



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SIXTH GENERAL ASSEMBLY

129TH LEGISLATIVE DAY

TUESDAY, NOVEMBER 16, 2010

12:15 O'CLOCK P.M.

SENATE
Daily Journal Index
129th Legislative Day

Action	Page(s)
Committee Meeting Announcements.....	11
Communication	28
Deadline Established	5
Introduction of Senate Bills No'd. 3971-3972	9
Legislative Measure(s) Filed	4, 28
Message from the President	5, 11
Motion in Writing.....	9, 15
Presentation of Senate Joint Resolution No. 131	7
Presentation of Senate Resolution No. 1047.....	15
Presentation of Senate Resolutions No'd. 1036 – 1041.....	7
Presentation of Senate Resolutions No'd. 1042 – 1046.....	14
Report from Assignments Committee.....	10
Report from Standing Committee	13
Report(s) Received	4
Resignation	28

Bill Number	Legislative Action	Page(s)
SB 0362	Recalled - Amendment(s).....	17
SB 0597	Recalled - Amendment(s).....	18
SB 0598	Recalled - Amendment(s).....	19
SB 0647	Recalled - Amendment(s).....	23
SB 2544	Motion Filed to Override Veto.....	16
SB 3779	Recalled - Amendment(s).....	24
SB 3952	Second Reading	16
SB 3965	Second Reading	16
SB 3969	Second Reading.....	17
SJR 0131	Committee on Assignments.....	7
SR 1047	Committee on Assignments	15
HB 2263	Recalled – Amendment(s).....	24
HB 3677	Recalled – Amendment(s)	26
HB 5178	Recalled – Amendment(s).....	27

The Senate met pursuant to the directive of the Senate President.
Senator Jeffrey M. Schoenberg, Evanston, Illinois, presiding.
Prayer by Reverend Howard Chartier, Ashland Church of Christ, Ashland, Illinois.
Senator Jacobs led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, February 10, 2010, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, February 11, 2010, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Tuesday, February 16, 2010, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Wednesday, February 17, 2010, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, February 18, 2010, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Tuesday, February 23, 2010, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Wednesday, February 24, 2010, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, February 25, 2010, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Tuesday, March 2, 2010, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Wednesday, March 3, 2010, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, March 4, 2010, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Monday, March 8, 2010, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Tuesday, March 9, 2010, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Wednesday, March 10, 2010, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, March 11, 2010, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Friday, March 12, 2010, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator Hunter moved that reading and approval of the Journal of Thursday, November 4, 2010, be postponed, pending arrival of the printed Journal.

The motion prevailed.

Senator Hunter moved that reading and approval of the Journal of Wednesday, November 10, 2010, be postponed, pending arrival of the printed Journal.

The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

State Appellate Defender Annual Report, Fiscal Year 2010, submitted by the Office of the State Appellate Defender.

Metropolitan Pier and Exposition Authority's Financial Statements for the three months ended September 30, 2010, submitted by the Metropolitan Pier and Exposition Authority.

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

LEGISLATIVE MEASURES FILED

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

Senate Committee Amendment No. 1 to Senate Bill 3952

Senate Committee Amendment No. 1 to Senate Bill 3965

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

Senate Floor Amendment No. 1 to Senate Bill 362

Senate Floor Amendment No. 1 to Senate Bill 458

Senate Floor Amendment No. 1 to Senate Bill 597

Senate Floor Amendment No. 1 to Senate Bill 598

Senate Floor Amendment No. 1 to Senate Bill 647

Senate Floor Amendment No. 1 to Senate Bill 852

Senate Floor Amendment No. 1 to Senate Bill 3779

[November 16, 2010]

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. 3 to House Bill 2263
Senate Floor Amendment No. 2 to House Bill 3677
Senate Floor Amendment No. 2 to House Bill 5178

MESSAGES FROM THE PRESIDENT

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706
217-782-2728

November 15, 2010

The Honorable Jillayne Rock
Secretary of the Senate
403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 2-10, I am scheduling the Senate session to convene January 5, 2011 and January 6, 2011.

Sincerely,
s/John J. Cullerton
Senate President

cc: Republican Leader Christine Radogno

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706
217-782-2728

November 16, 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 January 11, 2011 as the Committee and 3rd Reading deadline for the following bills:

SB 362, SB 458, SB 597, SB 598, SB 647, SB 852, SB 3779, HB 2263, HB 3677, HB 4934, and HB 5178.

Sincerely,
s/John J. Cullerton

[November 16, 2010]

Senate President

cc: Senate Republican Leader Christine Radogno

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706
217-782-2728

November 16, 2010

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

Dear Madam Secretary:

Please be advised that I have appointed Senator Kimberly Lightford to the Senate Committee on Executive Appointments, to be effectively immediately.

If you have any questions, please contact my Chief of Staff, Andy Manar, at 217.782.3920.

Sincerely,
s/John J. Cullerton
Senate President

cc: Governor Patrick Quinn
Senate Republican Leader Christine Radogno
House Speaker Michael Madigan
House Republican Leader Tom Cross
Secretary of State – Index Division
Legislative Research Unit
Legislative Reference Bureau
Clerk of the House

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706
217-782-2728

November 16, 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 Don Harmon to temporarily replace Senator Rickey Hendon as a member of the Senate Gaming Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Gaming Committee.

Sincerely,

[November 16, 2010]

s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 1036

Offered by Senator Dillard and all Senators:
Mourns the death of Patricia Hoglund-Michaels of Riverside.

SENATE RESOLUTION NO. 1037

Offered by Senator Murphy and all Senators:
Mourns the death of U. S. Marine Corps Lance Corporal James Bray Stack of Arlington Heights.

SENATE RESOLUTION NO. 1038

Offered by Senator Luechtefeld and all Senators:
Mourns the death of U. S. Marine Corps Staff Sergeant Jordan B. Emrick of Hoyleton.

SENATE RESOLUTION NO. 1039

Offered by Senator Haine and all Senators:
Mourns the death of Theodore Ross Diaz, formerly of Alton.

SENATE RESOLUTION NO. 1040

Offered by Senator Haine and all Senators:
Mourns the death of Michael J. Molloy, Sr.

SENATE RESOLUTION NO. 1041

Offered by Senator Haine and all Senators:
Mourns the death of Lance R. Mallon.

