



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SIXTH GENERAL ASSEMBLY

137TH LEGISLATIVE DAY

THURSDAY, DECEMBER 2, 2010

9:26 O'CLOCK A.M.

SENATE
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137th Legislative Day

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The Senate met pursuant to adjournment.
Senator Don Harmon, Oak Park, Illinois, presiding.
Prayer by Reverend Paul Olson, St. John's Lutheran Church, Springfield, Illinois.
Senator Sullivan led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, December 1, 2010, be postponed, pending arrival of the printed Journal.
The motion prevailed.

COMMUNICATION

Illinois State Senate
DAN RUTHERFORD
Assistant Republican Leader
State Senator · 53rd District

November 29, 2010

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

Dear Secretary Rock;

This letter is to inform you of my resignation as the Illinois State Senator from the 53rd Legislative District effective January 9, 2011.

It has truly been an honor and privilege to represent the people of Illinois in the General Assembly. I have gained many wonderful memories and friendships which will always be with me. In return, I hope I have made contributions for a better Illinois.

As I resign my position in the Senate to become the Treasurer of the State of Illinois, I wish my colleagues and staff the very best. To the people of Central Illinois, I thank you for having given to me the opportunity to be a steward of the public's trust.

Sincerely,
s/Dan Rutherford
State Senator
Illinois State Treasurer-Elect

cc: Senate President John Cullerton
Senate Republican Leader Christine Radogno

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 1081

Offered by Senator Koehler and all Senators:
Mourns the death of Paul B. Snider of Peoria.

SENATE RESOLUTION NO. 1082

Offered by Senator Koehler and all Senators:
Mourns the death of Ronald E. "Ron" Herman of Peoria.

SENATE RESOLUTION NO. 1083

Offered by Senator Koehler and all Senators:

[December 2, 2010]

Mourns the death of Denise Frances Ritschel of Peoria.

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

VOTE RECORDED

Senator Maloney asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **House Bill No. 5154** in action taken Wednesday, December 1, 2010.

SENATE BILL RECALLED

On motion of Senator Koehler, **Senate Bill No. 458** 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. 3 TO SENATE BILL 458

AMENDMENT NO. 3. Amend Senate Bill 458, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 3, line 21, by replacing "Property Tax Board of Appeal" with "Property Tax Appeal Board".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Koehler, **Senate Bill No. 458**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

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

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

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

[December 2, 2010]

SENATE BILL RECALLED

On motion of Senator Clayborne, **Senate Bill No. 3952** was recalled from the order of third reading to the order of second reading.

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

Senator Raoul offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 3952

AMENDMENT NO. 3. Amend Senate Bill 3952 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.3-2, 11-74.3-3, 11-74.3-5, 11-74.3-6, and 11-74.4-4 as follows:

(65 ILCS 5/11-74.3-2) (from Ch. 24, par. 11-74.3-2)

Sec. 11-74.3-2. Procedures to designate business districts; ordinances; notice; hearings.

(a) The corporate authorities of a municipality shall by ordinance propose the approval of a business district plan and designation of a business district and shall fix a time and place for a public hearing on the proposals to approve a business district plan and designate a business district.

(b) Notice of the public hearing shall be given by publication at least twice, the first publication to be not more than 30 nor less than 10 days prior to the hearing, in a newspaper of general circulation within the municipality. Each notice published pursuant to this Section shall include the following:

- (1) The time and place of the public hearing;
- (2) The boundaries of the proposed business district by legal description and, where possible, by street location;
- (3) A notification that all interested persons will be given an opportunity to be heard at the public hearing;
- (4) A description of the business district plan if a business district plan is a subject matter of the public hearing;
- (5) The rate of any tax to be imposed pursuant to subsection (10) ~~(11)~~ or (11) ~~(12)~~ of Section 11-74.3-3;
- (6) An invitation for any person to submit alternate proposals or bids for any proposed conveyance, lease, mortgage, or other disposition by the municipality of land or rights in land owned by the municipality and located within the proposed business district; and
- (7) Such other matters as the municipality shall deem appropriate.

(c) At the public hearing any interested person may file written objections with the municipal clerk and may be heard orally with respect to any matters embodied in the notice. The municipality shall hear and determine all alternate proposals or bids for any proposed conveyance, lease, mortgage, or other disposition by the municipality of land or rights in land owned by the municipality and located within the proposed business district and all protests and objections at the hearing, provided, however, that the corporate authorities of the municipality may establish reasonable rules regarding the length of time provided to members of the general public. The hearing may be adjourned to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the adjourned hearing. Public hearings with regard to approval of a business district plan or designation of a business district may be held simultaneously.

(d) At the public hearing or at any time prior to the adoption by the municipality of an ordinance approving a business district plan, the municipality may make changes in the business district plan. Changes which do not (i) alter the exterior boundaries of the proposed business district, (ii) substantially affect the general land uses described in the proposed business district plan, (iii) substantially change the nature of any proposed business district project, (iv) change the description of any proposed developer, user, or tenant of any property to be located or improved within the proposed business district, (v) increase the total estimated business district project costs set out in the business district plan by more than 5%, (vi) add additional business district costs to the itemized list of estimated business district costs as proposed in the business district plan, or (vii) impose or increase the rate of any tax to be imposed pursuant to subsection (10) ~~(11)~~ or (11) ~~(12)~~ of Section 11-74.3-3 may be made by the municipality without further public hearing, provided the municipality shall give notice of its changes by publication in a newspaper of general circulation within the municipality. Such notice by publication shall be given not later than 30 days following the adoption of an ordinance approving such changes. Changes which (i) alter the exterior boundaries of the proposed business district, (ii) substantially affect the general land

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uses described in the proposed business district plan, (iii) substantially change the nature of any proposed business district project, (iv) change the description of any proposed developer, user, or tenant of any property to be located or improved within the proposed business district, (v) increase the total estimated business district project costs set out in the business district plan by more than 5%, (vi) add additional business district costs to the itemized list of estimated business district costs as proposed in the business district plan, or (vii) impose or increase the rate of any tax to be imposed pursuant to subsection (10) ~~(44)~~ or (11) ~~(42)~~ of Section 11-74.3-3 may be made by the municipality only after the municipality by ordinance fixes a time and place for, gives notice by publication of, and conducts a public hearing pursuant to the procedures set forth hereinabove.

(e) By ordinance adopted within 90 days of the final adjournment of the public hearing a municipality may approve the business district plan and designate the business district. Any ordinance adopted which approves a business district plan shall contain findings that the business district on the whole has not been subject to growth and development through investment by private enterprises and would not reasonably be anticipated to be developed or redeveloped without the adoption of the business district plan. Any ordinance adopted which designates a business district shall contain the boundaries of such business district by legal description and, where possible, by street location, a finding that the business district plan conforms to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the business district plan was approved, the business district plan either (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority or the municipality or (ii) includes land uses that have been approved by the planning commission of the municipality, and, for any business district in which the municipality intends to impose taxes as provided in subsection (10) ~~(44)~~ or (11) ~~(42)~~ of Section 11-74.3-3, a specific finding that the business district qualifies as a blighted area as defined in Section 11-74.3-5.

