



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SIXTH GENERAL ASSEMBLY

115TH LEGISLATIVE DAY

WEDNESDAY, APRIL 28, 2010

10:04 O'CLOCK A.M.

SENATE
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115th Legislative Day

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The Senate met pursuant to adjournment.
 James A. DeLeo, Chicago, Illinois, presiding.
 Prayer by Reverend Ed Ingram, Western Oaks Baptist Church, Springfield, Illinois.
 Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Tuesday, April 27, 2010, be postponed, pending arrival of the printed Journal.
 The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

SERS Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2009, submitted by the State Employees' Retirement System of Illinois.

Law Enforcement Camera Grant Act Report, submitted by the Caseyville Police Department.

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

LEGISLATIVE MEASURES FILED

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

Senate Committee Amendment No. 1 to Senate Joint Resolution 80

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

Senate Committee Amendment No. 1 to House Bill 19
 Senate Committee Amendment No. 3 to House Bill 80
 Senate Committee Amendment No. 1 to House Bill 150
 Senate Committee Amendment No. 1 to House Bill 537
 Senate Committee Amendment No. 1 to House Bill 707
 Senate Committee Amendment No. 1 to House Bill 895
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 Senate Committee Amendment No. 1 to House Bill 4681
 Senate Committee Amendment No. 1 to House Bill 4788
 Senate Committee Amendment No. 1 to House Bill 5224
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Senate Committee Amendment No. 1 to House Bill 6113
Senate Committee Amendment No. 1 to House Bill 6195
Senate Committee Amendment No. 1 to House Bill 6208

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

Senate Floor Amendment No. 2 to House Bill 4658
Senate Floor Amendment No. 2 to House Bill 4973
Senate Floor Amendment No. 2 to House Bill 5060
Senate Floor Amendment No. 2 to House Bill 5217
Senate Floor Amendment No. 2 to House Bill 5603
Senate Floor Amendment No. 1 to House Bill 5630
Senate Floor Amendment No. 3 to House Bill 5640
Senate Floor Amendment No. 4 to House Bill 5640
Senate Floor Amendment No. 5 to House Bill 5640
Senate Floor Amendment No. 1 to House Bill 6080
Senate Floor Amendment No. 3 to House Bill 6419

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 793

Offered by Senator Viverito and all Senators:
Mourns the death of Louis F. Cainkar of Evergreen Park.

SENATE RESOLUTION NO. 795

Offered by Senator Cronin and all Senators:
Mourns the death of Tara Feldman.

SENATE RESOLUTION NO. 796

Offered by Senator Forby and all Senators:
Mourns the death of Lucille Tate Tucker of Ewing.

SENATE RESOLUTION NO. 797

Offered by Senator Clayborne and all Senators:
Mourns the death of Deacon John Edward Coates.

SENATE RESOLUTION NO. 798

Offered by Senator Duffy and all Senators:
Mourns the death of Nello M. DiGenova of Wauconda.

SENATE RESOLUTION NO. 799

Offered by Senator Duffy and all Senators:
Mourns the death of Consorica V. Irizari.

SENATE RESOLUTION NO. 800

Offered by Senator Dillard and all Senators:
Mourns the death of Christine A. Rock of Downers Grove.

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

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

SENATE RESOLUTION NO. 794

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WHEREAS, High-speed rail is an efficient and environmentally friendly means of transportation; and

WHEREAS, The State must be prepared to design, build, finance, and maintain a high-speed rail system for the benefit of the State's citizens; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Illinois and Midwest High-Speed Rail Commission is created for the purpose of recommending the best governmental structure for a public-private partnership to design, build, operate, maintain, and finance a high-speed rail system for Illinois and the Midwest; and be it further

RESOLVED, That the Commission shall be composed of 19 members as follows:

- (1) 12 public members appointed by the Governor;
- (2) 2 members of the Illinois House of Representatives, one appointed by the Speaker of the House and one appointed by the House Minority Leader;
- (3) 2 members of the Illinois Senate, one appointed by the Senate President and one appointed by the Senate Minority Leader; and
- (4) 3 ex-officio members as follows:
 - (A) the Illinois Secretary of Transportation;
 - (B) the Director of Commerce and Economic Opportunity; and
 - (C) the Executive Director of the Illinois State Toll Highway Authority; and be it further

RESOLVED, That a person appointed as a public member of the Commission must be a resident of this State; public members of the Commission must include the following: (i) local elected officials who have expressed interest in high-speed rail, (ii) former elected officials with transportation policy expertise, (iii) individuals with professional expertise in long-term financing of infrastructure, and (iv) individuals with expertise in transportation or railroad infrastructure projects; and be it further

RESOLVED, That the appointed members shall reflect the geographic diversity of the State and shall include representation from all regions of the State; and be it further

RESOLVED, That the Governor shall designate one public member of the Commission to serve as the chair of the Commission and one public member to serve as the vice-chair of the Commission; and be it further

RESOLVED, That a member of the Commission is not entitled to compensation but is entitled to reimbursement for the travel expenses incurred by the member while transacting Commission business; and be it further

RESOLVED, That the Commission shall meet at least monthly at the times and places in this State that the chair designates; members may participate in Commission meetings by teleconference or video conference; and be it further

RESOLVED, That a majority of the members of the Commission constitute a quorum for transacting Commission business; and be it further

RESOLVED, That the Commission shall prepare and issue a report to the Governor, the General Assembly, and the public by December 31, 2010, recommending the best governmental structure for a public-private partnership to design, build, operate, maintain, and finance a high-speed rail system for Illinois and the Midwest; and be it further

RESOLVED, That the report must include the following: (i) recommendations for legislation, if statutory change is required, or specific administrative regulations, if regulatory change is required, to implement the recommended high-speed rail system; (ii) sources for the funding of a high-speed rail system including private sources of capital and revenue bonds; (iii) recommendations for integrating the high-speed rail system into existing and planned Amtrak expansions, airports, and public transportation systems; and (iv) recommendations for federal, State, and local actions for the development and

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implementation of a high-speed rail system; and be it further

RESOLVED, That the Commission shall develop a process to receive public and stakeholder input on opinions and proposals for building, designing, maintaining, operating, and financing a high-speed rail system for Illinois and the Midwest; the process must include the solicitation and receipt of formal expressions of interest and other testimony from global high-speed rail operators including without limitation Amtrak; and be it further

RESOLVED, That the Commission shall solicit and receive formal testimony, both written and oral, from representatives of the other states in the Midwest including without limitation representatives from units of local government; and be it further

RESOLVED, That the Commission shall work collaboratively with the Illinois Department of Transportation on any planning projects for high-speed rail administered by the Department to comply with federal high-speed rail requirements including without limitation the solicitation of public input and comments; and be it further

RESOLVED, That the Illinois Department of Transportation shall provide administrative and other support to the Commission; and be it further

RESOLVED, That the members of the Commission shall be reimbursed for their travel expenses from appropriations to the Illinois Department of Transportation available for that purpose and subject to the rules of the appropriate travel control board.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Link, **House Bill No. 4675** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Criminal Law, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4675

AMENDMENT NO. 1. Amend House Bill 4675 on page 8, line 25, by replacing "subsection (b-5)" with the following: "subsections (b-5) and (c-9) subsection (b-5)".