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

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

SENATE JOINT RESOLUTION NO. 131

WHEREAS, The United States Supreme Court in *Olmstead v. L.C. Ex Rel. Zimring*, 119 S. Ct. 2176 (1999), held that the unjustifiable institutionalization of a person with a disability who could live in the community with appropriate supports and services, and wishes to do so, is unlawful discrimination in violation of the Americans with Disabilities Act (ADA); and

WHEREAS, Almost 10 years after the *Olmstead* decision, a report titled "The State of the States in Disabilities 2008" by the Department of Psychiatry and Coleman Institute for Cognitive Disabilities of the University of Colorado ranks the State of Illinois 40th nationally in fiscal effort for services for individuals with developmental disabilities, including all home based programs, group home, and congregate care; 43rd in State fiscal effort for community services; 47th in home and community-based waiver spending per capita; and 51st in serving persons with developmental disabilities in environments of 6 or less; and

WHEREAS, The State has not adequately invested funding for home and community-based services for individuals with developmental disabilities, and has cut funding for those services in the past 3 State fiscal year budgets; and

WHEREAS, Funding for home and community-based services does not currently meet the cost of

[November 16, 2010]

providing those services and supports due to inflationary pressures, increased personnel costs, mandated increases in minimum wage, rising health insurance costs, and the increased cost of doing business with vendors; and

WHEREAS, "Person-centered" means that services and supports are identified and authorized to address the specific needs of each person as a result of an individualized assessment and through a person-centered planning process; and

WHEREAS, Illinois has a disproportionate number of Illinois citizens with developmental disabilities who are served in State-operated developmental centers (SODCs); and

WHEREAS, Illinois lags substantially behind nearly all other states in fostering the provision of services in the most integrated setting; the Illinois utilization rate for SODC services in 2009 was 18.0 individuals per 100,000 persons in the general population; the nationwide utilization rate in 2009 was 11.1 individuals per 100,000 in the general population; and

WHEREAS, The majority of other states have significantly reduced their utilization of large state-operated facilities; in order for Illinois to achieve parity with the national average by 2017, Illinois would need to serve an average of 8.9% fewer individuals in SODCs annually; and

WHEREAS, As long as the State continues to perpetuate short term measures to address crises in the system, in the long term, Illinois will perpetuate its inability to serve the growing number of individuals with developmental disabilities who are not currently receiving services; and

WHEREAS, If such underfunding is allowed to continue, the community-based system will continue to be fragmented and will be unable to respond to the intention of Olmstead and the preservation of choice for individuals with developmental disabilities on the services they may receive and where they choose to receive them; and

WHEREAS, The Illinois Department of Human Services' Division of Developmental Disabilities (Division) developed and released its Strategic Plan for Fiscal Years 2011-2017 in July 2010 which aims to substantively reorient Division priorities and resources to support a truly person-centered system of services for which there is a popular mandate; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that in alignment with the Division's 7-year Strategic Plan, all children and adults with developmental disabilities living in Illinois will receive high quality services guided by a person-centered plan that maximizes individual choice and flexibility in the most integrated setting possible regardless of intensity or severity of need; and be it further

RESOLVED, That Illinois will implement at least one new, outcome-based model for service delivery that improves the coordination and integration of habilitation, social, and clinical care for people with developmental disabilities; and be it further

RESOLVED, That the number of individuals living in the most integrated settings will achieve parity with the national utilization rates so that more individuals will live in settings of 6 or less; fewer individuals will live in private intermediate care facilities for individuals with developmental disabilities; and fewer individuals will live in SODCs; and be it further

RESOLVED, That more individuals with developmental disabilities will receive integrated employment services to achieve parity with the national utilization rates; and be it further

RESOLVED, That the number of people receiving Medicaid-funded Home and Community Based Services (HCBS) will achieve parity with national utilization rates; and be it further

RESOLVED, That the disparity between wages paid to State of Illinois employees and community-based direct service professionals will be reduced; and be it further

[November 16, 2010]

RESOLVED, That the Division will develop a comprehensive, integrated data management system that captures, aggregates, and analyzes data from various sources, allowing timely analysis of service processes and outcomes; and be it further

RESOLVED, That persons with developmental disabilities are linked to the services that best meet their needs and to promote that linkage there must be an effective service coordination system that is available to all regardless of geographic or network boundaries and available to support individuals and families as they choose; and be it further

RESOLVED, That Illinois will adopt a budgeting strategy between all human service departments that allows truly effective utilization of resources to meet the needs of individuals regardless of their age, place of residence, or behavioral or health needs and provides for crisis prevention and intervention supports that keep people successfully living in the community; and be it further

RESOLVED, That persons with developmental disabilities will be actively involved in policy discussions and will be respected as partners in the process, making informed choices and decisions in order to support productive and fulfilling lives; and be it further

RESOLVED, That families and guardians will be listened to and respected, and the State of Illinois will strive to earn and keep their trust along with the trust of the public; and be it further

RESOLVED, That the State of Illinois recognizes that home and community providers are a vital part of healthy communities and are counted on by individuals and families and the State to support their goals and therefore should be listened to and respected; and be it further

RESOLVED, That the allocation of resources to support people with developmental disabilities will accurately reflect service demand and be a priority at all levels of government and for the citizens of Illinois and that funding for developmental disabilities services will be realigned to reflect the strategic priorities and benchmarks identified in the Division's 7-year Strategic Plan; and be it further

RESOLVED, That future budgets shall take into consideration the steps necessary to achieve the plans laid out in this joint resolution; and be it further

RESOLVED, That copies of this Resolution be sent to the Governor, the Secretary of the Department of Human Services, the Director of the Governor's Office of Management and Budget, and all members of the General Assembly.

INTRODUCTION OF BILLS

SENATE BILL NO. 3971. Introduced by Senator Radogno, a bill for AN ACT concerning gaming.

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

SENATE BILL NO. 3972. Introduced by Senator Haine, a bill for AN ACT concerning insurance.

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

MOTION IN WRITING

Senator Haine submitted the following Motion in Writing:

I move that Senate Bill 2819 do pass, notwithstanding the specific recommendations of the Governor.

[November 16, 2010]

11/10/10
DATE

s/William R. Haine
SENATOR

The foregoing Motion in Writing was filed with the Secretary and ordered placed on the Senate Calendar.

At the hour of 12:28 o'clock p.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 12:42 o'clock p.m., the Senate resumed consideration of business.
Senator Schoenberg, presiding.

REPORTS FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 16, 2010 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Transportation: **SENATE BILL 3943.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 16, 2010 meeting, to which was referred **Senate Bills Numbered 362, 458, 597, 598, 647, 852 and 3779** on August 15, 2009, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **Senate Bills Numbered 362, 458, 597, 598, 647, 852 and 3779** were returned to the order of third reading.

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 16, 2010 meeting, to which was referred **House Bills Numbered 2263, 3677, 4934 and 5178** on June 27, 2010, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **House Bills Numbered 2263, 3677, 4934 and 5178** were returned to the order of third reading.