(f) After a municipality has by ordinance approved a business district plan and designated a business district, the plan may be amended, the boundaries of the business district may be altered, and the taxes provided for in subsections (10) ~~(44)~~ and (11) ~~(42)~~ of Section 11-74.3-3 may be imposed or altered only as provided in this subsection. Changes which do not (i) alter the exterior boundaries of the proposed business district, (ii) substantially affect the general land uses described in the business district plan, (iii) substantially change the nature of any business district project, (iv) change the description of any developer, user, or tenant of any property to be located or improved within the proposed business district, (v) increase the total estimated business district project costs set out in the business district plan by more than 5% after adjustment for inflation from the date the business district plan was approved, (vi) add additional business district costs to the itemized list of estimated business district costs as approved in the business district plan, or (vii) impose or increase the rate of any tax to be imposed pursuant to subsection (10) ~~(44)~~ or (11) ~~(42)~~ of Section 11-74.3-3 may be made by the municipality without further public hearing, provided the municipality shall give notice of its changes by publication in a newspaper of general circulation within the municipality. Such notice by publication shall be given not later than 30 days following the adoption of an ordinance approving such changes. Changes which (i) alter the exterior boundaries of the business district, (ii) substantially affect the general land uses described in the business district plan, (iii) substantially change the nature of any business district project, (iv) change the description of any developer, user, or tenant of any property to be located or improved within the proposed business district, (v) increase the total estimated business district project costs set out in the business district plan by more than 5% after adjustment for inflation from the date the business district plan was approved, (vi) add additional business district costs to the itemized list of estimated business district costs as approved in the business district plan, or (vii) impose or increase the rate of any tax to be imposed pursuant to subsection (10) ~~(44)~~ or (11) ~~(42)~~ of Section 11-74.3-3 may be made by the municipality only after the municipality by ordinance fixes a time and place for, gives notice by publication of, and conducts a public hearing pursuant to the procedures set forth in this Section.

(Source: P.A. 96-1394, eff. 7-29-10; revised 9-7-10.)

(65 ILCS 5/11-74.3-3) (from Ch. 24, par. 11-74.3-3)

Sec. 11-74.3-3. Powers of municipalities. In addition to the powers a municipality may now have, a municipality shall have the following powers:

(1) To make and enter into all contracts necessary or incidental to the implementation and furtherance of a business district plan. A contract by and between the municipality and any developer or other nongovernmental person to pay or reimburse said developer or other nongovernmental person for business district project costs incurred or to be incurred by said developer or other nongovernmental person shall not be deemed an economic incentive agreement under Section 8-11-20, notwithstanding the fact that such contract provides for the sharing, rebate, or payment of

retailers' occupation taxes or service occupation taxes (including, without limitation, taxes imposed pursuant to subsection (10) ~~(44)~~) the municipality receives from the development or redevelopment of properties in the business district. Contracts entered into pursuant to this subsection shall be binding upon successor corporate authorities of the municipality and any party to such contract may seek to enforce and compel performance of the contract by civil action, mandamus, injunction, or other proceeding.

(2) Within a business district, to acquire by purchase, donation, or lease, and to own, convey, lease, mortgage, or dispose of land and other real or personal property or rights or interests therein; and to grant or acquire licenses, easements, and options with respect thereto, all in the manner and at such price authorized by law. No conveyance, lease, mortgage, disposition of land or other property acquired by the municipality, or agreement relating to the development of property, shall be made or executed except pursuant to prior official action of the municipality. No conveyance, lease, mortgage, or other disposition of land owned by the municipality, and no agreement relating to the development of property, within a business district shall be made without making public disclosure of the terms and disposition of all bids and proposals submitted to the municipality in connection therewith.

(2.5) To acquire property by eminent domain in accordance with the Eminent Domain Act.

(3) To clear any area within a business district by demolition or removal of any existing buildings, structures, fixtures, utilities, or improvements, and to clear and grade land.

(4) To install, repair, construct, reconstruct, or relocate public streets, public utilities, and other public site improvements within or without a business district which are essential to the preparation of a business district for use in accordance with a business district plan.

(5) To renovate, rehabilitate, reconstruct, relocate, repair, or remodel any existing buildings, structures, works, utilities, or fixtures within any business district.

(6) To construct public improvements, including but not limited to buildings, structures, works, utilities, or fixtures within any business district.

(7) To fix, charge, and collect fees, rents, and charges for the use of any building, facility, or property or any portion thereof owned or leased by the municipality within a business district.

(8) To pay or cause to be paid business district project costs. Any payments to be made by the municipality to developers or other nongovernmental persons for business district project costs incurred by such developer or other nongovernmental person shall be made only pursuant to the prior official action of the municipality evidencing an intent to pay or cause to be paid such business district project costs. A municipality is not required to obtain any right, title, or interest in any real or personal property in order to pay business district project costs associated with such property. The municipality shall adopt such accounting procedures as shall be necessary to determine that such business district project costs are properly paid.

(9) To apply for and accept grants, guarantees, donations of property or labor or any other thing of value for use in connection with a business district project.

(10) If the municipality has by ordinance found and determined that the business district is a blighted area under this Law, to impose a retailers' occupation tax and a service occupation tax in the business district for the planning, execution, and implementation of business district plans and to pay for business district project costs as set forth in the business district plan approved by the municipality.

(11) If the municipality has by ordinance found and determined that the business district is a blighted area under this Law, to impose a hotel operators' occupation tax in the business district for the planning, execution, and implementation of business district plans and to pay for the business district project costs as set forth in the business district plan approved by the municipality.-
(Source: P.A. 96-1394, eff. 7-29-10; revised 9-7-10.)

(65 ILCS 5/11-74.3-5)

Sec. 11-74.3-5. Definitions. The following terms as used in this Law shall have the following meanings:

"Blighted area" means an area that is a blighted area which, by reason of the predominance of defective, non-existent, or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire or other causes, or any combination of those factors, retards the provision of housing accommodations or constitutes an economic or social liability, an economic underutilization of the area, or a menace to the public health, safety, morals, or welfare.

"Business district" means a contiguous area which includes only parcels of real property directly and

substantially benefited by the proposed business district plan. A business district may, but need not be, a blighted area, but no municipality shall be authorized to impose taxes pursuant to subsection (10) ~~(11)~~ or (11) ~~(12)~~ of Section 11-74.3-3 in a business district which has not been determined by ordinance to be a blighted area under this Law.

"Business district plan" shall mean the written plan for the development or redevelopment of a business district. Each business district plan shall set forth in writing: (i) a specific description of the boundaries of the proposed business district, including a map illustrating the boundaries; (ii) a general description of each project proposed to be undertaken within the business district, including a description of the approximate location of each project and a description of any developer, user, or tenant of any property to be located or improved within the proposed business district; (iii) the name of the proposed business district; (iv) the estimated business district project costs; (v) the anticipated source of funds to pay business district project costs; (vi) the anticipated type and terms of any obligations to be issued; and (vii) the rate of any tax to be imposed pursuant to subsection (10) ~~(11)~~ or (11) ~~(12)~~ of Section 11-74.3-3 and the period of time for which the tax shall be imposed.

"Business district project costs" shall mean and include the sum total of all costs incurred by a municipality, other governmental entity, or nongovernmental person in connection with a business district, in the furtherance of a business district plan, including, without limitation, the following:

(1) costs of studies, surveys, development of plans and specifications, implementation and administration of a business district plan, and personnel and professional service costs including architectural, engineering, legal, marketing, financial, planning, or other professional services, provided that no charges for professional services may be based on a percentage of tax revenues received by the municipality;

(2) property assembly costs, including but not limited to, acquisition of land and other real or personal property or rights or interests therein, and specifically including payments to developers or other nongovernmental persons as reimbursement for property assembly costs incurred by that developer or other nongovernmental person;

(3) site preparation costs, including but not limited to clearance, demolition or removal of any existing buildings, structures, fixtures, utilities, and improvements and clearing and grading of land;

(4) costs of installation, repair, construction, reconstruction, extension, or relocation of public streets, public utilities, and other public site improvements within or without the business district which are essential to the preparation of the business district for use in accordance with the business district plan, and specifically including payments to developers or other nongovernmental persons as reimbursement for site preparation costs incurred by the developer or nongovernmental person;

(5) costs of renovation, rehabilitation, reconstruction, relocation, repair, or remodeling of any existing buildings, improvements, and fixtures within the business district, and specifically including payments to developers or other nongovernmental persons as reimbursement for costs incurred by those developers or nongovernmental persons;

(6) costs of installation or construction within the business district of buildings, structures, works, streets, improvements, equipment, utilities, or fixtures, and specifically including payments to developers or other nongovernmental persons as reimbursements for such costs incurred by such developer or nongovernmental person;

(7) financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations, payment of any interest on any obligations issued under this Law that accrues during the estimated period of construction of any development or redevelopment project for which those obligations are issued and for not exceeding 36 months thereafter, and any reasonable reserves related to the issuance of those obligations; and

(8) relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law.

