of parking, standing, compliance, or automated traffic law violations and final administrative decisions issued after hearings regarding vehicle immobilization and impoundment made under this Section shall be subject to the provisions of the Administrative Review Law.

(e) Any fine, penalty, incomplete traffic education program, or part of any fine or any penalty remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies created under this Section and the conclusion of any judicial review procedures shall be a debt due and owing the municipality and, as such, may be collected in accordance with applicable law. Completion of any required traffic education program and payment in full of any fine or penalty resulting from a standing, parking, compliance, or automated traffic law violation shall constitute a final disposition of that violation.

(f) After the expiration of the period within which judicial review may be sought for a final determination of parking, standing, compliance, or automated traffic law violation, the municipality may commence a proceeding in the Circuit Court for purposes of obtaining a judgment on the final determination of violation. Nothing in this Section shall prevent a municipality from consolidating multiple final determinations of parking, standing, compliance, or automated traffic law violations against a person in a proceeding. Upon commencement of the action, the municipality shall file a certified copy or record of the final determination of parking, standing, compliance, or automated traffic law violation, which shall be accompanied by a certification that recites facts sufficient to show that the final determination of violation was issued in accordance with this Section and the applicable municipal ordinance. 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, provided that the total amount of fines and penalties for final determinations of parking, standing, compliance, or automated traffic law violations does not exceed \$2500. If the court is satisfied that the final determination of parking, standing, compliance, or automated traffic law violation was entered in accordance with the requirements of this Section and the applicable municipal ordinance, and that the registered owner or the lessee, as the case may be, had an opportunity for an administrative hearing and for judicial review as provided in this Section, the court shall render judgment in favor of the municipality and against the registered owner or the lessee for the amount indicated in the final determination of parking, standing, compliance, or automated traffic law violation, 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.

(g) The fee for participating in a traffic education program under this Section shall not exceed \$25.

A low-income individual required to complete a traffic education program under this Section who provides proof of eligibility for the federal earned income tax credit under Section 32 of the Internal

Revenue Code or the Illinois earned income tax credit under Section 212 of the Illinois Income Tax Act shall not be required to pay any fee for participating in a required traffic education program.

(Source: P.A. 95-331, eff. 8-21-07; 96-288, eff. 8-11-09; 96-478, eff. 1-1-10; revised 9-4-09.)
(625 ILCS 5/11-208.6)

Sec. 11-208.6. Automated traffic law enforcement system.

(a) As used in this Section, "automated traffic law enforcement system" means a device with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a red signal indication in violation of Section 11-306 of this Code or a similar provision of a local ordinance.

An automated traffic law enforcement system is a system, in a municipality or county operated by a governmental agency, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

(b) As used in this Section, "recorded images" means images recorded by an automated traffic law enforcement system on:

- (1) 2 or more photographs;
- (2) 2 or more microphotographs;
- (3) 2 or more electronic images; or
- (4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate number of the motor vehicle.

(b-5) A municipality or county that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through the Internet.

(c) A county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to provide recorded images of a motor vehicle for the purpose of recording its speed. The regulation of the use of automated traffic law enforcement systems to record vehicle speeds is an exclusive power and function of the State. This subsection (c) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(c-5) A county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue violations in instances where the motor vehicle comes to a complete stop and does not enter the intersection, as defined by Section 1-132 of this Code, during the cycle of the red signal indication unless one or more pedestrians are present, even if the motor vehicle stops at a point past a stop line or crosswalk where a driver is required to stop, as specified in subsection (c) of Section 11-306 of this Code or a similar provision of a local ordinance.

(d) For each violation of a provision of this Code or a local ordinance recorded by an automatic traffic law enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality or county of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

The notice shall include:

- (1) the name and address of the registered owner of the vehicle;
- (2) the registration number of the motor vehicle involved in the violation;
- (3) the violation charged;
- (4) the location where the violation occurred;
- (5) the date and time of the violation;
- (6) a copy of the recorded images;
- (7) the amount of the civil penalty imposed and the requirements of any traffic education program imposed and the date by which the civil penalty should be paid and the traffic education program should be completed;
- (8) a statement that recorded images are evidence of a violation of a red light signal;
- (9) a warning that failure to pay the civil penalty, to complete a required traffic education program, or to contest liability in a timely manner is an admission of liability and may result in a suspension of the driving privileges of the registered owner of the vehicle; ~~and~~
- (10) a statement that the person may elect to proceed by:
 - (A) paying the fine, completing a required traffic education program, or both; or
 - (B) challenging the charge in court, by mail, or by administrative hearing; and -

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(11) a website address, accessible through the Internet, where the person may view the recorded images of the violation.