Senator Clayborne, Chairperson of the Committee on Assignments, during its November 16, 2010 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Criminal Law: **Senate Floor Amendment No. 2 to House Bill 3677.**

Environment: **Senate Floor Amendment No. 1 to Senate Bill 852.**

Executive: **Senate Floor Amendment No. 3 to House Bill 2263; Senate Floor Amendment No. 2 to House Bill 5178.**

Higher Education: **Senate Floor Amendment No. 1 to Senate Bill 647.**

Local Government: **Senate Floor Amendment No. 1 to Senate Bill 362; Senate Floor Amendment No. 1 to Senate Bill 597; Senate Floor Amendment No. 1 to Senate Bill 3779.**

[November 16, 2010]

Revenue: **Senate Floor Amendment No. 1 to Senate Bill 458; Senate Floor Amendment No. 1 to Senate Bill 598.**

Transportation: **Senate Committee Amendment No. 1 to Senate Bill 3965.**

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following committee to meet at 1:30 o'clock p.m.:

Gaming in Room 400

The Chair announced the following committee to meet at 1:43 o'clock p.m.:

Higher Education in Room 409

The Chair announced the following committee to meet at 2:00 o'clock p.m.:

Transportation in Room 400

The Chair announced the following committees to meet at 2:20 o'clock p.m.:

Criminal Law in Room 212
Environment in Room 400
Local Government in Room 409

The Chair announced the following committees to meet at 3:00 o'clock p.m.:

Executive in Room 212
Revenue in Room 400

The Chair announced the following committee to meet at 10:00 o'clock a.m., Wednesday, November 17, 2010:

Executive Appointments in Room 212

MESSAGES FROM THE PRESIDENT

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706
217-782-2728

November 16, 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 Donne Trotter to temporarily replace Senator Rickey Hendon as a member of the Senate Executive Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Executive Committee.

[November 16, 2010]

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
217-782-2728

November 16, 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 Dan Kotowski to temporarily replace Senator James Meeks as a member of the Senate Higher Education Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Higher Education 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
217-782-2728

November 16, 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 A.J. Wilhelmi to temporarily replace Senator James Meeks 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

cc: Senate Minority Leader Christine Radogno

[November 16, 2010]

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706
217-782-2728

November 16, 2010

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

Dear Madam Secretary:

Please be advised that I have appointed Senator William Delgado to serve as vice-chairman of the Senate Executive Appointments Committee effective immediately.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

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

At the hour of 12:56 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 5:11 o'clock p.m., the Senate resumed consideration of business.
Senator Schoenberg, presiding.

REPORTS FROM STANDING COMMITTEES

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

Senate Amendment No. 1 to Senate Bill 647

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

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred **Senate Bill No. 3965**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Viverito, Chairperson of the Committee on Revenue, to which was referred **Senate Bill No. 3952**, reported the same back with the recommendation that the bill do pass.

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

[November 16, 2010]

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

Senate Amendment No. 1 to Senate Bill 598

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

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred **Senate Bill No. 3969**, reported the same back with the recommendation that the bill do pass.

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

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred **Senate Resolution No. 755**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 755** was placed on the Secretary's Desk.

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

Senate Amendment No. 3 to House Bill 2263

Senate Amendment No. 2 to House Bill 5178

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

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

Senate Amendment No. 1 to Senate Bill 362

Senate Amendment No. 1 to Senate Bill 597

Senate Amendment No. 1 to Senate Bill 3779

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

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

Senate Amendment No. 2 to House Bill 3677

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 1042

Offered by Senator Demuzio and all Senators:

Mourns the death of Jana R. Konneker of Carlinville.

SENATE RESOLUTION NO. 1043

Offered by Senator Demuzio and all Senators:

Mourns the death of U. S. Army Staff Sergeant Matthew W. Weikert of Jacksonville.

SENATE RESOLUTION NO. 1044

Offered by Senator Demuzio and all Senators:

Mourns the death of Donald E. Leach of Carlinville.

SENATE RESOLUTION NO. 1045

[November 16, 2010]

Offered by Senator Demuzio and all Senators:
Mourns the death of Harold L. Pruitt of Carlinville.

SENATE RESOLUTION NO. 1046

Offered by Senator Bivins and all Senators:
Mourns the death of U. S. Marine Corps Lance Corporal Alec E. Catherwood of Byron.

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

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

SENATE RESOLUTION NO. 1047

WHEREAS, Lung cancer is the leading cause of cancer death for both men and women, and within every ethnic population, in Illinois, the United States and the world, this year killing more Americans than breast, prostate, and colon cancer combined; and

WHEREAS, In the United States in 2010, about 222,520 new cases of lung cancer are estimated to be diagnosed (116,750 among men and 105,770 among women); and

WHEREAS, In the United States in 2010, there will be an estimated 157,300 deaths from lung cancer (86,220 among men and 71,080 among women), accounting for about 27% of all cancer deaths; and

WHEREAS, In Illinois in 2010, there will be an estimated 9,190 people who are diagnosed with lung cancer, and it is estimated that over 6,490 residents will succumb to the disease; and

WHEREAS, Lung cancer causes include smoking, secondhand smoke, exposure to toxins and known carcinogens, and genetic abnormalities; and

WHEREAS, 80% of lung cancer cases are diagnosed in people who have never smoked or who have quit smoking; and

WHEREAS, An estimated 90% of lung cancer deaths among men and approximately 80% of lung cancer deaths among women are attributed to smoking; and

WHEREAS, Lung cancer has a poor prognosis; even with treatment, people with advanced non-small cell lung cancer have a 5-year survival rate of less than 5 percent; and

WHEREAS, Increased awareness and coordination among all stakeholders, including federal and state governments, providers, patient groups, community leaders and organizations, the public, businesses, and researchers, is critical to promote the prevention, diagnosis, and treatment of lung cancer; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we proclaim the month of November 2010 as Lung Cancer Awareness Month in the State of Illinois.

MOTION IN WRITING

Senator Noland submitted the following Motion in Writing:

I move that Senate Bill 2499 do pass, notwithstanding the veto of the Governor.

11/16/10
DATE

s/M. Noland
SENATOR

[November 16, 2010]

The foregoing Motion in Writing was filed with the Secretary and ordered placed on the Senate Calendar.

CONSIDERATION OF GOVERNOR'S VETO MESSAGE

Pursuant to the Motion in Writing filed on Thursday, November 4, 2010 and journalized Thursday, November 4, 2010, Senator Haine moved that **Senate Bill No. 2544** do pass, the specific recommendations of the Governor to the contrary notwithstanding.

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

YEAS 49; NAYS None.

The following voted in the affirmative:

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

This bill, having received the vote of three-fifths of the members elected, was declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

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

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Clayborne, **Senate Bill No. 3952**, having been printed, was taken up, read by title a second time.

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

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

On motion of Senator Garrett, **Senate Bill No. 3965** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 3965

AMENDMENT NO. 1. Amend Senate Bill 3965 by replacing everything after the enacting clause with the following:

"Section 5. The Metropolitan Transit Authority Act is amended by changing Section 1 as follows:
(70 ILCS 3605/1) (from Ch. 111 2/3, par. 301)

Sec. 1. This Act shall be known ~~and~~ ~~and~~ may be cited as the "Metropolitan Transit Authority Act."
(Source: Laws 1945, p. 1171.)".

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

[November 16, 2010]

On motion of Senator Haine, **Senate Bill No. 3969**, having been printed, was taken up, read by title a second time and ordered to a third reading.