"Business district tax allocation fund" means the special fund to be established by a municipality for a business district as provided in Section 11-74.3-6.

"Dissolution date" means the date on which the business district tax allocation fund shall be dissolved. The dissolution date shall be not later than 270 days following payment to the municipality of the last distribution of taxes as provided in Section 11-74.3-6.

(Source: P.A. 96-1394, eff. 7-29-10; revised 9-7-10.)

(65 ILCS 5/11-74.3-6)

Sec. 11-74.3-6. Business district revenue and obligations; business district tax allocation fund.

(a) If the corporate authorities of a municipality have approved a business district plan, have

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designated a business district, and have elected to impose a tax by ordinance pursuant to subsection (10) ~~(11)~~ or (11) ~~(12)~~ of Section 11-74.3-3, then each year after the date of the approval of the ordinance but terminating upon the date all business district project costs and all obligations paying or reimbursing business district project costs, if any, have been paid, but in no event later than the dissolution date, all amounts generated by the retailers' occupation tax and service occupation tax shall be collected and the tax shall be enforced by the Department of Revenue in the same manner as all retailers' occupation taxes and service occupation taxes imposed in the municipality imposing the tax and all amounts generated by the hotel operators' occupation tax shall be collected and the tax shall be enforced by the municipality in the same manner as all hotel operators' occupation taxes imposed in the municipality imposing the tax. The corporate authorities of the municipality shall deposit the proceeds of the taxes imposed under subsections (10) ~~(11)~~ and (11) ~~(12)~~ of Section 11-74.3-3 into a special fund of the municipality called the "[Name of] Business District Tax Allocation Fund" for the purpose of paying or reimbursing business district project costs and obligations incurred in the payment of those costs.

(b) The corporate authorities of a municipality that has designated a business district under this Law may, by ordinance, impose a Business District Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this State's government, at retail in the business district at a rate not to exceed 1% of the gross receipts from the sales made in the course of such business, to be imposed only in 0.25% increments. The tax may not be imposed on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption), prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use.

The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department of Revenue. The certificate of registration that is issued by the Department to a retailer under the Retailers' Occupation Tax Act shall permit the retailer to engage in a business that is taxable under any ordinance or resolution enacted pursuant to this subsection without registering separately with the Department under such ordinance or resolution or under this subsection. The Department of Revenue shall have full power to administer and enforce this subsection; to collect all taxes and penalties due under this subsection in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty under this subsection. In the administration of, and compliance with, this subsection, the Department and persons who are subject to this subsection shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions, and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 1, 1a through 1o, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2c through 2h, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and 14 of the Retailers' Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under this subsection may reimburse themselves for their seller's tax liability under this subsection by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State taxes that sellers are required to collect under the Use Tax Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the business district retailers' occupation tax fund.

The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes, penalties, and interest collected under this subsection for deposit into the business district retailers' occupation tax fund.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected under this subsection during the second preceding calendar month for sales within a STAR bond district.

After the monthly transfer to the STAR Bonds Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated

sums of money to named municipalities from the business district retailers' occupation tax fund, the municipalities to be those from which retailers have paid taxes or penalties under this subsection to the Department during the second preceding calendar month. The amount to be paid to each municipality shall be the amount (not including credit memoranda) collected under this subsection during the second preceding calendar month by the Department plus an amount the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department, less 2% of that amount, which shall be deposited into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department in administering and enforcing the provisions of this subsection, on behalf of such municipality, and not including any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the municipality, and not including any amounts that are transferred to the STAR Bonds Revenue Fund. Within 10 days after receipt by the Comptroller of the disbursement certification to the municipalities provided for in this subsection to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in the certification. The proceeds of the tax paid to municipalities under this subsection shall be deposited into the Business District Tax Allocation Fund by the municipality.

An ordinance imposing or discontinuing the tax under this subsection or effecting a change in the rate thereof shall either (i) be adopted and a certified copy thereof filed with the Department on or before the first day of April, whereupon the Department, if all other requirements of this subsection are met, shall proceed to administer and enforce this subsection as of the first day of July next following the adoption and filing; or (ii) be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon, if all other requirements of this subsection are met, the Department shall proceed to administer and enforce this subsection as of the first day of January next following the adoption and filing.

The Department of Revenue shall not administer or enforce an ordinance imposing, discontinuing, or changing the rate of the tax under this subsection, until the municipality also provides, in the manner prescribed by the Department, the boundaries of the business district and each address in the business district in such a way that the Department can determine by its address whether a business is located in the business district. The municipality must provide this boundary and address information to the Department on or before April 1 for administration and enforcement of the tax under this subsection by the Department beginning on the following July 1 and on or before October 1 for administration and enforcement of the tax under this subsection by the Department beginning on the following January 1. The Department of Revenue shall not administer or enforce any change made to the boundaries of a business district or address change, addition, or deletion until the municipality reports the boundary change or address change, addition, or deletion to the Department in the manner prescribed by the Department. The municipality must provide this boundary change information or address change, addition, or deletion to the Department on or before April 1 for administration and enforcement by the Department of the change beginning on the following July 1 and on or before October 1 for administration and enforcement by the Department of the change beginning on the following January 1. The retailers in the business district shall be responsible for charging the tax imposed under this subsection. If a retailer is incorrectly included or excluded from the list of those required to collect the tax under this subsection, both the Department of Revenue and the retailer shall be held harmless if they reasonably relied on information provided by the municipality.

A municipality that imposes the tax under this subsection must submit to the Department of Revenue any other information as the Department may require for the administration and enforcement of the tax.

When certifying the amount of a monthly disbursement to a municipality under this subsection, the Department shall increase or decrease the amount by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6 months from the time a misallocation is discovered.

Nothing in this subsection shall be construed to authorize the municipality to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

If a tax is imposed under this subsection (b), a tax shall also be imposed under subsection (c) of this Section.

(c) If a tax has been imposed under subsection (b), a Business District Service Occupation Tax shall also be imposed upon all persons engaged, in the business district, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within

the business district, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. The tax shall be imposed at the same rate as the tax imposed in subsection (b) and shall not exceed 1% of the selling price of tangible personal property so transferred within the business district, to be imposed only in 0.25% increments. The tax may not be imposed on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption), prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use.

The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department of Revenue. The certificate of registration which is issued by the Department to a retailer under the Retailers' Occupation Tax Act or under the Service Occupation Tax Act shall permit such registrant to engage in a business which is taxable under any ordinance or resolution enacted pursuant to this subsection without registering separately with the Department under such ordinance or resolution or under this subsection. The Department of Revenue shall have full power to administer and enforce this subsection; to collect all taxes and penalties due under this subsection; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty under this subsection. In the administration of, and compliance with this subsection, the Department and persons who are subject to this subsection shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions, and definitions of terms and employ the same modes of procedure as are prescribed in Sections 2, 2a through 2d, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the business district), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the municipality), 9 (except as to the disposition of taxes and penalties collected, and except that the returned merchandise credit for this tax may not be taken against any State tax), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the municipality), the first paragraph of Section 15, and Sections 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the business district retailers' occupation tax fund.

The Department shall forthwith pay over to the State Treasurer, ex-officio, as trustee, all taxes, penalties, and interest collected under this subsection for deposit into the business district retailers' occupation tax fund.

As soon as possible after the first day of each month, beginning January 1, 2011, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, to the STAR Bonds Revenue Fund the local sales tax increment, as defined in the Innovation Development and Economy Act, collected under this subsection during the second preceding calendar month for sales within a STAR bond district.