(e) If a person charged with a traffic violation, as a result of an automated traffic law enforcement system, does not pay the fine or complete a required traffic education program, or both, or successfully contest the civil penalty resulting from that violation, the Secretary of State shall suspend the driving privileges of the registered owner of the vehicle under Section 6-306.5 of this Code for failing to complete a required traffic education program or to pay any fine or penalty due and owing, or both, as a result of 5 violations of the automated traffic law enforcement system.

(f) Based on inspection of recorded images produced by an automated traffic law enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(g) Recorded images made by an automatic traffic law enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(h) The court or hearing officer may consider in defense of a violation:

(1) that the motor vehicle or registration plates of the motor vehicle were stolen

before the violation occurred and not under the control of or in the possession of the owner at the time of the violation;

(2) that the driver of the vehicle passed through the intersection when the light was

red either (i) in order to yield the right-of-way to an emergency vehicle or (ii) as part of a funeral procession; and

(3) any other evidence or issues provided by municipal or county ordinance.

(i) To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(j) Unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation, the motor vehicle owner is subject to a civil penalty not exceeding \$100 or the completion of a traffic education program, or both, plus an additional penalty of not more than \$100 for failure to pay the original penalty or to complete a required traffic education program, or both, in a timely manner, if the motor vehicle is recorded by an automated traffic law enforcement system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle.

(j-3) A registered owner who is a holder of a valid commercial driver's license is not required to complete a traffic education program.

(j-5) For purposes of the required traffic education program only, a registered owner may submit an affidavit to the court or hearing officer swearing that at the time of the alleged violation, the vehicle was in the custody and control of another person. The affidavit must identify the person in custody and control of the vehicle, including the person's name and current address. The person in custody and control of the vehicle at the time of the violation is required to complete the required traffic education program. If the person in custody and control of the vehicle at the time of the violation completes the required traffic education program, the registered owner of the vehicle is not required to complete a traffic education program.

(k) An intersection equipped with an automated traffic law enforcement system must be posted with a sign visible to approaching traffic indicating that the intersection is being monitored by an automated traffic law enforcement system.

(k-3) A municipality or county that has one or more intersections equipped with an automated traffic law enforcement system must provide notice to drivers by posting the locations of automated traffic law systems on the municipality or county website.

(k-5) An intersection equipped with an automated traffic law enforcement system must have a yellow change interval that conforms with the Illinois Manual on Uniform Traffic Control Devices (IMUTCD) published by the Illinois Department of Transportation.

(l) The compensation paid for an automated traffic law enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system.

(m) This Section applies only to the counties of Cook, DuPage, Kane, Lake, Madison, McHenry, St.

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Clair, and Will and to municipalities located within those counties.

(n) The fee for participating in a traffic education program under this Section shall not exceed \$25.

A low-income individual required to complete a traffic education program under this Section who provides proof of eligibility for the federal earned income tax credit under Section 32 of the Internal Revenue Code or the Illinois earned income tax credit under Section 212 of the Illinois Income Tax Act shall not be required to pay any fee for participating in a required traffic education program.

(o) A municipality or county shall make a certified report to the Secretary of State pursuant to Section 6-306.5 of this Code whenever a registered owner of a vehicle has failed to pay any fine or penalty due and owing as a result of 5 offenses for automated traffic law violations.

(Source: P.A. 96-288, eff. 8-11-09)."

The motion prevailed.

And the amendment was adopted and ordered printed.

Senate Floor Amendment No. 2 was postponed in the Committee on Transportation.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 935

AMENDMENT NO. 3. Amend Senate Bill 935, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 5, line 3, by replacing "or" with "of"; and

on page 5, line 10, after "officer", by inserting "or retired law enforcement officer"; and

on page 5, line 18, after "officer", by inserting "or retired law enforcement officer"; and

on page 5, line 20, by replacing "technician trained in traffic management and" with "fully-trained reviewing technician who is"; and

on page 5, line 22, after the period, by inserting the following:

"As used in this paragraph, "fully-trained reviewing technician" means a person who has received at least 40 hours of supervised training in subjects which shall include image inspection and interpretation, the elements necessary to prove a violation, license plate identification, and traffic safety and management."; and

on page 5, by replacing line 26 with the following:

"and persons shall be given at least 25 days following an administrative hearing to pay any civil penalty imposed by a finding that Section 11-208.6 or 11-1201.1 or a similar local ordinance has been violated."; and

on page 6, by replacing 1 through 6 with "The original or a facsimile of the violation"; and

on page 18, line 10, after "pedestrians", by inserting "or bicyclists"; and

on page 23, by inserting below line 7 the following:

"(k-7) A municipality or county operating an automated traffic law enforcement system shall conduct a statistical analysis to assess the safety impact of each automated traffic law enforcement system at an intersection following installation of the system. The statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. The statistical analysis shall be consistent with professional judgment and acceptable industry practice. The statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable period following the installation of the automated traffic law enforcement system. The statistical analysis required by this subsection (k-7) shall be made available to the public and shall be published on the website of the municipality or county. If the statistical analysis for the 36 month period following installation of the system indicates that there has been an increase in the rate of accidents at the approach to the intersection monitored by the system, the municipality or county shall undertake additional studies to determine the cause and severity of the accidents, and may take any action that it determines is necessary or appropriate to reduce the number or severity of the accidents at that intersection."

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The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Cullerton, **Senate Bill No. 935**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

Senator Righter had a parliamentary inquiry to determine whether the bill preempts home rule authority and would therefore require a supermajority vote.

The Chair ruled that the bill does not require passage by a supermajority vote because it does not implicate home rule authority under Article VII, Section 6(g) or 6(j) of the Illinois Constitution.

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

YEAS 45; NAYS 10.

The following voted in the affirmative:

Althoff	Harmon	Martinez	Schoenberg
Bomke	Hendon	Meeks	Silverstein
Brady	Holmes	Millner	Steans
Clayborne	Hunter	Muñoz	Sullivan
Collins	Hutchinson	Noland	Syverson
Cronin	Jacobs	Pankau	Trotter
Crotty	Jones, E.	Radogno	Viverito
Delgado	Koehler	Raoul	Wilhelmi
Dillard	Kotowski	Righter	Mr. President
Frerichs	Lightford	Risinger	
Garrett	Link	Rutherford	
Haine	Maloney	Sandoval	

The following voted in the negative:

Bivins	Duffy	Lauzen	Murphy
Burzynski	Hultgren	Luechtefeld	
Dahl	Jones, J.	McCarter	

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

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

COMMITTEE MEETING ANNOUNCEMENTS

Senator Garrett announced the Environment Committee to meet in Room 400 at 12:51 o'clock p.m.

Senator Viverito announced the Revenue Committee to meet in Room 400 at 1:00 o'clock p.m.

Senator Delgado announced the Public Health Committee to meet in Room 212 upon recess.

At the hour of 11:52 o'clock a.m., Senator Hendon, presiding.

READING BILL OF THE SENATE A THIRD TIME.

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On motion of Senator Steans, **Senate Bill No. 3522**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 40; NAYS 7; Present 9.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Schoenberg
Bivins	Garrett	Link	Steans
Bomke	Hendon	Luechtefeld	Sullivan
Brady	Holmes	Meeks	Syverson
Burzynski	Hultgren	Millner	Trotter
Cronin	Hutchinson	Murphy	Wilhelmi
Crotty	Jacobs	Noland	Mr. President
Dahl	Jones, J.	Radogno	
Dillard	Koehler	Righter	
Duffy	Kotowski	Risinger	
Forby	Lauzen	Rutherford	

The following voted in the negative:

Collins	Hunter	Muñoz	Viverito
Haine	Maloney	Raoul	

The following voted present:

Clayborne	Jones, E.	Pankau
Delgado	Martinez	Sandoval
Harmon	McCarter	Silverstein

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

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

SENATE BILL RECALLED

On motion of Senator Cullerton, **Senate Bill No. 3796** was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3796

AMENDMENT NO. 2. Amend Senate Bill 3796, on page 1, by inserting below line 19 the following:

"Section 10. The Unified Code of Corrections is amended by changing Section 5-6-1 as follows:
(730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

Sec. 5-6-1. Sentences of Probation and of Conditional Discharge and Disposition of Supervision. The General Assembly finds that in order to protect the public, the criminal justice system must compel compliance with the conditions of probation by responding to violations with swift, certain and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of probation, conditional discharge or disposition of supervision.