SENATE BILLS RECALLED

On motion of Senator Koehler, **Senate Bill No. 362** was recalled from the order of third reading to the order of second reading.

Senator Koehler offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 362

AMENDMENT NO. 1. Amend Senate Bill 362 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Section 24C-12 as follows:
(10 ILCS 5/24C-12)

Sec. 24C-12. Procedures for Counting and Tallying of Ballots. In an election jurisdiction where a Direct Recording Electronic Voting System is used, the following procedures for counting and tallying the ballots shall apply:

Before the opening of the polls, the judges of elections shall assemble the voting equipment and devices and turn the equipment on. The judges shall, if necessary, take steps to activate the voting devices and counting equipment by inserting into the equipment and voting devices appropriate data cards containing passwords and data codes that will select the proper ballot formats selected for that polling place and that will prevent inadvertent or unauthorized activation of the poll-opening function. Before voting begins and before ballots are entered into the voting devices, the judges of election shall cause to be printed a record of the following: the election's identification data, the device's unit identification, the ballot's format identification, the contents of each active candidate register by office and of each active public question register showing that they contain all zero votes, all ballot fields that can be used to invoke special voting options, and other information needed to ensure the readiness of the equipment and to accommodate administrative reporting requirements. The judges must also check to be sure that the totals are all zeros in the counting columns and in the public counter affixed to the voting devices.

After the judges have determined that a person is qualified to vote, a voting device with the proper ballot to which the voter is entitled shall be enabled to be used by the voter. The ballot may then be cast by the voter by marking by appropriate means the designated area of the ballot for the casting of a vote for any candidate or for or against any public question. The voter shall be able to vote for any and all candidates and public measures appearing on the ballot in any legal number and combination and the voter shall be able to delete, change or correct his or her selections before the ballot is cast. The voter shall be able to select candidates whose names do not appear upon the ballot for any office by entering electronically as many names of candidates as the voter is entitled to select for each office.

Upon completing his or her selection of candidates or public questions, the voter shall signify that voting has been completed by activating the appropriate button, switch or active area of the ballot screen associated with end of voting. Upon activation, the voting system shall record an image of the completed ballot, increment the proper ballot position registers, and shall signify to the voter that the ballot has been cast. Upon activation, the voting system shall also print a permanent paper record of each ballot cast as defined in Section 24C-2 of this Code. This permanent paper record shall (i) be printed in a clear, readily readable format that can be easily reviewed by the voter for completeness and accuracy and (ii) either be self-contained within the voting device or be deposited by the voter into a secure ballot box. No permanent paper record shall be removed from the polling place except by election officials as authorized by this Article. All permanent paper records shall be preserved and secured by election officials in the same manner as paper ballots and shall be available as an official record for any recount, redundant count, or verification or retabulation of the vote count conducted with respect to any election in which the voting system is used. The voter shall exit the voting station and the voting system shall prevent any further attempt to vote until it has been properly re-activated. If a voting device has been enabled for voting but the voter leaves the polling place without casting a ballot, 2 judges of election, one from each of the 2 major political parties, shall spoil the ballot.

Throughout the election day and before the closing of the polls, no person may check any vote totals for any candidate or public question on the voting or counting equipment. Such equipment shall be

[November 16, 2010]

programmed so that no person may reset the equipment for reentry of ballots unless provided the proper code from an authorized representative of the election authority.

The precinct judges of election shall check the public register to determine whether the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the applications for ballot. If the same do not agree, the judges of election shall immediately contact the offices of the election authority in charge of the election for further instructions. If the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the application for ballot, the number shall be listed on the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated. One copy of an "In-Precinct Totals Report" shall be generated by the automatic tabulating equipment for return to the election authority. One copy of an "In-Precinct Totals Report" shall be generated and posted in a conspicuous place inside the polling place, provided that any authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots is present. The judges of election shall provide, if requested, a set for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots. In addition, sufficient time shall be provided by the judges of election to the pollwatchers to allow them to copy information from the copy which has been posted.

~~In Until December 31, 2007, in~~ elections at which fractional cumulative votes are cast for candidates, the tabulation of those fractional cumulative votes may be made by the election authority at its central office location, and 4 copies of a "Certificate of Results" shall be printed by the automatic tabulation equipment and shall be posted in 4 conspicuous places at the central office location where those fractional cumulative votes have been tabulated.

If instructed by the election authority, the judges of election shall cause the tabulated returns to be transmitted electronically to the offices of the election authority via modem or other electronic medium.

The precinct judges of election shall select a bi-partisan team of 2 judges, who shall immediately return the ballots in a sealed container, along with all other election materials and equipment as instructed by the election authority; provided, however, that such container must first be sealed by the election judges with filament tape or other approved sealing devices provided for the purpose in a manner that the ballots cannot be removed from the container without breaking the seal or filament tape and disturbing any signatures affixed by the election judges to the container. The election authority shall keep the office of the election authority, or any receiving stations designated by the authority, open for at least 12 consecutive hours after the polls close or until the ballots and election material and equipment from all precincts within the jurisdiction of the election authority have been returned to the election authority. Ballots and election materials and equipment returned to the office of the election authority which are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the ballots make and sign the necessary corrections. Upon acceptance of the ballots and election materials and equipment by the election authority, the judges returning the ballots shall take a receipt signed by the election authority and stamped with the time and date of the return. The election judges whose duty it is to return any ballots and election materials and equipment as provided shall, in the event the ballots, materials or equipment cannot be found when needed, on proper request, produce the receipt which they are to take as above provided.

(Source: P.A. 94-645, eff. 8-22-05; 94-1073, eff. 12-26-06; 95-699, eff. 11-9-07.)

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 Sullivan, **Senate Bill No. 597** was recalled from the order of third reading to the order of second reading.

Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 597

AMENDMENT NO. 1. Amend Senate Bill 597 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Sections 11-13-2 and 11-13-26 as [November 16, 2010]

follows:

(65 ILCS 5/11-13-2) (from Ch. 24, par. 11-13-2)

Sec. 11-13-2. Zoning commission. ~~Except as provided in Section 11-13-26, the~~ The corporate authorities in each municipality which desires to exercise the powers conferred by this Division 13, or who have exercised such power and desire to adopt a new ordinance, shall provide for a zoning commission with the duty to recommend the boundaries of districts and appropriate regulations to be enforced therein. The commission shall be appointed by the mayor or president, subject to confirmation by the corporate authorities. The commission shall prepare a tentative report and a proposed zoning ordinance for the entire municipality. After the preparation of such a tentative report and ordinance, the commission shall hold a hearing thereon and shall afford persons interested an opportunity to be heard. Notice of the hearing shall be published at least once, not more than 30 nor less than 15 days before the hearing, in one or more newspapers published in the municipality, or, if no newspaper is published therein, then in one or more newspapers published in the county in which the municipality is located and having a general circulation within the municipality. The notice shall state the time and place of the hearing and the place where copies of the proposed ordinance will be accessible for examination by interested persons. The hearing may be adjourned from time to time.