After the monthly transfer to the STAR Bonds Revenue Fund, on or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities from the business district retailers' occupation tax fund, the municipalities to be those from which suppliers and servicemen have paid taxes or penalties under this subsection to the Department during the second preceding calendar month. The amount to be paid to each municipality shall be the amount (not including credit memoranda) collected under this subsection during the second preceding calendar month by the Department, less 2% of that amount, which shall be deposited into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department in administering and enforcing the provisions of this subsection, and not including an amount equal to the amount of refunds made during

the second preceding calendar month by the Department on behalf of such municipality, and not including any amounts that are transferred to the STAR Bonds Revenue Fund. Within 10 days after receipt, by the Comptroller, of the disbursement certification to the municipalities, provided for in this subsection to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in such certification. The proceeds of the tax paid to municipalities under this subsection shall be deposited into the Business District Tax Allocation Fund by the municipality.

An ordinance imposing or discontinuing the tax under this subsection or effecting a change in the rate thereof shall either (i) be adopted and a certified copy thereof filed with the Department on or before the first day of April, whereupon the Department, if all other requirements of this subsection are met, shall proceed to administer and enforce this subsection as of the first day of July next following the adoption and filing; or (ii) be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon, if all other conditions of this subsection are met, the Department shall proceed to administer and enforce this subsection as of the first day of January next following the adoption and filing.

The Department of Revenue shall not administer or enforce an ordinance imposing, discontinuing, or changing the rate of the tax under this subsection, until the municipality also provides, in the manner prescribed by the Department, the boundaries of the business district in such a way that the Department can determine by its address whether a business is located in the business district. The municipality must provide this boundary and address information to the Department on or before April 1 for administration and enforcement of the tax under this subsection by the Department beginning on the following July 1 and on or before October 1 for administration and enforcement of the tax under this subsection by the Department beginning on the following January 1. The Department of Revenue shall not administer or enforce any change made to the boundaries of a business district or address change, addition, or deletion until the municipality reports the boundary change or address change, addition, or deletion to the Department in the manner prescribed by the Department. The municipality must provide this boundary change information or address change, addition, or deletion to the Department on or before April 1 for administration and enforcement by the Department of the change beginning on the following July 1 and on or before October 1 for administration and enforcement by the Department of the change beginning on the following January 1. The retailers in the business district shall be responsible for charging the tax imposed under this subsection. If a retailer is incorrectly included or excluded from the list of those required to collect the tax under this subsection, both the Department of Revenue and the retailer shall be held harmless if they reasonably relied on information provided by the municipality.

A municipality that imposes the tax under this subsection must submit to the Department of Revenue any other information as the Department may require for the administration and enforcement of the tax.

Nothing in this subsection shall be construed to authorize the municipality to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by the State.

If a tax is imposed under this subsection (c), a tax shall also be imposed under subsection (b) of this Section.

(d) By ordinance, a municipality that has designated a business district under this Law may impose an occupation tax upon all persons engaged in the business district in the business of renting, leasing, or letting rooms in a hotel, as defined in the Hotel Operators' Occupation Tax Act, at a rate not to exceed 1% of the gross rental receipts from the renting, leasing, or letting of hotel rooms within the business district, to be imposed only in 0.25% increments, excluding, however, from gross rental receipts the proceeds of renting, leasing, or letting to permanent residents of a hotel, as defined in the Hotel Operators' Occupation Tax Act, and proceeds from the tax imposed under subsection (c) of Section 13 of the Metropolitan Pier and Exposition Authority Act.

The tax imposed by the municipality under this subsection and all civil penalties that may be assessed as an incident to that tax shall be collected and enforced by the municipality imposing the tax. The municipality shall have full power to administer and enforce this subsection, to collect all taxes and penalties due under this subsection, to dispose of taxes and penalties so collected in the manner provided in this subsection, and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty under this subsection. In the administration of and compliance with this subsection, the municipality and persons who are subject to this subsection shall have the same rights, remedies, privileges, immunities, powers, and duties, shall be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and shall employ the same modes of procedure as are employed with respect to a tax adopted by the municipality under Section 8-3-14 of this Code.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse

themselves for their tax liability for that tax by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with State taxes imposed under the Hotel Operators' Occupation Tax Act, and with any other tax.

Nothing in this subsection shall be construed to authorize a municipality to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

The proceeds of the tax imposed under this subsection shall be deposited into the Business District Tax Allocation Fund.

(e) Obligations secured by the Business District Tax Allocation Fund may be issued to provide for the payment or reimbursement of business district project costs. Those obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of those obligations by the receipts of taxes imposed pursuant to subsections (10) ~~(11)~~ and (11) ~~(12)~~ of Section 11-74.3-3 and by other revenue designated or pledged by the municipality. A municipality may in the ordinance pledge, for any period of time up to and including the dissolution date, all or any part of the funds in and to be deposited in the Business District Tax Allocation Fund to the payment of business district project costs and obligations. Whenever a municipality pledges all of the funds to the credit of a business district tax allocation fund to secure obligations issued or to be issued to pay or reimburse business district project costs, the municipality may specifically provide that funds remaining to the credit of such business district tax allocation fund after the payment of such obligations shall be accounted for annually and shall be deemed to be "surplus" funds, and such "surplus" funds shall be expended by the municipality for any business district project cost as approved in the business district plan. Whenever a municipality pledges less than all of the monies to the credit of a business district tax allocation fund to secure obligations issued or to be issued to pay or reimburse business district project costs, the municipality shall provide that monies to the credit of the business district tax allocation fund and not subject to such pledge or otherwise encumbered or required for payment of contractual obligations for specific business district project costs shall be calculated annually and shall be deemed to be "surplus" funds, and such "surplus" funds shall be expended by the municipality for any business district project cost as approved in the business district plan.

No obligation issued pursuant to this Law and secured by a pledge of all or any portion of any revenues received or to be received by the municipality from the imposition of taxes pursuant to subsection (10) ~~(11)~~ of Section 11-74.3-3, shall be deemed to constitute an economic incentive agreement under Section 8-11-20, notwithstanding the fact that such pledge provides for the sharing, rebate, or payment of retailers' occupation taxes or service occupation taxes imposed pursuant to subsection (10) ~~(11)~~ of Section 11-74.3-3 and received or to be received by the municipality from the development or redevelopment of properties in the business district.

Without limiting the foregoing in this Section, the municipality may further secure obligations secured by the business district tax allocation fund with a pledge, for a period not greater than the term of the obligations and in any case not longer than the dissolution date, of any part or any combination of the following: (i) net revenues of all or part of any business district project; (ii) taxes levied or imposed by the municipality on any or all property in the municipality, including, specifically, taxes levied or imposed by the municipality in a special service area pursuant to the Special Service Area Tax Law; (iii) the full faith and credit of the municipality; (iv) a mortgage on part or all of the business district project; or (v) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series, bear such date or dates, become due at such time or times as therein provided, but in any case not later than (i) 20 years after the date of issue or (ii) the dissolution date, whichever is earlier, bear interest payable at such intervals and at such rate or rates as set forth therein, except as may be limited by applicable law, which rate or rates may be fixed or variable, be in such denominations, be in such form, either coupon, registered, or book-entry, carry such conversion, registration and exchange privileges, be subject to defeasance upon such terms, have such rank or priority, be executed in such manner, be payable in such medium or payment at such place or places within or without the State, make provision for a corporate trustee within or without the State with respect to such obligations, prescribe the rights, powers, and duties thereof to be exercised for the benefit of the municipality and the benefit of the owners of such obligations, provide for the holding in trust, investment, and use of moneys, funds, and accounts held under an ordinance, provide for assignment of and direct payment of the moneys to pay such obligations or to be deposited into such funds or accounts directly to such trustee, be subject to such terms of redemption with or without premium, and be sold at such price, all as the corporate authorities shall determine. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Law except as provided in this Section.