(a) Except where specifically prohibited by other provisions of this Code, the court shall impose a sentence of probation or conditional discharge upon an offender unless, having regard to the nature and circumstance of the offense, and to the history, character and condition of the offender, the court is of the

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opinion that:

(1) his imprisonment or periodic imprisonment is necessary for the protection of the public; or

(2) probation or conditional discharge would deprecate the seriousness of the offender's conduct and would be inconsistent with the ends of justice; or

(3) a combination of imprisonment with concurrent or consecutive probation when an offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act is necessary for the protection of the public and for the rehabilitation of the offender.

The court shall impose as a condition of a sentence of probation, conditional discharge, or supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-6-4 of this Act.

(b) The court may impose a sentence of conditional discharge for an offense if the court is of the opinion that neither a sentence of imprisonment nor of periodic imprisonment nor of probation supervision is appropriate.

(b-1) Subsections (a) and (b) of this Section do not apply to a defendant charged with a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961 if the defendant within the past 12 months has been convicted of or pleaded guilty to a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961.

(c) The court may, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, defer further proceedings and the imposition of a sentence, and enter an order for supervision of the defendant, if the defendant is not charged with: (i) a Class A misdemeanor, as defined by the following provisions of the Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1; paragraph (1) through (5), (8), (10), and (11) of subsection (a) of Section 24-1; (ii) a Class A misdemeanor violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals Act; or (iii) a felony. If the defendant is not barred from receiving an order for supervision as provided in this subsection, the court may enter an order for supervision after considering the circumstances of the offense, and the history, character and condition of the offender, if the court is of the opinion that:

(1) the offender is not likely to commit further crimes;

(2) the defendant and the public would be best served if the defendant were not to receive a criminal record; and

(3) in the best interests of justice an order of supervision is more appropriate than a sentence otherwise permitted under this Code.

(c-5) Subsections (a), (b), and (c) of this Section do not apply to a defendant charged with a second or subsequent violation of Section 6-303 of the Illinois Vehicle Code committed while his or her driver's license, permit or privileges were revoked because of a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar provision of a law of another state.

(d) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance when the defendant has previously been:

(1) convicted for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or

(2) assigned supervision for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or

(3) pleaded guilty to or stipulated to the facts supporting a charge or a finding of guilty to a violation of Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state, and the plea or stipulation was the result of a plea agreement.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(e) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 16A-3 of the Criminal Code of 1961 if said defendant has within the last 5 years been:

(1) convicted for a violation of Section 16A-3 of the Criminal Code of 1961; or

(2) assigned supervision for a violation of Section 16A-3 of the Criminal Code of 1961.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(f) The provisions of paragraph (c) shall not apply to a defendant charged with violating Sections

15-111, 15-112, 15-301, paragraph (b) of Section 6-104, Section 11-605, Section 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(g) Except as otherwise provided in paragraph (i) of this Section, the provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has within the last 5 years been:

- (1) convicted for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance; or
- (2) assigned supervision for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(h) The provisions of paragraph (c) shall not apply to a defendant under the age of 21 years charged with violating a serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code:

- (1) unless the defendant, upon payment of the fines, penalties, and costs provided by law, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference of Chief Circuit Judges. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases when a defendant enters a guilty plea under this provision; or

- (2) if the defendant has previously been sentenced under the provisions of paragraph (c) on or after January 1, 1998 for any serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code.

(h-1) The provisions of paragraph (c) shall not apply to a defendant under the age of 21 years charged with an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of the Illinois Vehicle Code, unless the defendant, upon payment of the fines, penalties, and costs provided by law, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference of Chief Circuit Judges. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases when a defendant enters a guilty plea under this provision.

(i) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has been assigned supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(j) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance when the revocation or suspension was for a violation of Section 11-501 or a similar provision of a local ordinance or a violation of Section 11-501.1 or paragraph (b) of Section 11-401 of the Illinois Vehicle Code if the defendant has within the last 10 years been:

- (1) convicted for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance; or
- (2) assigned supervision for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(k) The provisions of paragraph (c) shall not apply to a defendant charged with violating any provision of the Illinois Vehicle Code or a similar provision of a local ordinance that governs the movement of vehicles if, within the 12 months preceding the date of the defendant's arrest, the defendant has been assigned court supervision on 2 occasions for a violation that governs the movement of vehicles under the Illinois Vehicle Code or a similar provision of a local ordinance. The provisions of this paragraph (k) do not apply to a defendant charged with violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(l) A defendant charged with violating any provision of the Illinois Vehicle Code or a similar provision of a local ordinance who receives a disposition of supervision under subsection (c) shall pay an additional fee of \$29, to be collected as provided in Sections 27.5 and 27.6 of the Clerks of Courts Act. In addition to the \$29 fee, the person shall also pay a fee of \$6, which, if not waived by the court, shall be collected as provided in Sections 27.5 and 27.6 of the Clerks of Courts Act. The \$29 fee shall be disbursed as provided in Section 16-104c of the Illinois Vehicle Code. If the \$6 fee is

collected, \$5.50 of the fee shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court and 50 cents of the fee shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund in the State treasury.

(m) Any person convicted of, pleading guilty to, or placed on supervision for a serious traffic violation, as defined in Section 1-187.001 of the Illinois Vehicle Code, a violation of Section 11-501 of the Illinois Vehicle Code, or a violation of a similar provision of a local ordinance shall pay an additional fee of \$20, to be disbursed as provided in Section 16-104d of that Code.

This subsection (m) becomes inoperative 7 years after October 13, 2007 (the effective date of Public Act 95-154).

(n) The provisions of paragraph (c) shall not apply to any person under the age of 18 who commits an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of the Illinois Vehicle Code, except upon personal appearance of the defendant in court and upon the written consent of the defendant's parent or legal guardian, executed before the presiding judge. The presiding judge shall have the authority to waive this requirement upon the showing of good cause by the defendant.

(o) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance when the suspension was for a violation of Section 11-501.1 of the Illinois Vehicle Code and when:

(1) at the time of the violation of Section 11-501.1 of the Illinois Vehicle Code, the defendant was a first offender pursuant to Section 11-500 of the Illinois Vehicle Code and the defendant failed to obtain a monitoring device driving permit; or

(2) at the time of the violation of Section 11-501.1 of the Illinois Vehicle Code, the defendant was a first offender pursuant to Section 11-500 of the Illinois Vehicle Code, had subsequently obtained a monitoring device driving permit, but was driving a vehicle not equipped with a breath alcohol ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code.

(p) The provisions of paragraph (c) shall not apply to a defendant charged with violating subsection (b) of Section 11-601.5 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(Source: P.A. 95-154, eff. 10-13-07; 95-302, eff. 1-1-08; 95-310, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400, eff. 1-1-09; 95-428, 8-24-07; 95-876, eff. 8-21-08; 96-253, eff. 8-11-09; 96-286, eff. 8-11-09; 96-328, eff. 8-11-09; 96-625, eff. 1-1-10; revised 10-1-09.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Cullerton, **Senate Bill No. 3796**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Link	Risinger
Bivins	Haine	Luechtefeld	Sandoval
Bomke	Harmon	Maloney	Schoenberg
Burzynski	Hendon	Martinez	Silverstein
Clayborne	Holmes	McCarter	Steans
Collins	Hultgren	Meeks	Sullivan
Cronin	Hunter	Millner	Syverson
Crotty	Hutchinson	Muñoz	Trotter
Dahl	Jacobs	Murphy	Viverito
Delgado	Jones, E.	Noland	Wilhelmi

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Demuzio	Koehler	Pankau	Mr. President
Dillard	Kotowski	Radogno	
Forby	Lauzen	Raoul	
Frerichs	Lightford	Righter	

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

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

On motion of Senator Cullerton, **Senate Bill No. 3797**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 48; NAYS 4.

The following voted in the affirmative:

Althoff	Garrett	Lightford	Schoenberg
Bivins	Haine	Link	Silverstein
Clayborne	Harmon	Maloney	Steans
Collins	Hendon	Martinez	Sullivan
Cronin	Holmes	Meeks	Syverson
Crotty	Hultgren	Millner	Trotter
Dahl	Hunter	Muñoz	Viverito
Delgado	Hutchinson	Murphy	Wilhelmi
Demuzio	Jacobs	Noland	Mr. President
Dillard	Jones, E.	Pankau	
Duffy	Koehler	Radogno	
Forby	Kotowski	Risinger	
Frerichs	Lauzen	Sandoval	

The following voted in the negative:

Bomke	Raoul
Burzynski	Righter

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

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

On motion of Senator Cullerton, **Senate Bill No. 3800**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Lauzen	Raoul
Bivins	Garrett	Lightford	Righter
Bomke	Haine	Link	Risinger
Burzynski	Harmon	Luechtefeld	Sandoval
Clayborne	Hendon	Maloney	Schoenberg

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Collins	Holmes	Martinez	Silverstein
Cronin	Hultgren	McCarter	Steans
Crotty	Hunter	Meeks	Sullivan
Dahl	Hutchinson	Millner	Syverson
Delgado	Jacobs	Muñoz	Trotter
Demuzio	Jones, E.	Murphy	Viverito
Dillard	Jones, J.	Noland	Wilhelmi
Duffy	Koehler	Pankau	Mr. President
Forby	Kotowski	Radogno	

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

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

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 724

Offered by Senator Forby and all Senators:
Mourns the death of Curtis L. Johnston of Sesser.

SENATE RESOLUTION NO. 725

Offered by Senator Lightford and all Senators:
Mourns the death of former Maywood Village President, Ralph Conner.

SENATE RESOLUTION NO. 726

Offered by Senator Clayborne and all Senators:
Mourns the death of Herrett Clyde Parker.

SENATE RESOLUTION NO. 727

Offered by Senator Forby and all Senators:
Mourns the death of Genevieve Odom of Benton.

SENATE RESOLUTION NO. 730

Offered by Senator Harmon and all Senators:
Mourns the death of Barbara Ebner, nee Schaeffer, of Oak Park.

SENATE RESOLUTION NO. 731

Offered by Senator Althoff and all Senators:
Mourns the death of former Illinois State Senator Richard "Dick" Klemm of Crystal Lake.

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

PRESENTATION OF RESOLUTION

Senator Muñoz offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE JOINT RESOLUTION NO. 119

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, March 25, 2010, the Senate stands adjourned until Wednesday, April 07, 2010, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, April 13, 2010, or until the call of the President; and the House of Representatives stands

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adjourned until Friday, March 26, 2010, and when it adjourns on that day, it stands adjourned until Monday, March 29, 2010, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, April 13, 2010, or until the call of the Speaker.

The motion prevailed.

And the resolution was adopted.

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

MESSAGES FROM THE PRESIDENT

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

March 25, 2010

Ms. Jillayne Rock
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Iris Martinez to temporarily replace Senator Mattie Hunter as a member of the Senate Public Health Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Public Health 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

March 25, 2010

Ms. Jillayne Rock
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Michael Frerichs to temporarily replace Senator Michael Jacobs as a member of the Senate Revenue Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Revenue Committee.

Sincerely,
s/John J. Cullerton
Senate President

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cc: Senate Minority Leader Christine Radogno

At the hour of 12:12 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 2:05 o'clock p.m., the Senate resumed consideration of business.
Senator Harmon, presiding.

REPORT RECEIVED

The Secretary placed before the Senate the following report:

FY 2011 GAAP Report, submitted by the Commission on Government Forecasting and Accountability.

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

REPORTS FROM STANDING COMMITTEES

Senator Delgado, Chairperson of the Committee on Public Health, to which was referred **Senate Bill No. 3144**, reported the same back with the recommendation that the bill do pass.

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

Senator Delgado, Chairperson of the Committee on Public Health, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Resolution 642

Senate Amendment No. 2 to Senate Bill 678

Senate Amendment No. 2 to Senate Bill 731

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

Senator Viverito, Chairperson of the Committee on Revenue, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 2505

Senate Amendment No. 2 to Senate Bill 2505

Senate Amendment No. 3 to Senate Bill 2505

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

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

Senate Amendment No. 1 to Senate Bill 3320

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

MESSAGE FROM THE HOUSE

[March 25, 2010]

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 4781

A bill for AN ACT concerning debt settlement.

Passed the House, March 25, 2010.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 4781** was taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 4781, sponsored by Senator Collins, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 4982, sponsored by Senator Maloney, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5065, sponsored by Senator Lightford, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5571, sponsored by Senator Righter, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5691, sponsored by Senator Frerichs, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5781, sponsored by Senator Silverstein, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5923, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 5969, sponsored by Senator Frerichs, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 6082, sponsored by Senator Raoul, was taken up, read by title a first time and referred to the Committee on Assignments.

At the hour of 2:09 o'clock p.m., pursuant to **Senate Joint Resolution No. 119**, the Chair announced the Senate stand adjourned until Wednesday, April 7, 2010, in perfunctory session, or until the call of the President.

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