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

On motion of Senator Collins, **House Bill No. 4781** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **House Bill No. 4820** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **House Bill No. 4842** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 4846** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4846

AMENDMENT NO. 1. Amend House Bill 4846 by replacing everything after the enacting clause with the following:

"Section 5. The Fire Protection District Act is amended by changing Section 4.01 and adding Section 4.04 as follows:

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(70 ILCS 705/4.01) (from Ch. 127 1/2, par. 24.01)

Sec. 4.01. Five-member boards.

(a) Any appointed board of trustees of a fire protection district may provide for the establishment of a 5-member board of trustees by adopting an ordinance to that effect. An appointed board of trustees shall also be increased to a 5-member board upon the adoption of a proposition to increase the board as provided in subsection (b) of this Section. When such an ordinance or proposition has been adopted, the appropriate appointing authority shall, within 60 days of the date of the adoption of the ordinance or proposition, appoint 2 additional trustees to the board of trustees, one to hold office for 2 years and one to hold office for 3 years from the first Monday of May next after their appointment and until their successors are appointed and have qualified. The lengths of the terms of these 2 additional members shall be determined by lot at the first meeting of the board of trustees held after the 2 additional members take office. The 3 trustees already holding office in the district shall continue to hold office for the remainder of their respective terms. Thereafter, on or before the second Monday in April of each year the appropriate appointing authority shall appoint one trustee or 2 trustees, as shall be necessary to maintain a 5-member board of trustees, whose terms shall be for 3 years commencing the first Monday in May of the year in which they are respectively appointed.

(b) Upon presentation to an elected or appointed 3-member board of trustees of a petition, signed by not less than 5% of the electors of the district governed by the board, requesting that a proposition to increase the board of trustees to a 5-member board be submitted to the electors of the district, the secretary of the board of trustees shall certify the proposition to the appropriate election authorities who shall submit the proposition at a regular election in accordance with the general election law. The general election law shall apply to and govern the election. The proposition shall be in substantially the following form:

 "Shall the number of trustees YES
 of the Fire Protection District be -----
 increased from 3 to 5?" NO

If a majority of the votes cast on the proposition are in the affirmative, the board of trustees of the district shall thereafter be increased to a 5-member board and the 2 additional trustees shall be elected or appointed as provided by this Section.

(c) Any appointed board of trustees of a fire protection district that has established a 5-member board of trustees by ordinance under subsection (a) may provide for a return to a 3-member board of trustees by adopting an ordinance to that effect. The terms of the 5 persons serving on the board at the time of the adoption of the ordinance shall be terminated upon the adoption of the ordinance, except that they shall continue to serve until the 3-member board under this subsection (c) has been selected and qualified. The appropriate appointing authority shall appoint the 3-member board within 60 days after the adoption of the ordinance. The appointments shall be made under Section 4. Persons serving on the 5-member board shall be eligible for appointment to the 3-member board under this subsection (c).

(d) Beginning on August 17, 1990, and ending 3 years after that date, in the case of a fire protection district board of trustees in a county with a population of more than 400,000 but less than 450,000, according to the 1980 general census, created under Section 4, subsection (a), paragraph (3) of this Act that has established a 5-member board of trustees under this Section a petition for the redress of a trustee, charging the trustee with palpable omission of duty or nonfeasance in office, signed by not less than 5% of the electors of the district may be presented to the township supervisor or the presiding officer of the county board, as appropriate. Upon receipt of the petition, the township supervisor or presiding officer of the county board, as appropriate, shall preside over a hearing on the matter of the requested redress. The hearing shall be held not less than 14 nor more than 30 days after receipt of the petition. In the case of a fire protection district trustee appointed by the presiding officer of the county board, the presiding officer shall appoint at least 4 but not more than 8 members of the county board, a majority of whom shall reside in a county board district in which the fire protection district is wholly or partially located, to serve as the hearing panel. In the case of a fire protection district trustee appointed by the board of town trustees, the township supervisor and 2 other town trustees appointed by the supervisor shall serve as the hearing panel. Within 30 days after the hearing, the panel shall issue a statement of its findings concerning the charges against the trustee, based upon the evidence presented at the hearing, and may make to the fire protection district any recommendations deemed appropriate.

(e) In a district governed by an elected or appointed 5-member board, upon presentation of a petition, signed by not less than 5% of the electors of the district governed by the board, requesting that a proposition to decrease the board of trustees to a 3-member board be submitted to the electors of the

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district, the secretary of the board of trustees shall certify the proposition to the appropriate election authorities who shall submit the proposition at a regular election in accordance with the general election law. The general election law shall apply to and govern the election.

The election authority must submit the question in substantially the following form:

Shall the number of trustees of the fire protection district be decreased from 5 to 3 members?

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

If a majority of the votes cast on the proposition are in the affirmative, the board of trustees of the district shall be decreased to a 3-member board. The terms of the 5 persons serving on the board at the time of the reduction of the number of members to 3 shall terminate upon certification of the election results, except that they shall continue to serve until the 3-member board is appointed and qualified or elected and qualified.

In the case of an appointed board, the appointing authority shall within 60 days after the certification of the election results, appoint 3 trustees to the board with terms starting the first Monday in May next following the election where the decrease in the board's size is approved. The terms of the appointed trustees shall be determined by lot at the first board meeting following the election. One trustee shall have a term of 3 years, one trustee shall have a term of 2 years, and one trustee shall have a term of one year. Thereafter, all terms shall be for 3 years.

In the case of an elected board, 3 trustees shall be elected at the next election at which fire protection district trustees are to be elected under the general election law. The terms of the trustees shall be determined by lot at the first board meeting following the election. One elected trustee shall have a term of 6 years, one trustee shall have a term of 4 years, and one trustee shall have a term of 2 years. Thereafter, the terms of all elected trustees shall be 6 years.