In the event the municipality authorizes the issuance of obligations pursuant to the authority of this Law secured by the full faith and credit of the municipality, or pledges ad valorem taxes pursuant to this subsection, which obligations are other than obligations which may be issued under home rule powers provided by Section 6 of Article VII of the Illinois Constitution or which ad valorem taxes are other than ad valorem taxes which may be pledged under home rule powers provided by Section 6 of Article VII of the Illinois Constitution or which are levied in a special service area pursuant to the Special Service Area Tax Law, the ordinance authorizing the issuance of those obligations or pledging those taxes shall be published within 10 days after the ordinance has been adopted, in a newspaper having a general circulation within the municipality. The publication of the ordinance shall be accompanied by a notice of (i) the specific number of voters required to sign a petition requesting the question of the issuance of the obligations or pledging such ad valorem taxes to be submitted to the electors; (ii) the time within which the petition must be filed; and (iii) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 21 days after the publication of the ordinance, the ordinance shall be in effect. However, if within that 21-day period a petition is filed with the municipal clerk, signed by electors numbering not less than 15% of the number of electors voting for the mayor or president at the last general municipal election, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying or reimbursing business district project costs, or of pledging such ad valorem taxes for the payment of those obligations, or both, be submitted to the electors of the municipality, the municipality shall not be authorized to issue obligations of the municipality using the full faith and credit of the municipality as security or pledging such ad valorem taxes for the payment of those obligations, or both, until the proposition has been submitted to and approved by a majority of the voters voting on the proposition at a regularly scheduled election. The municipality shall certify the proposition to the proper election authorities for submission in accordance with the general election law.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Law, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Law secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of those monies available to the county clerk.

A certified copy of the ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the business district tax allocation fund.

A municipality may also issue its obligations to refund, in whole or in part, obligations theretofore issued by the municipality under the authority of this Law, whether at or prior to maturity. However, the last maturity of the refunding obligations shall not be expressed to mature later than the dissolution date.

In the event a municipality issues obligations under home rule powers or other legislative authority, the proceeds of which are pledged to pay or reimburse business district project costs, the municipality may, if it has followed the procedures in conformance with this Law, retire those obligations from funds in the business district tax allocation fund in amounts and in such manner as if those obligations had been issued pursuant to the provisions of this Law.

No obligations issued pursuant to this Law shall be regarded as indebtedness of the municipality issuing those obligations or any other taxing district for the purpose of any limitation imposed by law.

Obligations issued pursuant to this Law shall not be subject to the provisions of the Bond Authorization Act.

(f) When business district project costs, including, without limitation, all obligations paying or reimbursing business district project costs have been paid, any surplus funds then remaining in the Business District Tax Allocation Fund shall be distributed to the municipal treasurer for deposit into the general corporate fund of the municipality. Upon payment of all business district project costs and retirement of all obligations paying or reimbursing business district project costs, but in no event more than 23 years after the date of adoption of the ordinance imposing taxes pursuant to subsection (10) subsections (11) or (11) (12) of Section 11-74.3-3, the municipality shall adopt an ordinance immediately rescinding the taxes imposed pursuant to subsection (10) or (11) of Section 11-74.3-3 said subsections.

(Source: P.A. 96-939, eff. 6-24-10; 96-1394, eff. 7-29-10; revised 9-2-10.)

(65 ILCS 5/11-74.4-4) (from Ch. 24, par. 11-74.4-4)

Sec. 11-74.4-4. Municipal powers and duties; redevelopment project areas. ~~A municipality may:~~ (a) The changes made by this amendatory Act of the 91st General Assembly do not apply to a municipality that, (i) before the effective date of this amendatory Act of the 91st General Assembly, has adopted an ordinance or resolution fixing a time and place for a public hearing under Section 11-74.4-5 or (ii) before July 1, 1999, has adopted an ordinance or resolution providing for a feasibility study under Section 11-74.4-4.1, but has not yet adopted an ordinance approving redevelopment plans and redevelopment projects or designating redevelopment project areas under this Section, until after that municipality adopts an ordinance approving redevelopment plans and redevelopment projects or designating redevelopment project areas under this Section; thereafter the changes made by this amendatory Act of the 91st General Assembly apply to the same extent that they apply to redevelopment plans and redevelopment projects that were approved and redevelopment projects that were designated before the effective date of this amendatory Act of the 91st General Assembly.

A municipality may:

(a) By ordinance introduced in the governing body of the municipality within 14 to 90 days from the completion of the hearing specified in Section 11-74.4-5 approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to notice and hearing required by this Act. No redevelopment project area shall be designated unless a plan and project are approved prior to the designation of such area and such area shall include only those contiguous parcels of real property and improvements thereon substantially benefited by the proposed redevelopment project improvements. Upon adoption of the ordinances, the municipality shall forthwith transmit to the county clerk of the county or counties within which the redevelopment project area is located a certified copy of the ordinances, a legal description of the redevelopment project area, a map of the redevelopment project area, identification of the year that the county clerk shall use for determining the total initial equalized assessed value of the redevelopment project area consistent with subsection (a) of Section 11-74.4-9, and a list of the parcel or tax identification number of each parcel of property included in the redevelopment project area.

(b) Make and enter into all contracts with property owners, developers, tenants, overlapping taxing bodies, and others necessary or incidental to the implementation and furtherance of its redevelopment plan and project. Contract provisions concerning loan repayment obligations in contracts entered into on or after the effective date of this amendatory Act of the 93rd General Assembly shall terminate no later than the last to occur of the estimated dates of completion of the redevelopment project and retirement of the obligations issued to finance redevelopment project costs as required by item (3) of subsection (n) of Section 11-74.4-3. Payments received under contracts entered into by the municipality prior to the effective date of this amendatory Act of the 93rd General Assembly that are received after the redevelopment project area has been terminated by municipal ordinance shall be deposited into a special fund of the municipality to be used for other community redevelopment needs within the redevelopment project area.

(c) Within a redevelopment project area, acquire by purchase, donation, lease or eminent domain; own, convey, lease, mortgage or dispose of land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality determines is reasonably necessary to achieve the objectives of the redevelopment plan and project. No conveyance, lease, mortgage, disposition of land or other property owned by a municipality, or agreement relating to the development of such municipal property shall be made except upon the adoption of an ordinance by the corporate authorities of the municipality. Furthermore, no conveyance, lease, mortgage, or other disposition of land owned by a municipality or agreement relating to the development of such municipal property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. The procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids.

(d) Within a redevelopment project area, clear any area by demolition or removal of any existing buildings and structures.

(e) Within a redevelopment project area, renovate or rehabilitate or construct any structure or building, as permitted under this Act.

(f) Install, repair, construct, reconstruct or relocate streets, utilities and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan.

(g) Within a redevelopment project area, fix, charge and collect fees, rents and charges for the use of any building or property owned or leased by it or any part thereof, or facility therein.

(h) Accept grants, guarantees and donations of property, labor, or other things of value from a public or private source for use within a project redevelopment area.

(i) Acquire and construct public facilities within a redevelopment project area, as permitted under this Act.

(j) Incur project redevelopment costs and reimburse developers who incur redevelopment project costs authorized by a redevelopment agreement; provided, however, that on and after the effective date of this amendatory Act of the 91st General Assembly, no municipality shall incur redevelopment project costs (except for planning costs and any other eligible costs authorized by municipal ordinance or resolution that are subsequently included in the redevelopment plan for the area and are incurred by the municipality after the ordinance or resolution is adopted) that are not consistent with the program for accomplishing the objectives of the redevelopment plan as included in that plan and approved by the municipality until the municipality has amended the redevelopment plan as provided elsewhere in this Act.