Within 30 days after the final adjournment of the hearing the commission shall make a final report and submit a proposed ordinance for the entire municipality to the corporate authorities. The corporate authorities may enact the ordinance with or without change, or may refer it back to the commission for further consideration. The zoning commission shall cease to exist upon the adoption of a zoning ordinance for the entire municipality.

(Source: P.A. 80-452.)

(65 ILCS 5/11-13-26)

Sec. 11-13-26. Wind farms.

(a) A municipality may regulate wind farms and electric-generating wind devices within its zoning jurisdiction and within the 1.5 mile radius surrounding its zoning jurisdiction. There shall be at least one public hearing not more than 30 days prior to a siting decision by the corporate authorities of a municipality. Notice of the hearing shall be published in a newspaper of general circulation in the municipality. A municipality may allow test wind towers to be sited without formal approval by the corporate authorities of the municipality. Test wind towers must be dismantled within 3 years of installation. For the purposes of this Section, "test wind towers" are wind towers that are designed solely to collect wind generation data.

(b) A municipality may not require a wind tower or other renewable energy system that is used exclusively by an end user to be setback more than 1.1 times the height of the renewable energy system from the end user's property line. A setback requirement imposed by a municipality on a renewable energy system may not be more restrictive than as provided under this subsection. This subsection is a limitation of home rule powers and functions 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.

(c) A municipality may regulate wind farms and electric-generating wind devices pursuant to the authority granted under this Section without creating a zoning commission or adopting a zoning ordinance for the entire municipality. This subsection (c) applies to ordinances adopted before, on, or after the effective date of this amendatory Act of the 96th General Assembly by a municipality to regulate wind farms and electric-generating wind devices within 1.5 miles of the corporate boundaries of the municipality.

(Source: P.A. 95-203, eff. 8-16-07; 96-306, eff. 1-1-10.)

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 Wilhelmi, **Senate Bill No. 598** was recalled from the order of third reading to the order of second reading.

Senator Wilhelmi offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 598

[November 16, 2010]

AMENDMENT NO. 1. Amend Senate Bill 598 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 11-74.4-3.5 as follows:
(65 ILCS 5/11-74.4-3.5)

Sec. 11-74.4-3.5. Completion dates for redevelopment projects.

(a) Unless otherwise stated in this Section, the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer, as provided in subsection (b) of Section 11-74.4-8 of this Act, is to be made with respect to ad valorem taxes levied in the 23rd calendar year after the year in which the ordinance approving the redevelopment project area was adopted if the ordinance was adopted on or after January 15, 1981.

(b) The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 32nd calendar year after the year in which the ordinance approving the redevelopment project area was adopted, if the ordinance was adopted on September 9, 1999 by the Village of Downs.

The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 33rd calendar year after the year in which the ordinance approving the redevelopment project area was adopted, if the ordinance was adopted on May 20, 1985 by the Village of Wheeling.

(c) The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 35th calendar year after the year in which the ordinance approving the redevelopment project area was adopted:

- (1) if the ordinance was adopted before January 15, 1981;
- (2) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989;
- (3) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport;
- (4) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County;
- (5) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law;
- (6) if the ordinance was adopted in December 1984 by the Village of Rosemont;
- (7) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least \$250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least \$250,000 of tax increment bonds were authorized on June 17, 1997;
- (8) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis;
- (9) if the ordinance was adopted on November 12, 1991 by the Village of Sauget;
- (10) if the ordinance was adopted on February 11, 1985 by the City of Rock Island;
- (11) if the ordinance was adopted before December 18, 1986 by the City of Moline;
- (12) if the ordinance was adopted in September 1988 by Sauk Village;
- (13) if the ordinance was adopted in October 1993 by Sauk Village;
- (14) if the ordinance was adopted on December 29, 1986 by the City of Galva;
- (15) if the ordinance was adopted in March 1991 by the City of Centerville;
- (16) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis;
- (17) if the ordinance was adopted on December 22, 1986 by the City of Aledo;
- (18) if the ordinance was adopted on February 5, 1990 by the City of Clinton;
- (19) if the ordinance was adopted on September 6, 1994 by the City of Freeport;

[November 16, 2010]

- (20) if the ordinance was adopted on December 22, 1986 by the City of Tuscola;
- (21) if the ordinance was adopted on December 23, 1986 by the City of Sparta;
- (22) if the ordinance was adopted on December 23, 1986 by the City of Beardstown;
- (23) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville;
- (24) if the ordinance was adopted on December 29, 1986 by the City of Collinsville;
- (25) if the ordinance was adopted on September 14, 1994 by the City of Alton;
- (26) if the ordinance was adopted on November 11, 1996 by the City of Lexington;
- (27) if the ordinance was adopted on November 5, 1984 by the City of LeRoy;
- (28) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham;
- (29) if the ordinance was adopted on November 11, 1986 by the City of Pekin;
- (30) if the ordinance was adopted on December 15, 1981 by the City of Champaign;
- (31) if the ordinance was adopted on December 15, 1986 by the City of Urbana;
- (32) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth;
- (33) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth;
- (34) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth;
- (35) if the ordinance was adopted on December 23, 1986 by the Town of Cicero;
- (36) if the ordinance was adopted on December 30, 1986 by the City of Effingham;
- (37) if the ordinance was adopted on May 9, 1991 by the Village of Tilton;
- (38) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst;
- (39) if the ordinance was adopted on January 19, 1988 by the City of Waukegan;
- (40) if the ordinance was adopted on September 21, 1998 by the City of Waukegan;
- (41) if the ordinance was adopted on December 31, 1986 by the City of Sullivan;
- (42) if the ordinance was adopted on December 23, 1991 by the City of Sullivan;
- (43) if the ordinance was adopted on December 31, 1986 by the City of Oglesby;
- (44) if the ordinance was adopted on July 28, 1987 by the City of Marion;
- (45) if the ordinance was adopted on April 23, 1990 by the City of Marion;
- (46) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect;
- (47) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull;
- (48) if the ordinance was adopted on April 20, 1993 by the Village of Princeville;
- (49) if the ordinance was adopted on July 1, 1986 by the City of Granite City;
- (50) if the ordinance was adopted on February 2, 1989 by the Village of Lombard;
- (51) if the ordinance was adopted on December 29, 1986 by the Village of Gardner;
- (52) if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw;
- (53) if the ordinance was adopted on November 17, 1986 by the Village of Franklin Park;
- (54) if the ordinance was adopted on November 20, 1989 by the Village of South Holland;
- (55) if the ordinance was adopted on July 14, 1992 by the Village of Riverdale;
- (56) if the ordinance was adopted on December 29, 1986 by the City of Galesburg;
- (57) if the ordinance was adopted on April 1, 1985 by the City of Galesburg;
- (58) if the ordinance was adopted on May 21, 1990 by the City of West Chicago;
- (59) if the ordinance was adopted on December 16, 1986 by the City of Oak Forest;
- (60) if the ordinance was adopted in 1999 by the City of Villa Grove;
- (61) if the ordinance was adopted on January 13, 1987 by the Village of Mt. Zion;
- (62) if the ordinance was adopted on December 30, 1986 by the Village of Manteno;
- (63) if the ordinance was adopted on April 3, 1989 by the City of Chicago Heights;
- (64) if the ordinance was adopted on January 6, 1999 by the Village of Rosemont;
- (65) if the ordinance was adopted on December 19, 2000 by the Village of Stone Park;
- (66) if the ordinance was adopted on December 22, 1986 by the City of DeKalb;
- (67) if the ordinance was adopted on December 2, 1986 by the City of Aurora;
- (68) if the ordinance was adopted on December 31, 1986 by the Village of Milan;
- (69) if the ordinance was adopted on September 8, 1994 by the City of West Frankfort;
- (70) if the ordinance was adopted on December 23, 1986 by the Village of Libertyville;
- (71) if the ordinance was adopted on December 22, 1986 by the Village of Hoffman Estates;
- (72) if the ordinance was adopted on September 17, 1986 by the Village of Sherman;
- (73) if the ordinance was adopted on December 16, 1986 by the City of Macomb;
- (74) if the ordinance was adopted on June 11, 2002 by the City of East Peoria to create the West Washington Street TIF;