(Source: P.A. 86-1179; 87-712.)

(70 ILCS 705/4.04 new)

Sec. 4.04. Change from a 7-member board to a 5-member or 3-member board. In a district governed by an elected or appointed 7-member board, upon presentation of a petition, signed by not less than 5% of the electors of the district governed by the board, requesting that a proposition to decrease the board of trustees to a 5-member or 3-member board be submitted to the electors of the district, the secretary of the board of trustees shall certify the proposition to the appropriate election authorities who shall submit the proposition at a regular election in accordance with the general election law. The general election law shall apply to and govern the election.

The election authority must submit the question in substantially the following form:

Shall the number of trustees of the fire protection district be decreased from 7 to (5 or 3) members?

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

If a majority of the votes cast on the proposition are in the affirmative, the board of trustees of the district shall be decreased to a 5-member or 3-member board, as applicable. The terms of the 7 persons serving on the board at the time of the reduction of the number of members to 5 or 3 shall terminate upon certification of the election results, except that they shall continue to serve until the 5-member or 3-member board is appointed and qualified or elected and qualified.

In the case of an appointed board, the appointing authority shall within 60 days after the certification of the election results, appoint 3 or 5 trustees, as the case may be, to the board of trustees with terms starting the first Monday in May next following the election where the decrease in the board's size is approved. The terms of the appointed trustees shall be determined by lot at the first board meeting following the election. In the case of a 5-member board, 2 trustees shall have a 3-year term, 2 trustees shall have a 2-year term, and one trustee shall have a one-year term. In the case of a 3-member board, one trustee shall have a 3-year term, one trustee shall have a 2-year term, and one trustee shall have a one-year term. Thereafter, all terms shall be for 3 years.

In the case of an elected board, 3 or 5 trustees shall be elected at the next election at which fire protection district trustees are to be elected under the general election law. The terms of the trustees shall be determined by lot at the first board meeting following the election. In the case of a 5-member board, 2 elected trustees shall have a 2-year term, 2 trustees shall have a 4-year term, and one trustee shall have a 6-year term. In the case of a 3-member board, one elected trustee shall have a 6-year term, one trustee shall have a 4-year term, and one trustee shall have a 2-year term. Thereafter, the terms of all elected trustees shall be 6 years.

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

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

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On motion of Senator Demuzio, **House Bill No. 5026** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **House Bill No. 5043** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **House Bill No. 5006** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 5130** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **House Bill No. 5139** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cronin, **House Bill No. 5147** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **House Bill No. 5169** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Revenue, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 5169

AMENDMENT NO. 1. Amend House Bill 5169 on page 1, line 5, by replacing "Sections 18-185 and 18-195" with "Section 18-195"; and

by deleting everything from line 6 on page 1 through line 8 on page 18.

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

On motion of Senator Dillard, **House Bill No. 5234** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **House Bill No. 5350** having been printed, was taken up and read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Assignments.

The following amendment was offered in the Committee on Human Services, adopted and ordered printed:

AMENDMENT NO. 2 TO HOUSE BILL 5350

AMENDMENT NO. 2. Amend House Bill 5350 as follows:

on page 1, by replacing lines 12 through 23 with the following:

"(405 ILCS 5/1-119) (from Ch. 91 1/2, par. 1-119)

Sec. 1-119. "Person subject to involuntary admission on an inpatient basis" means:

(1) A person with mental illness ~~and~~ who because of his or her illness is reasonably expected, unless treated on an inpatient basis, to engage in conduct placing such person or another in physical harm or in reasonable expectation of being physically harmed ~~dangerous conduct which may include threatening behavior or conduct that places that person or another individual in reasonable expectation of being harmed~~;

(2) A person with mental illness ~~and~~ who because of his or her illness is unable to provide for his or her basic physical needs so as to guard himself or herself from serious harm without the assistance of family or ~~others~~, unless treated on an inpatient basis ~~outside help~~; or

(3) A person with mental illness who:

(i) refuses treatment or is not adhering adequately to prescribed treatment;

(ii) because of the nature of his or her illness, is unable to understand his or her need for treatment; and

(iii) if not treated, is reasonably expected, based on his or her behavioral history, to suffer mental

~~or emotional deterioration and, after such deterioration, meets the criteria of either paragraph (1) or paragraph (2) of this Section, because of the nature of his or her illness, is unable to understand his or her need for treatment and who, if not treated, is reasonably expected to suffer or continue to suffer mental deterioration or emotional deterioration, or both, to the point that the person is reasonably expected to engage in dangerous conduct.~~

In determining whether a person meets the criteria specified in paragraph (1), (2), or (3), the court may consider evidence of the person's repeated past pattern of specific behavior and actions related to the person's illness.

(Source: P.A. 95-602, eff. 6-1-08.)"; and

by deleting page 2; and

on page 3, by deleting lines 1 through 2.

Senate Floor Amendment No. 3 was held in the Committee on Assignments.

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

On motion of Senator Noland, **House Bill No. 5444** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Delgado, **House Bill No. 5565** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **House Bill No. 5712** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 5752** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **House Bill No. 5819** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cronin, **House Bill No. 5863** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 5863

AMENDMENT NO. 1. Amend House Bill 5863 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 10-21.9 and 21-9 as follows:

(105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

Sec. 10-21.9. Criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Child Murderer and Violent Offender Against Youth Database.

(a) Certified and noncertified applicants for employment with a school district, except school bus driver applicants, are required as a condition of employment to authorize a fingerprint-based criminal history records check to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any other offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the check shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the check to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent

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part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth, social security number, fingerprint images, and other identifiers, as prescribed by the Department of State Police, to the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the check of the applicant has been requested. The Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint-based criminal history records check, records of convictions, until expunged, to the president of the school board for the school district that requested the check, or to the regional superintendent who requested the check. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such check, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such check by the school district or by the regional superintendent, except that those applicants seeking employment as a substitute teacher with a school district may be charged a fee not to exceed the cost of the inquiry. Subject to appropriations for these purposes, the State Superintendent of Education shall reimburse school districts and regional superintendents for fees paid to obtain criminal history records checks under this Section.

(a-5) The school district or regional superintendent shall further perform a check of the Statewide Sex Offender Database, as authorized by the Sex Offender Community Notification Law, for each applicant.