(k) Create a commission of not less than 5 or more than 15 persons to be appointed by the mayor or president of the municipality with the consent of the majority of the governing board of the municipality. Members of a commission appointed after the effective date of this amendatory Act of 1987 shall be appointed for initial terms of 1, 2, 3, 4 and 5 years, respectively, in such numbers as to provide that the terms of not more than 1/3 of all such members shall expire in any one year. Their successors shall be appointed for a term of 5 years. The commission, subject to approval of the corporate authorities may exercise the powers enumerated in this Section. The commission shall also have the power to hold the public hearings required by this division and make recommendations to the corporate authorities concerning the adoption of redevelopment plans, redevelopment projects and designation of redevelopment project areas.

(l) Make payment in lieu of taxes or a portion thereof to taxing districts. If payments in lieu of taxes or a portion thereof are made to taxing districts, those payments shall be made to all districts within a project redevelopment area on a basis which is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment project area.

(m) Exercise any and all other powers necessary to effectuate the purposes of this Act.

(n) If any member of the corporate authority, a member of a commission established pursuant to Section 11-74.4-4(k) of this Act, or an employee or consultant of the municipality involved in the planning and preparation of a redevelopment plan, or project for a redevelopment project area or proposed redevelopment project area, as defined in Sections 11-74.4-3(i) through (k) of this Act, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates and terms and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the corporate authorities and entered upon the minute books of the corporate authorities. If an individual holds such an interest then that individual shall refrain from any further official involvement in regard to such redevelopment plan, project or area, from voting on any matter pertaining to such redevelopment plan, project or area, or communicating with other members concerning corporate authorities, commission or employees concerning any matter pertaining to said redevelopment plan, project or area. Furthermore, no such member or employee shall acquire of any interest direct, or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan, project or area or (b) first public notice of such plan, project or area pursuant to Section 11-74.4-6 of this Division, whichever occurs first. For the purposes of this subsection, a property interest acquired in a single parcel of property by a member of the corporate authority, which property is used exclusively as the member's primary residence, shall not be deemed to constitute an interest in any property included in a redevelopment area or proposed redevelopment area that was established before December 31, 1989, but the member must disclose the acquisition to the municipal clerk under the provisions of this subsection. A single property interest acquired within one year after the effective date of this amendatory Act of the 94th General Assembly or 2 years after the effective date of this amendatory Act of the 95th General Assembly by a member of the corporate authority does not constitute an interest in any property included in any redevelopment area or proposed redevelopment area, regardless of when the redevelopment area was established, if (i) the property is used exclusively as the member's primary residence, (ii) the member discloses the acquisition to the municipal clerk under the provisions of this subsection, (iii) the acquisition is for fair market value, (iv) the member acquires the property as a result of the property being publicly advertised for sale, and (v) the member refrains from voting on, and communicating with other members concerning, any matter when the benefits to the redevelopment project or area would be significantly greater than the benefits to the municipality as a whole. For the purposes of this subsection, a month-to-month leasehold

interest in a single parcel of property by a member of the corporate authority shall not be deemed to constitute an interest in any property included in any redevelopment area or proposed redevelopment area, but the member must disclose the interest to the municipal clerk under the provisions of this subsection.

(o) Create a Tax Increment Economic Development Advisory Committee to be appointed by the Mayor or President of the municipality with the consent of the majority of the governing board of the municipality, the members of which Committee shall be appointed for initial terms of 1, 2, 3, 4 and 5 years respectively, in such numbers as to provide that the terms of not more than 1/3 of all such members shall expire in any one year. Their successors shall be appointed for a term of 5 years. The Committee shall have none of the powers enumerated in this Section. The Committee shall serve in an advisory capacity only. The Committee may advise the governing Board of the municipality and other municipal officials regarding development issues and opportunities within the redevelopment project area or the area within the State Sales Tax Boundary. The Committee may also promote and publicize development opportunities in the redevelopment project area or the area within the State Sales Tax Boundary.

(p) Municipalities may jointly undertake and perform redevelopment plans and projects and utilize the provisions of the Act wherever they have contiguous redevelopment project areas or they determine to adopt tax increment financing with respect to a redevelopment project area which includes contiguous real property within the boundaries of the municipalities, and in doing so, they may, by agreement between municipalities, issue obligations, separately or jointly, and expend revenues received under the Act for eligible expenses anywhere within contiguous redevelopment project areas or as otherwise permitted in the Act.

(q) Utilize revenues, other than State sales tax increment revenues, received under this Act from one redevelopment project area for eligible costs in another redevelopment project area that is:

- (i) contiguous to the redevelopment project area from which the revenues are received;
- (ii) separated only by a public right of way from the redevelopment project area from which the revenues are received; or

(iii) separated only by forest preserve property from the redevelopment project area from which the revenues are received if the closest boundaries of the redevelopment project areas that are separated by the forest preserve property are less than one mile apart.

Utilize tax increment revenues for eligible costs that are received from a redevelopment project area created under the Industrial Jobs Recovery Law that is either contiguous to, or is separated only by a public right of way from, the redevelopment project area created under this Act which initially receives these revenues. Utilize revenues, other than State sales tax increment revenues, by transferring or loaning such revenues to a redevelopment project area created under the Industrial Jobs Recovery Law that is either contiguous to, or separated only by a public right of way from the redevelopment project area that initially produced and received those revenues; and, if the redevelopment project area (i) was established before the effective date of this amendatory Act of the 91st General Assembly and (ii) is located within a municipality with a population of more than 100,000, utilize revenues or proceeds of obligations authorized by Section 11-74.4-7 of this Act, other than use or occupation tax revenues, to pay for any redevelopment project costs as defined by subsection (q) of Section 11-74.4-3 to the extent that the redevelopment project costs involve public property that is either contiguous to, or separated only by a public right of way from, a redevelopment project area whether or not redevelopment project costs or the source of payment for the costs are specifically set forth in the redevelopment plan for the redevelopment project area.

(r) If no redevelopment project has been initiated in a redevelopment project area within 7 years after the area was designated by ordinance under subsection (a), the municipality shall adopt an ordinance repealing the area's designation as a redevelopment project area; provided, however, that if an area received its designation more than 3 years before the effective date of this amendatory Act of 1994 and no redevelopment project has been initiated within 4 years after the effective date of this amendatory Act of 1994, the municipality shall adopt an ordinance repealing its designation as a redevelopment project area. Initiation of a redevelopment project shall be evidenced by either a signed redevelopment agreement or expenditures on eligible redevelopment project costs associated with a redevelopment project.

Notwithstanding any other provision of this Section to the contrary, with respect to a redevelopment project area designated by an ordinance that was adopted on July 29, 1998 by the City of Chicago, the City of Chicago shall adopt an ordinance repealing the area's designation as a redevelopment project area if no redevelopment project has been initiated in the redevelopment project area within 15 years after the designation of the area. The City of Chicago may retroactively repeal any ordinance adopted by the City of Chicago, pursuant to this subsection (r), that repealed the designation of a redevelopment project area

designated by an ordinance that was adopted by the City of Chicago on July 29, 1998. The City of Chicago has 90 days after the effective date of this amendatory Act to repeal the ordinance. The changes to this Section made by this amendatory Act of the 96th General Assembly apply retroactively to July 27, 2005.

(Source: P.A. 94-1013, eff. 1-1-07; 95-1054, eff. 1-1-10; revised 9-16-10.)

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. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Clayborne, **Senate Bill No. 3952**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

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

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

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

SENATE BILL RECALLED

On motion of Senator Silverstein, **Senate Bill No. 3973** was recalled from the order of third reading to the order of second reading.

Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3973

AMENDMENT NO. 1. Amend Senate Bill 3973 by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Section 6-35 and by adding Section 6-36 as follows:

(235 ILCS 5/6-35)

Sec. 6-35. Alcopops.