- (75) if the ordinance was adopted on June 11, 2002 by the City of East Peoria to create the Camp Street TIF;
- (76) if the ordinance was adopted on August 7, 2000 by the City of Des Plaines;
- (77) if the ordinance was adopted on December 22, 1986 by the City of Washington to create the Washington Square TIF #2;
- (78) if the ordinance was adopted on December 29, 1986 by the City of Morris;
- (79) if the ordinance was adopted on July 6, 1998 by the Village of Steeleville;
- (80) if the ordinance was adopted on December 29, 1986 by the City of Pontiac to create TIF I (the Main St TIF);
- (81) if the ordinance was adopted on December 29, 1986 by the City of Pontiac to create TIF II (the Interstate TIF);
- (82) if the ordinance was adopted on November 6, 2002 by the City of Chicago to create the Madden/Wells TIF District;
- (83) if the ordinance was adopted on November 4, 1998 by the City of Chicago to create the Roosevelt/Racine TIF District;
- (84) if the ordinance was adopted on June 10, 1998 by the City of Chicago to create the Stony Island Commercial/Burnside Industrial Corridors TIF District;
- (85) if the ordinance was adopted on November 29, 1989 by the City of Chicago to create the Englewood Mall TIF District;
- (86) if the ordinance was adopted on December 27, 1986 by the City of Mendota;
- (87) if the ordinance was adopted on December 31, 1986 by the Village of Cahokia;
- (88) if the ordinance was adopted on September 20, 1999 by the City of Belleville;
- (89) if the ordinance was adopted on December 30, 1986 by the Village of Bellevue to create the Bellevue TIF District 1;
- (90) if the ordinance was adopted on December 13, 1993 by the Village of Crete;
- (91) if the ordinance was adopted on February 12, 2001 by the Village of Crete;
- (92) if the ordinance was adopted on April 23, 2001 by the Village of Crete; ~~or~~
- (93) if the ordinance was adopted on December 16, 1986 by the City of Champaign; ~~or~~ -
- (94) if the ordinance was adopted on June 6, 1989 by the Village of Romeoville.

(d) For redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by Public Act 87-1272 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

(e) Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least \$8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(f) Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least \$1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(g) In consolidating the material relating to completion dates from Sections 11-74.4-3 and 11-74.4-7 into this Section, it is not the intent of the General Assembly to make any substantive change in the law, except for the extension of the completion dates for the City of Aurora, the Village of Milan, the City of West Frankfort, the Village of Libertyville, and the Village of Hoffman Estates set forth under items (67), (68), (69), (70), and (71) of subsection (c) of this Section.

(Source: P.A. 95-932, eff. 8-26-08; 95-964, eff. 9-23-08; incorporates P.A. 95-777, eff. 9-22-08, and 95-1028, eff. 8-25-09 (see Section 5 of P.A. 96-717 for the effective date of changes made by P.A.

[November 16, 2010]

95-1028); 96-127, eff. 8-4-09; 96-182, eff. 8-10-09; 96-208, eff. 8-10-09; 96-209, eff. 1-1-10; 96-213, eff. 8-10-09; 96-264, eff. 8-11-09; 96-328, eff. 8-11-09; 96-439, eff. 8-14-09; 96-454, eff. 8-14-09; 96-722, eff. 8-25-09; 96-773, eff. 8-28-09; 96-830, eff. 12-4-09; 96-837, eff. 12-16-09; 96-1000, eff. 7-2-10; 96-1359, eff. 7-28-10.)

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 Kotowski, **Senate Bill No. 647** was recalled from the order of third reading to the order of second reading.

Senator Kotowski offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 647

AMENDMENT NO. 1. Amend Senate Bill 647 by replacing everything after the enacting clause with the following:

"Section 5. The Task Force on Higher Education Private Student Loans is amended by changing Sections 1, 20, 25, and 90 as follows:

(110 ILCS 982/1)

(Section scheduled to be repealed on January 1, 2011)

Sec. 1. Short title. This Act may be cited as the Task Force on Higher Education Private Student Loans Act.

(Source: P.A. 96-880, eff. 2-2-10.)

(110 ILCS 982/20)

(Section scheduled to be repealed on January 1, 2011)

Sec. 20. Task Force assistance.

(a) The Office of the Illinois Student Assistance Commission shall be responsible for administrative and logistical support of the Task Force on Higher Education Private Student Loans, including coordination of Task Force member appointments, distribution of meeting notices and minutes, coordination of meeting logistics, facilitation of public meetings, and the drafting and filing of the report under Section 25 of this Act. Task Force members or staff liaisons or both may confer and collaborate with relevant State and national organizations with expertise.

(b) It is the expectation of the General Assembly that institutions of higher learning in this State comply with reasonable requests from the Task Force on Higher Education Private Student Loans or its support staff for aggregated data relevant to the purposes of the Task Force.

(Source: P.A. 96-880, eff. 2-2-10.)

(110 ILCS 982/25)

(Section scheduled to be repealed on January 1, 2011)

Sec. 25. Report; dissolution of Task Force. The Task Force on Higher Education Private Student Loans shall report its findings and recommendations to the General Assembly by filing copies of its report by December 31, 2011 ~~2010~~ as provided in Section 3.1 of the General Assembly Organization Act. Upon filing this report the Task Force is dissolved.

(Source: P.A. 96-880, eff. 2-2-10.)