(a-6) The school district or regional superintendent shall further perform a check of the Statewide Child Murderer and Violent Offender Against Youth Database, as authorized by the Child Murderer and Violent Offender Against Youth Community Notification Law, for each applicant.

(b) Any information concerning the record of convictions obtained by the president of the school board or the regional superintendent shall be confidential and may only be transmitted to the superintendent of the school district or his designee, the appropriate regional superintendent if the check was requested by the school district, the presidents of the appropriate school boards if the check was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Upon the check of the Statewide Sex Offender Database, the school district or regional superintendent shall notify an applicant as to whether or not the applicant has been identified in the Database as a sex offender. If a check of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon a check ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent and if the regional superintendent upon a check ascertains that the applicant has not been identified in the Sex Offender Database as a sex offender, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and evidencing that as of the date that the regional superintendent conducted a check of the Statewide Sex Offender Database, the applicant has not been identified in the Database as a sex offender. The school board of any school district may rely on the certificate issued by any regional superintendent to that substitute teacher, concurrent part-time teacher, or concurrent educational support personnel employee or may initiate its own criminal history records check of the applicant through the Department of State Police and its own check of the Statewide Sex Offender Database as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) No school board shall knowingly employ a person who has been convicted of any offense that would subject him or her to certification suspension or revocation pursuant to Section 21-23a of this

Code. Further, no school board shall knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(d) No school board shall knowingly employ a person for whom a criminal history records check and a Statewide Sex Offender Database check has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section 34-8.1 or 34-83 of the School Code, the State Superintendent of Education may initiate certificate suspension and revocation proceedings as authorized by law.

(e-5) The superintendent of the employing school board shall, in writing, notify the State Superintendent of Education and the applicable regional superintendent of schools of any certificate holder whom he or she has reasonable cause to believe has committed an intentional act of abuse or neglect with the result of making a child an abused child or a neglected child, as defined in Section 3 of the Abused and Neglected Child Reporting Act, and that act resulted in the certificate holder's dismissal or resignation from the school district. This notification must be submitted within 30 days after the dismissal or resignation. The certificate holder must also be contemporaneously sent a copy of the notice by the superintendent. All correspondence, documentation, and other information so received by the regional superintendent of schools, the State Superintendent of Education, the State Board of Education, or the State Teacher Certification Board under this subsection (e-5) is confidential and must not be disclosed to third parties, except (i) as necessary for the State Superintendent of Education or his or her designee to investigate and prosecute pursuant to Article 21 of this Code, (ii) pursuant to a court order, (iii) for disclosure to the certificate holder or his or her representative, or (iv) as otherwise provided in this Article and provided that any such information admitted into evidence in a hearing is exempt from this confidentiality and non-disclosure requirement. Except for an act of willful or wanton misconduct, any superintendent who provides notification as required in this subsection (e-5) shall have immunity from any liability, whether civil or criminal or that otherwise might result by reason of such action.

(f) After January 1, 1990 the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal history records checks and checks of the Statewide Sex Offender Database on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for a criminal history records check prepared by each such employee and submitting the same to the Department of State Police and for conducting a check of the Statewide Sex Offender Database for each employee. Any information concerning the record of conviction and identification as a sex offender of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards.

(Source: P.A. 95-331, eff. 8-21-07; 96-431, eff. 8-13-09.)

(105 ILCS 5/21-9) (from Ch. 122, par. 21-9)

Sec. 21-9. Substitute certificates and substitute teaching.

(a) A substitute teacher's certificate may be issued for teaching in all grades of the common schools. Such certificate may be issued upon request of the regional superintendent of schools of any region in which the teacher is to teach. A substitute teacher's certificate is valid for teaching in the public schools of any county. Such certificate may be issued to persons who either (a) hold a certificate valid for teaching in the common schools as shown on the face of the certificate, (b) hold a bachelor of arts degree from an institution of higher learning accredited by the North Central Association or other comparable regional accrediting association or have been graduated from a recognized institution of higher learning with a bachelor's degree, or (c) have had 2 years of teaching experience and meet such other rules and regulations as may be adopted by the State Board of Education in consultation with the State Teacher Certification Board. Such certificate shall expire on June 30 in the fourth year from date of issue. Substitute teacher's certificates are not subject to endorsement as described in Section 21-1b of this Code.

(b) A teacher holding a substitute teacher's certificate may teach only in the place of a certified teacher who is under contract with the employing board and may teach only when no appropriate fully certified teacher is available to teach in a substitute capacity. A teacher holding an early childhood certificate, an elementary certificate, a high school certificate, or a special certificate may also substitute teach in grades K-12 but only in the place of a certified teacher who is under contract with the employing board.

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A substitute teacher may teach only for a period not to exceed 90 paid school days or 450 paid school hours in any one school district in any one school term. However, a teacher holding an early childhood, elementary, high school, or special certificate may substitute teach for a period not to exceed 120 paid school days or 600 paid school hours in any one school district in any one school term. Where such teaching is partly on a daily and partly on an hourly basis, a school day shall be considered as 5 hours. The teaching limitations imposed by this subsection upon teachers holding substitute certificates shall not apply in any school district operating under Article 34.

(c) In order to substitute teach in the public schools, a person holding a valid substitute teacher's certificate or a person holding a valid early childhood certificate, a valid elementary certificate, a valid high school certificate, or a valid special certificate shall register as a substitute teacher with the regional superintendent of schools in each educational service region where the person will be employed. A person who registers as a substitute teacher with the regional superintendent of schools is responsible for (1) the payment of fees to register the certificate for its period of validity, (2) authorization of a criminal history records check and checks of the Statewide Sex Offender Database and Statewide Child Murderer and Violent Offender Against Youth Database, as provided in Section 10-21.9 of this Code, (3) payment of the cost of the criminal history records check and checks of the Statewide Sex Offender Database and Statewide Child Murderer and Violent Offender Against Youth Database, and (4) providing evidence of physical fitness and freedom from communicable disease, including tuberculosis, which may consist of a physical examination and a tuberculin skin test as required by Section 24-5 of this Code.