[December 2, 2010]

(a) For purposes of this Section, "alcopop" means a flavored alcoholic beverage or flavored malt beverage that includes (i) a malt beverage containing a malt base or beer and added natural or artificial blending material, such as fruit juices, flavors, flavorings, colorings, or preservatives where such blending material constitutes .5% or more of the alcohol by volume contained in the finished beverage; (ii) a beverage containing wine and more than 15% added natural or artificial blending material, such as fruit juices, flavors, flavorings, or adjuncts, water (plain, carbonated, or sparkling), colorings, or preservatives; or (iii) a beverage containing distilled alcohol and added natural or artificial blending material, such as fruit juices, flavors, flavorings, colorings, or preservatives; ~~or (iv) an alcohol malt beverage containing caffeine, guarana, taurine, or ginseng, where the beverage constitutes 0.5% or more of alcohol by volume.~~

(b) No entity may advertise, promote, or market any alcopop beverages toward children. Advertise, promote, or market includes, but is not limited to the following:

(1) the use of cartoons and youth-orientated photos in advertising, promotion, packaging, or labeling of alcohol products;

(2) sponsorships of athletic events where the intended audience is primarily children;

(3) billboards advertising alcopops, as defined in items (i), (ii), and (iii) of subsection (a) of this Section, placed within 500 feet of schools, public parks, amusement parks, and places of worship; and

(4) the display of any alcopop beverage in any videogame, theater production, or other live performances where the intended audience is primarily children.

~~(c) No entity shall sell for consumption an alcohol malt beverage containing caffeine, guarana, taurine, or ginseng, where the beverage constitutes 0.5% or more of alcohol by volume, unless individual containers of the beverage have imprinted on each individual container the following:~~

~~(1) the words "contains alcohol"; and~~

~~(2) the alcohol content of the beverage.~~

~~(d) Any person who violates this Section is guilty of a business offense and shall be fined \$500 for a first offense and \$1,000 for a second or subsequent offense.~~

(e) Nothing in this Section shall be construed to be inconsistent with any other provision of this Section or any other State or federal laws, rules, or regulations regarding the labeling of alcoholic beverages.

(Source: P.A. 95-618, eff. 6-1-08; 95-860, eff. 1-1-09.)

(235 ILCS 5/6-36 new)

Sec. 6-36. Caffeinated alcohol beverages.

(a) The General Assembly hereby finds and declares that the Federal Drug Administration has determined products combining high levels of caffeine and alcohol are unsafe or adulterated and are hereby prohibited. Additionally, the General Assembly recognizes the State's authority to control the importation of alcoholic liquor as granted under the Twenty-First Amendment to the U.S. Constitution, which states that the "transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited".

(b) No alcoholic liquor that combines alcohol with caffeine, guarana, or other similar substances that are commonly referred to as "caffeinated alcohol beverages" may be imported into the State or produced, manufactured, distributed, sold, or offered for sale in this State by a licensee under this Act. This Section shall only apply to products that contain caffeine, guarana, or other similar substances that are added or mixed to alcoholic liquors.

The Liquor Control Commission shall prohibit products under this subsection (b) from being produced, manufactured, distributed, sold, or offered for sale in this State by a licensee under this Act.

This Section does not apply to naturally caffeinated products such as coffee, made from the Coffea arabica plant; cola, made from kola nuts; teas made from plants such as the leaves of Thea sinensis; or cocoa."

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.

READING BILL OF THE SENATE A THIRD TIME

[December 2, 2010]

On motion of Senator Silverstein, **Senate Bill No. 3973**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Righter
Bivins	Frerichs	Link	Risinger
Bomke	Haine	Luechtefeld	Rutherford
Bond	Harmon	Maloney	Sandack
Brady	Hendon	Martinez	Sandoval
Burzynski	Holmes	McCarter	Silverstein
Clayborne	Hunter	Millner	Steans
Collins	Hutchinson	Mulroe	Sullivan
Crotty	Jones, E.	Muñoz	Syversen
Dahl	Jones, J.	Murphy	Viverito
Delgado	Koehler	Noland	Wilhelmi
Demuzio	Kotowski	Radogno	Mr. President
Dillard	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.

REPORT FROM STANDING COMMITTEE

Senator Muñoz, Chairperson of the Committee on Executive Appointments, moved that the Senate resolve itself into Executive Session to consider the report of that Committee relative to the Governor's Message appointments.

The motion prevailed.

EXECUTIVE SESSION

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of April 16, 2010, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

ILLINOIS STATE POLICE MERIT BOARD

To be a member of the Illinois State Police Merit Board for a term commencing April 16, 2010 and ending March 19, 2012:

James V. Riley
Salaried

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 47; NAY 1; Present 2.

The following voted in the affirmative:

Bivins	Forby	Lauzen	Risinger
Bomke	Frerichs	Lightford	Rutherford
Bond	Haine	Link	Sandack

[December 2, 2010]

Brady	Harmon	Maloney	Sandoval
Burzynski	Hendon	Martinez	Silverstein
Clayborne	Holmes	Millner	Steans
Collins	Hunter	Mulroe	Sullivan
Crotty	Hutchinson	Muñoz	Syverson
Dahl	Jacobs	Murphy	Viverito
Delgado	Jones, E.	Noland	Wilhelmi
Demuzio	Koehler	Radogno	Mr. President
Dillard	Kotowski	Raoul	

The following voted in the negative:

Luechtefeld

The following voted present:

Duffy
McCarter

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of October 19, 2009, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

TEACHERS' RETIREMENT SYSTEM BOARD OF TRUSTEES

To be a member of the Teachers' Retirement System Board of Trustees for a term commencing October 16, 2009 and ending July 14, 2014:

Ms. Marcia Boone
Expenses

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 50; NAY 1.

The following voted in the affirmative:

Althoff	Duffy	Kotowski	Risinger
Bivins	Forby	Lauzen	Rutherford
Bomke	Frerichs	Lightford	Sandack
Bond	Haine	Link	Sandoval
Brady	Harmon	Maloney	Silverstein
Burzynski	Hendon	Martinez	Steans
Clayborne	Holmes	Millner	Sullivan
Collins	Hunter	Mulroe	Syverson
Crotty	Hutchinson	Muñoz	Viverito
Dahl	Jacobs	Murphy	Wilhelmi
Delgado	Jones, E.	Noland	Mr. President
Demuzio	Jones, J.	Radogno	
Dillard	Koehler	Raoul	

The following voted in the negative:

Luechtefeld

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of December 17, 2009, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

PUBLIC ADMINISTRATOR OF COOK COUNTY

To be a Public Administrator of Cook County for a term commencing December 17, 2009 and ending December 2, 2013:

Nicholas G. Grapsas
Non-Salaried

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 48; NAY 1.

The following voted in the affirmative:

Althoff	Forby	Lauzen	Rutherford
Bomke	Frerichs	Lightford	Sandack
Bond	Haine	Link	Sandoval
Brady	Harmon	Maloney	Steans
Burzynski	Hendon	Martinez	Sullivan
Clayborne	Holmes	Millner	Syverson
Collins	Hunter	Mulroe	Viverito
Crotty	Hutchinson	Muñoz	Wilhelmi
Dahl	Jacobs	Murphy	Mr. President
Delgado	Jones, E.	Noland	
Demuzio	Jones, J.	Radogno	
Dillard	Koehler	Raoul	
Duffy	Kotowski	Risinger	

The following voted in the negative:

Luechtefeld

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Silverstein asked the record to reflect that to avoid the appearance of a conflict of interest, he abstained from voting on the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of December 29, 2009, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

COMMUNITY COLLEGE BOARD, ILLINOIS

To be a Member of the Community College Board, Illinois for a term commencing December 29, 2009 and ending June 30, 2015:

Victor Henderson
Non-Salaried

[December 2, 2010]

OHIO RIVER VALLEY WATER SANITATION COMMISSION

To be a Member of the Ohio River Valley Water Sanitation Commission for a term commencing December 29, 2009 and ending January 3, 2012:

Toby Frevert
Non-Salaried

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Link	Rutherford
Bivins	Haine	Luechtefeld	Sandack
Bomke	Harmon	Maloney	Sandoval
Bond	Hendon	Martinez	Silverstein
Burzynski	Holmes	McCarter	Steans
Clayborne	Hunter	Millner	Sullivan
Collins	Hutchinson	Mulroe	Syverson
Crotty	Jacobs	Muñoz	Viverito
Dahl	Jones, E.	Murphy	Wilhelmi
Delgado	Jones, J.	Noland	Mr. President
Demuzio	Koehler	Radogno	
Dillard	Kotowski	Raoul	
Duffy	Laufen	Righter	
Forby	Lightford	Risinger	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of April 16, 2010, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

MEDICAL DISCIPLINARY BOARD, ILLINOIS STATE

To be a Public Member of the Illinois State Medical Disciplinary Board for a term commencing April 16, 2010 and ending January 1, 2014:

Judy L. Cates
Non-Salaried

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 39; NAYS 10.