(110 ILCS 982/90)

(Section scheduled to be repealed on January 1, 2011)

Sec. 90. Expiration of Act. This Act is repealed on January 1, 2012 ~~2011~~.

(Source: P.A. 96-880, eff. 2-2-10.)

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 Koehler, **Senate Bill No. 3779** was recalled from the order of third reading to the order of second reading.

Senator Koehler offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3779

AMENDMENT NO. 1. Amend Senate Bill 3779 by replacing everything after the enacting clause with the following:

"Section 5. The Civic Center Code is amended by changing Section 205-45 as follows:
(70 ILCS 200/205-45)

Sec. 205-45. Board of Commissioners. The governing and administrative body of the Authority shall be a Board of Commissioners consisting of 7 members to be appointed by the Mayor of the City of Peoria with the advice and consent of the City Council. Within 10 days of such appointments, the Mayor of the City of Peoria shall file with the City Clerk a certificate of appointment for each commissioner so appointed. Upon such filing, the persons so appointed shall constitute the Board of Commissioners of the Peoria Civic Center Authority and upon taking the oath of office as hereinafter provided shall be deemed to have qualified and to be empowered to exercise the powers and authority prescribed in this Article.

The initial terms of such Commissioners shall be 2 terms for 5 years, 2 terms for 4 years and one term for each of 3 years, 2 years and one year respectively. The length of the term of the first Commissioners shall be determined by lots at their first meetings. The initial terms of office of Commissioners who are to so hold office shall continue until July 1, which next follows the expiration of the respective periods from the date of the filing of the certificate of appointments in the office of the City Clerk, as aforesaid, and until their successors are appointed and qualified by taking their oath of office.

Upon the expiration of the term of each Commissioner holding office on the effective date of this amendatory Act of the 96th General Assembly, Commissioners shall serve for a term of 3 years.

At the expiration of the term of each of the Commissioners, and of each succeeding Commissioner or in the event of a vacancy, resignation, removal or refusal to act, the Mayor of the City of Peoria shall appoint a Commissioner in the manner hereinabove provided, to hold office in the case of a vacancy occurring for whatever reason, for the unexpired term or in the case of expiration, for a term of 3 ~~5~~ years, and until his or her successor is appointed and has qualified. Each appointment shall become effective upon the filing by the Mayor of a certificate of the appointment in the office of the City Clerk. Any commissioner may be appointed to succeed himself or herself.

No commissioner shall receive any compensation, whether in form of salary, per diem allowance or otherwise, for or in connection with his or her services as such commissioner. Each Commissioner, however, shall be entitled to reimbursement for any necessary expenditures in connection with the performance of his or her duties.

(Source: P.A. 90-328, eff. 1-1-98.)

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.

HOUSE BILLS RECALLED

On motion of Senator Kotowski, **House Bill No. 2263** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 2 was held in the Committee on Assignments.

Senator Kotowski offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO HOUSE BILL 2263

AMENDMENT NO. 3. Amend House Bill 2263, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Uncollected State Claims Act is amended by changing Section 2.1 as follows:
(30 ILCS 205/2.1)

[November 16, 2010]

Sec. 2.1. Sale of debts certified as uncollectible.

(a) Except as otherwise provided in this Section, after ~~After~~ accounts have been certified by the Attorney General, or the State agency for accounts of less than \$1,000, as uncollectible pursuant to this Act, the Department of Revenue may sell the debts to one or more outside private vendors. Sales shall be conducted under rules adopted by the Department of Revenue using a request for proposals procedure similar to that procedure under the Illinois Procurement Code. The outside private vendors shall remit to the Department of Revenue the purchase price for debts sold under this Section. The Department of Revenue shall deposit the money received under this Section into the General Revenue Fund. The State Comptroller shall provide the Department of Revenue with any information that the Department requests for the purpose of administering this Section. This Section does not apply to any tax debt owing to the Department of Revenue.

(b) Debts owing to an Illinois public university, as defined in Section 10 of the Illinois Prepaid Tuition Act (110 ILCS 979/10), may be sold only by the university. Sales under this subsection shall be conducted using a request for proposals procedure similar to the procedure established under the Illinois Procurement Code. Any amounts remitted to a university under this subsection shall be retained by the university.

(c) Debts owing to the Illinois Department of Transportation may be sold only by the Illinois Department of Transportation. Sales under this subsection shall be conducted using a request for proposals procedure similar to the procedure established under the Illinois Procurement Code. Any amounts remitted to the Department of Transportation under this subsection shall be deposited in the Road Fund.

(d) This Section does not apply to child support debts enforced by the Department of Healthcare and Family Services pursuant to Title IV-D of the federal Social Security Act and Article X of the Illinois Public Aid Code.

(e) This Section does not apply to debts enforced by the Department of Employment Security and owed to any federal account, including but not limited to the Unemployment Trust Fund and penalties and interest assessed under the Unemployment Insurance Act.

(f) A debt may not be sold under this Section if the sale of that debt would violate any federal law or federal regulation.

(Source: P.A. 96-1435, eff. 8-16-10.)

Section 10. The Illinois State Collection Act of 1986 is amended by changing Sections 10.1 and 10.2 as follows:

(30 ILCS 210/10.1)

Sec. 10.1 ~~9~~. Collection agency fees. Except where prohibited by federal law or regulation, in the case of any liability referred to a collection agency on or after July 1, 2010, any fee charged to the State by the collection agency (i) may not exceed 25% for a first placement of the underlying liability referred to the collection agency unless the liability is for a tax debt, (ii) is considered an additional liability owed to the State, (iii) is immediately subject to all collection procedures applicable to the liability referred to the collection agency, and (iv) must be separately stated in any statement or notice of the liability issued by the collection agency to the debtor. The fee limitations of this Section do not apply to a second, third, or subsequent placement or to litigation activities.

(Source: P.A. 96-1383, eff. 1-1-11; revised 9-7-10.)

(30 ILCS 210/10.2)

Sec. 10.2 ~~9~~. Deferral and compromise of past due debt.

(a) In this Section, "past due debt" means any debt owed to the State that has been outstanding for more than 12 months. "Past due debt" does not include any debt if any of the actions required under this Section would violate federal law or regulation.

(a-5) This Section does not apply to child support debts enforced by the Department of Healthcare and Family Services pursuant to Title IV-D of the federal Social Security Act and Article X of the Illinois Public Aid Code.

(a-10) This Section does not apply to debts enforced by the Department of Employment Security and owed to any federal account, including but not limited to the Unemployment Trust Fund and penalties and interest assessed under the Unemployment Insurance Act.

(b) State agencies may enter into a deferred payment plan for the purpose of satisfying a past due debt. The deferred payment plan must meet the following requirements:

- (1) The term of the deferred payment plan may not exceed 2 years.
- (2) The first payment of the deferred payment plan must be at least 10% of the total amount due.

(3) All subsequent monthly payments for the deferred payment plan must be assessed as equal monthly principal payments, together with interest.