The regional superintendent of schools shall maintain a file for each registered substitute teacher in the educational service region that includes a copy of the person's certificate, the results from the criminal history records check and checks of the Statewide Sex Offender Database and Statewide Child Murderer and Violent Offender Against Youth Database, a copy of the physical examination, and a copy of the tuberculin skin test. The regional superintendent of schools shall issue a signed and sealed certificate of authorization to the substitute teacher that verifies that the substitute teacher has completed the registration process and criminal history records check and checks of the Statewide Sex Offender Database and Statewide Child Murderer and Violent Offender Against Youth Database and has a physical examination and negative tuberculin test on file with the regional superintendent of schools and is thereby approved to substitute teach in the public schools of the educational service region. This certificate must be presented to all prospective employing school districts in the educational service region, who shall photocopy the certificate and keep a copy of the certificate with employment records for the substitute teacher.

Persons wishing to substitute teach in more than one educational service region shall register as a substitute teacher with the appropriate regional superintendent of schools. The registration process shall include all items listed in the first paragraph of this subsection (b), with the exception of the authorization of a criminal history records check and checks of the Statewide Sex Offender Database and Statewide Child Murderer and Violent Offender Against Youth Database and the accompanying payment of associated fees. If the substitute teacher has been issued a signed and sealed certificate of authorization from another regional superintendent of schools, the registering entity may photocopy the certificate for its files and verify the substitute teacher's registration status.

(Source: P.A. 92-184, eff. 7-27-01; 93-679, eff. 6-30-04.)

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

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

On motion of Senator Delgado, **House Bill No. 5927** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 6015** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 6103** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Delgado, **House Bill No. 6129** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hultgren, **House Bill No. 5149** was taken up, read by title a second time and ordered to a third reading.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Holmes moved that **Senate Resolution No. 722**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Holmes moved that Senate Resolution No. 722 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Koehler moved that **Senate Resolution No. 723**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Koehler moved that Senate Resolution No. 723 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Trotter moved that **Senate Joint Resolution No. 110**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Trotter moved that Senate Joint Resolution No. 110 be adopted.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Kotowski	Rutherford
Bivins	Forby	Lauzen	Sandoval
Bomke	Frerichs	Lightford	Schoenberg
Bond	Garrett	Link	Silverstein
Burzynski	Haine	Luechtefeld	Steans
Clayborne	Harmon	Maloney	Sullivan
Collins	Hendon	Martinez	Syverson
Cronin	Holmes	McCarter	Trotter
Crotty	Hultgren	Millner	Viverito
Dahl	Hunter	Muñoz	Wilhelmi
DeLeo	Hutchinson	Noland	Mr. President
Delgado	Jacobs	Pankau	
Dillard	Koehler	Radogno	

The motion prevailed.

And the resolution was adopted.

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

Senator Link moved that **House Joint Resolution No. 80**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Link moved that House Joint Resolution No. 80 be adopted.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

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

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 10:39 o'clock a.m., Senator Lightford, presiding.

At the hour of 10:42 o'clock a.m., Senator DeLeo, presiding.

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

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

At the hour of 10:44 o'clock a.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 12:19 o'clock p.m., the Senate resumed consideration of business.

Senator Lightford, presiding.

JOINT ACTION MOTIONS FILED

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

Motion to Concur in House Amendment 1 to Senate Bill 2578

Motion to Concur in House Amendment 1 to Senate Bill 2590

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Demuzio, **House Bill No. 5859**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

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The following voted in the affirmative:

Althoff	Frerichs	Lightford	Righter
Bivins	Garrett	Link	Risinger
Bomke	Haine	Luechtefeld	Rutherford
Bond	Harmon	Maloney	Sandoval
Burzynski	Hendon	Martinez	Schoenberg
Clayborne	Holmes	McCarter	Silverstein
Crotty	Hultgren	Meeks	Steans
Dahl	Hunter	Millner	Syverson
DeLeo	Hutchinson	Muñoz	Trotter
Delgado	Jacobs	Noland	Viverito
Demuzio	Jones, J.	Pankau	Wilhelmi
Dillard	Koehler	Radogno	Mr. President
Forby	Kotowski	Raoul	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Muñoz, **House Bill No. 5832**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

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

On motion of Senator Muñoz, **House Bill No. 5842**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 40; NAYS 8.

The following voted in the affirmative:

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Althoff	Haine	Maloney	Schoenberg
Bond	Harmon	Martinez	Silverstein
Clayborne	Hendon	Meeks	Steans
Collins	Holmes	Millner	Trotter
Crotty	Hunter	Muñoz	Viverito
DeLeo	Hutchinson	Noland	Wilhelmi
Delgado	Jacobs	Pankau	Mr. President
Demuzio	Koehler	Radogno	
Forby	Kotowski	Raoul	
Frerichs	Lightford	Righter	
Garrett	Link	Sandoval	

The following voted in the negative:

Bivins	Dahl	Hultgren
Bomke	Dillard	Lauzen
Burzynski	Duffy	

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.

On motion of Senator Clayborne, **House Bill No. 5854**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 32; NAYS 15; Present 2.

The following voted in the affirmative:

Clayborne	Haine	Maloney	Steans
Collins	Hendon	Martinez	Trotter
Crotty	Holmes	Meeks	Viverito
Dahl	Hunter	Muñoz	Wilhelmi
DeLeo	Hutchinson	Noland	Mr. President
Delgado	Jacobs	Raoul	
Forby	Koehler	Sandoval	
Frerichs	Kotowski	Schoenberg	
Garrett	Link	Silverstein	

The following voted in the negative:

Althoff	Duffy	McCarter	Radogno
Bivins	Hultgren	Millner	Righter
Bomke	Jones, J.	Murphy	Syverson
Burzynski	Lauzen	Pankau	

The following voted present:

Dillard
Harmon

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.

On motion of Senator Millner, **House Bill No. 5861**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Kotowski, **House Bill No. 5871**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lauzen	Raoul
Bivins	Frerichs	Lightford	Righter
Bomke	Garrett	Link	Rutherford
Bond	Haine	Luechtefeld	Sandoval
Burzynski	Harmon	Maloney	Schoenberg
Clayborne	Hendon	Martinez	Silverstein
Collins	Holmes	McCarter	Steans
Crotty	Hultgren	Meeks	Syverson
Dahl	Hunter	Millner	Trotter
DeLeo	Hutchinson	Muñoz	Viverito
Delgado	Jacobs	Murphy	Wilhelmi
Demuzio	Jones, J.	Noland	Mr. President
Dillard	Koehler	Pankau	
Duffy	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.

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On motion of Senator Hunter, **House Bill No. 5891**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Silverstein, **House Bill No. 5894**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lauzen	Raoul
Bivins	Frerichs	Lightford	Righter
Bomke	Garrett	Link	Rutherford
Bond	Haine	Luechtefeld	Sandoval
Burzynski	Harmon	Maloney	Schoenberg
Clayborne	Hendon	Martinez	Silverstein
Collins	Holmes	McCarter	Steans
Crotty	Hultgren	Meeks	Syverson
Dahl	Hunter	Millner	Trotter
DeLeo	Hutchinson	Muñoz	Viverito
Delgado	Jacobs	Murphy	Wilhelmi
Demuzio	Jones, J.	Noland	Mr. President
Dillard	Koehler	Pankau	
Duffy	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.

On motion of Senator Kotowski, **House Bill No. 5905**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 45; NAYS 11.

The following voted in the affirmative:

Althoff	Frerichs	Link	Rutherford
Bomke	Garrett	Maloney	Sandoval
Bond	Haine	Martinez	Schoenberg
Clayborne	Harmon	McCarter	Silverstein
Collins	Hendon	Meeks	Steans
Cronin	Holmes	Millner	Trotter
Crotty	Hunter	Muñoz	Viverito
DeLeo	Hutchinson	Noland	Wilhelmi
Delgado	Jacobs	Pankau	Mr. President
Demuzio	Koehler	Raoul	
Dillard	Kotowski	Righter	
Forby	Lightford	Risinger	

The following voted in the negative:

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

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.

At the hour of 12:52 o'clock p.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 1:03 o'clock p.m., the Senate resumed consideration of business.
Senator Lightford, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 28, 2010 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Appropriations I: **Senate Committee Amendment No. 1 to House Bill 391.**

Commerce: **Senate Floor Amendment No. 1 to House Bill 4984; Senate Floor Amendment No. 2 to House Bill 5230.**

Criminal Law: **Senate Floor Amendment No. 1 to Senate Bill 2827; Senate Floor Amendment No. 1 to House Bill 3869; Senate Floor Amendment No. 2 to House Bill 5060; Senate Floor Amendment No. 1 to House Bill 5494; Senate Floor Amendment No. 2 to House Bill 5640; Senate Floor Amendment No. 3 to House Bill 5640; Senate Floor Amendment No. 4 to House Bill 5640; Senate Floor Amendment No. 5 to House Bill 5640; Senate Floor Amendment No. 1 to House Bill 6151.**

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Elections: Senate Floor Amendment No. 1 to Senate Bill 2650.

Energy: Senate Floor Amendment No. 3 to House Bill 6419.

Executive: Senate Committee Amendment No. 1 to House Bill 19; Senate Committee Amendment No. 3 to House Bill 80; Senate Committee Amendment No. 1 to House Bill 150; Senate Committee Amendment No. 1 to House Bill 537; Senate Committee Amendment No. 1 to House Bill 707; Senate Committee Amendment No. 1 to House Bill 895; Senate Committee Amendment No. 2 to House Bill 923; Senate Committee Amendment No. 1 to House Bill 1075; Senate Committee Amendment No. 1 to House Bill 1313; Senate Committee Amendment No. 1 to House Bill 2254; Senate Committee Amendment No. 1 to House Bill 2263; Senate Committee Amendment No. 1 to House Bill 2332; Senate Committee Amendment No. 2 to House Bill 2369; Senate Committee Amendment No. 1 to House Bill 2386; Senate Committee Amendment No. 1 to House Bill 2428; Senate Committee Amendment No. 1 to House Bill 2598; Senate Committee Amendment No. 1 to House Bill 3677; Senate Floor Amendment No. 2 to Senate Bill 3775; Senate Committee Amendment No. 1 to House Bill 3806; Senate Committee Amendment No. 1 to House Bill 3833; Senate Committee Amendment No. 1 to House Bill 3845; Senate Committee Amendment No. 1 to House Bill 3900; Senate Committee Amendment No. 1 to House Bill 3962; Senate Floor Amendment No. 3 to House Bill 4623; Senate Committee Amendment No. 1 to House Bill 4681; Senate Committee Amendment No. 1 to House Bill 4788; Senate Committee Amendment No. 1 to House Bill 5224; Senate Committee Amendment No. 1 to House Bill 5416; Senate Committee Amendment No. 1 to House Bill 6195; Senate Committee Amendment No. 1 to House Bill 6208.

Executive Subcommittee on State And Local Government: Senate Committee Amendment No. 2 to House Bill 6271.

Human Services: Senate Floor Amendment No. 1 to House Bill 5306; Senate Floor Amendment No. 3 to House Bill 5350.

Insurance: Senate Floor Amendment No. 2 to House Bill 5217.

Judiciary: Senate Floor Amendment No. 3 to Senate Bill 2850; Senate Floor Amendment No. 1 to House Bill 5055; Senate Floor Amendment No. 2 to House Bill 5290; Senate Floor Amendment No. 3 to House Bill 5429; Senate Floor Amendment No. 1 to House Bill 5630; Senate Floor Amendment No. 2 to House Bill 5888; Senate Floor Amendment No. 1 to House Bill 6124.

Labor: Senate Floor Amendment No. 2 to House Bill 4658.

Licensed Activities: Senate Floor Amendment No. 3 to House Bill 5080.

Local Government: Senate Floor Amendment No. 1 to House Bill 4708; Senate Committee Amendment No. 1 to House Bill 4815.

Public Health: Senate Floor Amendment No. 2 to House Bill 5183; Senate Committee Amendment No. 2 to House Bill 5766; Senate Floor Amendment No. 2 to House Bill 6034.

State Government and Veterans Affairs: Senate Committee Amendment No. 1 to Senate Joint Resolution 80; Senate Committee Amendment No. 1 to Senate Resolution 758; Senate Floor Amendment No. 2 to House Bill 5065; Senate Floor Amendment No. 2 to House Bill 5571.

Telecommunications and Information Technology: Senate Floor Amendment No. 1 to House Bill 4990.

Transportation: Senate Floor Amendment No. 1 to House Bill 4691; Senate Floor Amendment No. 1 to House Bill 6094.

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following committee to meet this afternoon, Wednesday, April 28, 2010:

Executive in Room 212 at 2:00 o'clock p.m.

The Chair announced the following committee to meet Thursday, April 29, 2010:

State Government & Veterans' Affairs in Room 409 at 8:00 o'clock a.m.

At the hour of 1:10 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 3:45 o'clock p.m., the Senate resumed consideration of business.
Senator Harmon, presiding.