(4) The deferred payment plan must include interest at a rate that is the same as the interest required under the State Prompt Payment Act.

(5) The deferred payment plan must be approved by the Secretary or Director of the State agency.

(b-5) The requirements of subsection (b) do not apply to a deferred payment plan entered into by any Illinois public university, as defined in Section 10 of the Illinois Prepaid Tuition Act.

(c) State agencies may compromise past due debts. Any action taken by a State agency to compromise a past due debt must meet the following requirements:

(1) The amount of the compromised debt shall be no less than 80% of the principal amount total of the past due

debt.

(2) Once a past due debt has been compromised, the debtor must remit to the State agency the total amount of the compromised debt. However, the State agency may collect the compromised debt through a payment plan not to exceed 6 months. If the State agency accepts the compromised debt through a payment plan, then the compromised debt shall be subject to the same rate of interest as required under the State Prompt Payment Act.

(3) Before a State agency accepts a compromised debt, the amount of the compromised debt must be approved by the Secretary or Director of the State agency ~~Department of Revenue~~.

(c-5) Illinois public universities, as defined in Section 10 of the Illinois Prepaid Tuition Act, may compromise past due debt without regard to the requirements set forth in subsection (c).

(d) State agencies may sell a past due debt to one or more outside private vendors. Sales shall be conducted under rules adopted by the Department of Revenue using a request for proposals procedure similar to that procedure under the Illinois Procurement Code. The outside private vendors shall remit to the State agency the purchase price for debts sold under this subsection.

(e) The State agency shall deposit all amounts received under this Section into the General Revenue Fund, except that amounts received by any Illinois public university, as defined in Section 10 of the Illinois Prepaid Tuition Act, shall be retained by the university, and amounts received by the Department of Transportation shall be deposited into the Road Fund.

(f) This Section does not apply to any tax debt owing to the Department of Revenue.

(Source: P.A. 96-1435, eff. 8-16-10; revised 9-7-10.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Haine, **House Bill No. 3677** was recalled from the order of third reading to the order of second reading.

Senators Cullerton – Haine offered the following amendment and Senator Haine moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 3677

AMENDMENT NO. 2. Amend House Bill 3677, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 11-601.5 as follows:

(625 ILCS 5/11-601.5)

Sec. 11-601.5. Driving 31 ~~30~~ miles per hour or more in excess of applicable limit.

(a) A person who drives a vehicle upon any highway of this State at a speed that is 31 ~~30~~ miles per hour or more but less than 40 miles per hour in excess of the applicable maximum speed limit established under this Chapter or a local ordinance commits a Class B misdemeanor.

(b) A person who drives a vehicle upon any highway of this State at a speed that is 40 miles per hour or more in excess of the applicable maximum speed limit established under this Chapter or a local ordinance commits a Class A misdemeanor.

(Source: P.A. 96-1002, eff. 1-1-11.)

[November 16, 2010]

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Viverito, **House Bill No. 5178** was recalled from the order of third reading to the order of second reading.

Senator Viverito offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 5178

AMENDMENT NO. 2. Amend House Bill 5178 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Sections 11-42-1, 11-42-5, and 11-54-1 as follows:

(65 ILCS 5/11-42-1) (from Ch. 24, par. 11-42-1)

Sec. 11-42-1. The corporate authorities of each municipality may license, tax, and regulate auctioneers, private detectives, demolition contractors, money changers, bankers, brokers other than insurance brokers, barbers, and the keepers or owners of lumber yards, lumber storehouses, livery stables, public scales, ice cream parlors, coffee houses, florists, detective agencies, barber shops and sellers of tickets for theatricals, shows, amusements, athletic events and other exhibitions at a place other than the theatre or location where the theatricals, shows, amusements, athletic events and other exhibitions are given or exhibited. No municipality may impose a tax under this Section, or impose any other amusement or exhibition tax, on ticket sales, membership fees, or any other charges for attending exhibitions or attractions associated with a zoological park authorized under Section 40 of the Cook County Forest Preserve District Act, nor may any municipality impose a duty to collect a tax under this Section, or any other amusement or exhibition tax, on any owner or operator of a zoological park authorized under Section 40 of the Cook County Forest Preserve District Act.

(Source: P.A. 89-372, eff. 1-1-96.)

(65 ILCS 5/11-42-5) (from Ch. 24, par. 11-42-5)

Sec. 11-42-5. The corporate authorities of each municipality may license, tax, regulate, or prohibit hawkers, peddlers, pawnbrokers, itinerant merchants, transient vendors of merchandise, theatricals and other exhibitions, shows, and amusements and may license, tax, and regulate all places for eating or amusement. No municipality may impose a tax under this Section, or impose any other amusement or exhibition tax, on ticket sales, membership fees, or any other charges for attending exhibitions or attractions associated with a zoological park authorized under Section 40 of the Cook County Forest Preserve District Act, nor may any municipality impose a duty to collect a tax under this Section, or any other amusement or exhibition tax, on any owner or operator of a zoological park authorized under Section 40 of the Cook County Forest Preserve District Act.

(Source: Laws 1961, p. 576.)

(65 ILCS 5/11-54-1) (from Ch. 24, par. 11-54-1)

Sec. 11-54-1. The corporate authorities of each municipality may license, tax, and regulate all athletic contests and exhibitions carried on for gain. This tax shall be based on the gross receipts derived from the sale of admission tickets, but the tax shall not exceed 3% of the gross receipts. No municipality may impose a tax under this Section, or impose any other amusement or exhibition tax, on ticket sales, membership fees, or any other charges for attending exhibitions or attractions associated with a zoological park authorized under Section 40 of the Cook County Forest Preserve District Act, nor may any municipality impose a duty to collect a tax under this Section, or any other amusement or exhibition tax, on any owner or operator of a zoological park authorized under Section 40 of the Cook County Forest Preserve District Act.

(Source: Laws 1961, p. 576.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

LEGISLATIVE MEASURE FILED

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

Senate Floor Amendment No. 2 to Senate Bill 3965

COMMUNICATION

DAN CRONIN
STATE SENATOR · 21ST DISTRICT

November 15, 2010

Jillayne Rock
Secretary of the Senate
401 State Capitol
Springfield, IL 62706

Dear Secretary Rock,

This letter is to inform you of my resignation as State Senator from the 21st Legislative District, effective Monday, November 30, 2010.

It has been my honor and privilege to represent and serve the people of western Cook and DuPage Counties as their State Representative and State Senator for nearly 20 years. I will always remember and cherish the many friendships I have developed during my years in the General Assembly.

I wish all the best to you, my colleagues in the Senate and the wonderful staff that I have been fortunate to work with during my years in the Illinois General Assembly.

Sincerely,
s/Dan Cronin
State Senator

cc: Senate President John Cullerton
Republican Leader Christine Radogno
Assistant Secretary of the Senate Scott Kaiser

At the hour of 5:35 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, November 17, 2010, at 9:00 o'clock a.m.

[November 16, 2010]