LEGISLATIVE MEASURES FILED

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

Senate Committee Amendment No. 1 to House Bill 3659
Senate Committee Amendment No. 3 to House Bill 6252

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

Senate Floor Amendment No. 1 to House Bill 5191
Senate Floor Amendment No. 2 to House Bill 5331
Senate Floor Amendment No. 1 to House Bill 5483

REPORT FROM STANDING COMMITTEE

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred **House Bills Numbered 543 and 6450**, reported the same back with the recommendation that the bills do pass.
Under the rules, the bills were ordered to a second reading.

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred **House Bills Numbered 19, 80, 150, 537, 707, 895, 923, 1075, 1313, 2254, 2263, 2332, 2369, 2386, 2428, 2598, 3677, 3806, 3833, 3845, 3900, 3962, 4681, 5416, 6195, 6208 and 6271**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

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

Senate Amendment No. 2 to Senate Bill 3775

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

[April 28, 2010]

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 3433

A bill for AN ACT concerning the transfer of real property.

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

House Amendment No. 1 to SENATE BILL NO. 3433

Passed the House, as amended, April 28, 2010.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 3433

AMENDMENT NO. 1. Amend Senate Bill 3433, on page 26, immediately below line 9, by inserting the following:

"Section 1.5. The Director of the Department of Natural Resources, on behalf of the State of Illinois, is authorized to execute and deliver to Sangamon County, an Illinois unit of local government, State of Illinois, for and in consideration of One Dollar (\$1.00) paid to said Department, a quit claim deed to the following described real property, to wit:

All that portion of the right of way and appurtenances of the abandoned portion of the Madison Subdivision of Union Pacific Railroad Company (formerly the Chicago and North Western Transportation Company), now known as the Sangamon Valley Trail Bikeway, described as Beginning at the South line of Section 10, Township 15 North, Range 6 West of the Third Principal Meridian, and thence running in a northerly direction along the centerline of said abandoned railroad to a line being parallel to and 200 feet North of the North line of the Southwest Quarter of Section 19, Township 16 North, Range 5 West of the Third Principal Meridian, as measured along said centerline of said abandoned railroad as originally surveyed, all being situated in the County of Sangamon and the State of Illinois.";

on page 26, line 11, by replacing "Section 1" with "Sections 1 and 1.5".

Under the rules, the foregoing **Senate Bill No. 3433**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 3540

A bill for AN ACT concerning criminal law.

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

House Amendment No. 1 to SENATE BILL NO. 3540

House Amendment No. 2 to SENATE BILL NO. 3540

Passed the House, as amended, April 28, 2010.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 3540

AMENDMENT NO. 1. Amend Senate Bill 3540 on page 32, by inserting immediately below line 5 the following:

"The Court may only waive probation fees based on an offender's ability to pay. The probation

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department may re-evaluate an offender's ability to pay every 6 months, and, with the approval of the Director of Court Services or the Chief Probation Officer, adjust the monthly fee amount. An offender may elect to pay probation fees due in a lump sum. Any offender that has been assigned to the supervision of a probation department, or has been transferred either under subsection (h) of this Section or under any interstate compact, shall be required to pay probation fees to the department supervising the offender, based on the offender's ability to pay."; and

on page 42, by inserting immediately below line 3 the following:

"The Court may only waive probation fees based on an offender's ability to pay. The probation department may re-evaluate an offender's ability to pay every 6 months, and, with the approval of the Director of Court Services or the Chief Probation Officer, adjust the monthly fee amount. An offender may elect to pay probation fees due in a lump sum. Any offender that has been assigned to the supervision of a probation department, or has been transferred either under subsection (h) of this Section or under any interstate compact, shall be required to pay probation fees to the department supervising the offender, based on the offender's ability to pay."

AMENDMENT NO. 2 TO SENATE BILL 3540

AMENDMENT NO. 2. Amend Senate Bill 3540 on page 1, by replacing line 5 with the following:

"changing Sections 5-615, 5-715, and 5-905 as follows"; and

on page 15, by inserting immediately below line 11 the following:

"(705 ILCS 405/5-905)

Sec. 5-905. Law enforcement records.

(1) Law Enforcement Records. Inspection and copying of law enforcement records maintained by law enforcement agencies that relate to a minor who has been arrested or taken into custody before his or her 17th birthday shall be restricted to the following and when necessary for the discharge of their official duties:

(a) A judge of the circuit court and members of the staff of the court designated by the judge;

(b) Law enforcement officers, probation officers or prosecutors or their staff, or, when necessary for the discharge of its official duties in connection with a particular investigation of the conduct of a law enforcement officer, an independent agency or its staff created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers;

(c) The minor, the minor's parents or legal guardian and their attorneys, but only when the juvenile has been charged with an offense;

(d) Adult and Juvenile Prisoner Review Boards;

(e) Authorized military personnel;

(f) Persons engaged in bona fide research, with the permission of the judge of juvenile court and the chief executive of the agency that prepared the particular recording: provided that publication of such research results in no disclosure of a minor's identity and protects the confidentiality of the record;

(g) Individuals responsible for supervising or providing temporary or permanent care and custody of minors pursuant to orders of the juvenile court or directives from officials of the Department of Children and Family Services or the Department of Human Services who certify in writing that the information will not be disclosed to any other party except as provided under law or order of court;

(h) The appropriate school official. Inspection and copying shall be limited to law enforcement records transmitted to the appropriate school official by a local law enforcement agency under a reciprocal reporting system established and maintained between the school district and the local law enforcement agency under Section 10-20.14 of the School Code concerning a minor enrolled in a school within the school district who has been arrested for any offense classified as a felony or a Class A or B misdemeanor.

(2) Information identifying victims and alleged victims of sex offenses, shall not be disclosed or open to public inspection under any circumstances. Nothing in this Section shall prohibit the victim or alleged victim of any sex offense from voluntarily disclosing his or her identity.

(2.5) If the minor is a victim of aggravated battery, battery, attempted first degree murder, or other non-sexual violent offense, the identity of the victim may be disclosed to appropriate school officials, for

the purpose of preventing foreseeable future violence involving minors, by a local law enforcement agency pursuant to an agreement established between the school district and a local law enforcement agency subject to the approval by the presiding judge of the juvenile court.

(3) Relevant information, reports and records shall be made available to the Department of Juvenile Justice when a juvenile offender has been placed in the custody of the Department of Juvenile Justice.

(4) Nothing in this Section shall prohibit the inspection or disclosure to victims and witnesses of photographs contained in the records of law enforcement agencies when the inspection or disclosure is conducted in the presence of a law enforcement officer for purposes of identification or apprehension of any person in the course of any criminal investigation or prosecution.

(5) The records of law enforcement officers, or of an independent agency created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers, concerning all minors under 17 years of age must be maintained separate from the records of adults and may not be open to public inspection or their contents disclosed to the public except by order of the court or when the institution of criminal proceedings has been permitted under Section 5-130 or 5-805 or required under Section 5-130 or 5-805 or such a person has been convicted of a crime and is the subject of pre-sentence investigation or when provided by law.

(6) Except as otherwise provided in this subsection (6), law enforcement officers, and personnel of an independent agency created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers, may not disclose the identity of any minor in releasing information to the general public as to the arrest, investigation or disposition of any case involving a minor. Any victim or parent or legal guardian of a victim may petition the court to disclose the name and address of the minor and the minor's parents or legal guardian, or both. Upon a finding by clear and convincing evidence that the disclosure is either necessary for the victim to pursue a civil remedy against the minor or the minor's parents or legal guardian, or both, or to protect the victim's person or property from the minor, then the court may order the disclosure of the information to the victim or to the parent or legal guardian of the victim only for the purpose of the victim pursuing a civil remedy against the minor or the minor's parents or legal guardian, or both, or to protect the victim's person or property from the minor.

(7) Nothing contained in this Section shall prohibit law enforcement agencies when acting in their official capacity from communicating with each other by letter, memorandum, teletype or intelligence alert bulletin or other means the identity or other relevant information pertaining to a person under 17 years of age. The information provided under this subsection (7) shall remain confidential and shall not be publicly disclosed, except as otherwise allowed by law.

(8) No person shall disclose information under this Section except when acting in his or her official capacity and as provided by law or order of court.

(Source: P.A. 96-419, eff. 8-13-09)."

Under the rules, the foregoing **Senate Bill No. 3540**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 3568

A bill for AN ACT concerning criminal law.

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

House Amendment No. 1 to SENATE BILL NO. 3568

Passed the House, as amended, April 28, 2010.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 3568

AMENDMENT NO. 1. Amend Senate Bill 3568 on page 6, line 22, by replacing "Any employer" with "In addition to the remedies provided in subsections (a), (b), and (c) of this Section, any ~~Any~~ employer"; and

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by replacing lines 19 through 26 on page 7 and lines 1 through 16 on page 8 with the following:

"(b) Any employer who has been demanded or ordered by the Department Director of Labor or ordered by the court to pay wages, final compensation, or wage supplements due an employee shall be required to pay a non-waivable administrative fee of \$250 to the Department of Labor. Any employer who has been so demanded or ordered by the Department or ordered by a court to pay such wages, final compensation, or wage supplements and who fails to seek timely review of such a demand or order as provided for under this Act and who fails to comply within 15 calendar days after such demand or within 35 days of an administrative or court order is entered shall also be liable to pay a penalty to the Department of Labor of 20% of the amount found owing and a penalty to the employee of 1% per calendar day of the amount found owing for each day of delay in paying such wages to the employee. All moneys recovered as fees and civil penalties under this Act, except those owing to the affected employee, shall be deposited into the Wage Theft Enforcement Fund, a special fund which is hereby created in the State treasury. Moneys in the Fund may be used only for enforcement of this Act, and who shall fail to do so within 15 days after such demand or order is entered shall be liable to pay a penalty of 1% per calendar day to the employee for each day of delay in paying such wages to the employee up to an amount equal to twice the sum of unpaid wages due the employee. Such employer shall also be liable to the Department of Labor for 20% of such unpaid wages.

(b-5) Penalties and fees under this Section may be assessed by the Department and recovered in a civil action brought by the Department Director in any circuit court or in any administrative adjudicative proceeding under this Act. In any such civil action or administrative adjudicative proceeding under this Act this litigation, the Department Director of Labor shall be represented by the Attorney General."

Under the rules, the foregoing **Senate Bill No. 3568**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 2812

A bill for AN ACT concerning safety.

SENATE BILL NO. 2986

A bill for AN ACT concerning land.

SENATE BILL NO. 3011

A bill for AN ACT concerning gaming.

SENATE BILL NO. 3024

A bill for AN ACT concerning transportation.

SENATE BILL NO. 3025

A bill for AN ACT concerning professional regulation.

SENATE BILL NO. 3037

A bill for AN ACT concerning State government.

Passed the House, April 28, 2010.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 3091

A bill for AN ACT concerning transportation.

SENATE BILL NO. 3097

A bill for AN ACT concerning safety.

SENATE BILL NO. 3139

A bill for AN ACT concerning revenue.

SENATE BILL NO. 3206

A bill for AN ACT concerning State government.

SENATE BILL NO. 3265

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A bill for AN ACT in relation to taxes.

SENATE BILL NO. 3304

A bill for AN ACT in relation to criminal law.

SENATE BILL NO. 3305

A bill for AN ACT concerning violent offenders against youth.

Passed the House, April 28, 2010.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 3347

A bill for AN ACT concerning safety.

SENATE BILL NO. 3387

A bill for AN ACT concerning business.

SENATE BILL NO. 3405

A bill for AN ACT concerning public employee benefits.

SENATE BILL NO. 3494

A bill for AN ACT concerning employment.

SENATE BILL NO. 3505

A bill for AN ACT concerning finance.

SENATE BILL NO. 3552

A bill for AN ACT concerning revenue.

Passed the House, April 28, 2010.

MARK MAHONEY, Clerk of the House

COMMUNICATION

ILLINOIS STATE SENATE
DON HARMON
ASSISTANT MAJORITY LEADER
STATE SENATOR · 39TH DISTRICT

April 28, 2010

The Honorable Jillayne Rock
Secretary of the Senate
Room 403 Capitol Building
Springfield, IL 62704

Madame Secretary:

Today, Senator Clayborne presented House Bill 5854 to the Senate. The bill allows the Illinois Finance Authority ("IFA") to issue bonds to finance projects that are located in other states if the project is owned, operated, leased or managed by an entity located within Illinois.

Other lawyers in the law firm that employs me provide legal services to the IFA and clients engaged in transactions with the IFA. I do not believe that this representation presents a substantial threat to my independence of judgment. Nevertheless, I voted "present" on the bill I wish to disclose the representation to the Senate.

Sincerely,
s/Don Harmon

[April 28, 2010]

At the hour of 3:47 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, April 29, 2010, at 9:00 o'clock a.m.