The following voted in the affirmative:

Althoff	Haine	Lightford	Risinger
Bomke	Harmon	Link	Sandack
Bond	Hendon	Maloney	Sandoval
Clayborne	Holmes	Martinez	Silverstein
Collins	Hunter	Millner	Steans

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Crotty	Hutchinson	Mulroe	Sullivan
Delgado	Jacobs	Muñoz	Viverito
Demuzio	Jones, E.	Noland	Wilhelmi
Forby	Koehler	Radogno	Mr. President
Frerichs	Kotowski	Raoul	

The following voted in the negative:

Bivins	Duffy	McCarter	Syverson
Burzynski	Lauzen	Murphy	
Dahl	Luechtefeld	Righter	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of April 26, 2010, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

PUBLIC ADMINISTRATOR & PUBLIC GUARDIAN OF LAKE COUNTY

To be the Public Administrator and Public Guardian of Lake County for a term commencing April 26, 2010 and ending December 2, 2013:

Keith Louis West
Non-Salaried

PUBLIC ADMINISTRATOR & PUBLIC GUARDIAN OF KNOX COUNTY

To be the Public Administrator and Public Guardian of Knox County for a term commencing April 26, 2010 and ending December 2, 2013:

Dawn A. Conolly
Non-Salaried

PUBLIC ADMINISTRATOR & PUBLIC GUARDIAN OF WARREN COUNTY

To be the Public Administrator and Public Guardian of Warren County for a term commencing April 26, 2010 and ending December 1, 2014:

Dawn A. Conolly
Non-Salaried

Senator Muñoz moved that the Senate advise and consent to the foregoing appointments. And on that motion, a call of the roll was had resulting as follows:

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Risinger
Bivins	Frerichs	Link	Rutherford
Bomke	Haine	Luechtefeld	Sandack
Bond	Harmon	Maloney	Sandoval
Brady	Hendon	Martinez	Silverstein
Burzynski	Holmes	McCarter	Steans
Clayborne	Hunter	Millner	Sullivan
Collins	Hutchinson	Mulroe	Syverson

[December 2, 2010]

Crotty	Jacobs	Muñoz	Viverito
Dahl	Jones, E.	Murphy	Wilhelmi
Delgado	Jones, J.	Noland	Mr. President
Demuzio	Koehler	Radogno	
Dillard	Kotowski	Raoul	
Duffy	Lauzen	Righter	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

On motion of Senator Muñoz, the Executive Session arose and the Senate resumed consideration of business.

Senator Harmon, presiding.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Bomke, **House Bill No. 1450**, 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 52; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Link	Rutherford
Bomke	Haine	Luechtefeld	Sandack
Bond	Harmon	Maloney	Sandoval
Brady	Hendon	Martinez	Silverstein
Burzynski	Holmes	McCarter	Steans
Clayborne	Hunter	Millner	Sullivan
Collins	Hutchinson	Mulroe	Syverson
Crotty	Jacobs	Muñoz	Viverito
Dahl	Jones, E.	Murphy	Wilhelmi
Delgado	Jones, J.	Noland	Mr. President
Demuzio	Koehler	Radogno	
Dillard	Kotowski	Raoul	
Duffy	Lauzen	Righter	
Forby	Lightford	Risinger	

This bill, having received the vote of three-fifths 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 Demuzio, **House Bill No. 1510**, 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	Haine	Luechtefeld	Sandack
Bond	Harmon	Maloney	Sandoval

Brady	Hendon	Martinez	Silverstein
Burzynski	Holmes	McCarter	Steans
Clayborne	Hunter	Millner	Sullivan
Collins	Hutchinson	Mulroe	Syverson
Crotty	Jacobs	Muñoz	Viverito
Dahl	Jones, E.	Murphy	Wilhelmi
Delgado	Jones, J.	Noland	Mr. President
Demuzio	Koehler	Radogno	
Dillard	Kotowski	Raoul	
Duffy	Lauzen	Righter	

This bill, having received the vote of three-fifths 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 Dahl, **House Bill No. 1617**, 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 48; NAYS 3.

The following voted in the affirmative:

Althoff	Ferichs	Luechtefeld	Sandack
Bivins	Haine	Maloney	Sandoval
Bomke	Harmon	Martinez	Silverstein
Bond	Hendon	Millner	Steans
Brady	Hunter	Mulroe	Sullivan
Clayborne	Hutchinson	Muñoz	Syverson
Collins	Jacobs	Murphy	Viverito
Crotty	Jones, E.	Noland	Wilhelmi
Dahl	Jones, J.	Radogno	Mr. President
Delgado	Koehler	Raoul	
Demuzio	Kotowski	Righter	
Dillard	Lightford	Risinger	
Forby	Link	Rutherford	

The following voted in the negative:

Burzynski
Lauzen
McCarter

This bill, having received the vote of three-fifths 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 Steans, **House Bill No. 1720**, 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 52; NAYS None.

The following voted in the affirmative:

[December 2, 2010]

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

This bill, having received the vote of three-fifths 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Clayborne, **House Bill No. 2376**, 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.

Pending roll call, on motion of Senator Clayborne, further consideration of **House Bill No. 2376** was postponed.

HOUSE BILL RECALLED

On motion of Senator Cullerton, **House Bill No. 5057** was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 5057

AMENDMENT NO. 2. Amend House Bill 5057, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Governmental Ethics Act is amended by adding Section 3A-40 as follows:
(5 ILCS 420/3A-40 new)

Sec. 3A-40. Appointees with expired terms; temporary and acting appointees.

(a) A person who is nominated by the Governor on or after the effective date of this amendatory Act of the 96th General Assembly for any office to which appointment requires the advice and consent of the Senate, who is appointed pursuant to that advice and consent, and whose term of office expires shall not continue in office longer than 30 days after the expiration of that term of office. After that 30th day, each such office is considered vacant and shall be filled only pursuant to the law applicable to making appointments to that office, subject to the provisions of this Section.

A person who has been nominated by the Governor before the effective date of this amendatory Act of the 96th General Assembly for any office to which appointment requires the advice and consent of the Senate, who has been appointed pursuant to that advice and consent, and whose term of office has expired before that effective date shall not continue in office longer than 30 days after that effective date. After that 30th day, each such office is considered vacant and shall be filled only pursuant to the law applicable to making appointments to that office, subject to the provisions of this Section.

(b) A person who is appointed by the Governor on or after the effective date of this amendatory Act of the 96th General Assembly to serve as a temporary appointee, pursuant to Article V, Section 9(b) of the Illinois Constitution or any other applicable statute, to any office to which appointment requires the advice and consent of the Senate shall not continue in office after the next meeting of the Senate unless the Governor has filed a message with the Secretary of the Senate nominating that person to fill that office on or before that meeting date. After that meeting date, each such office is considered vacant and shall be filled only pursuant to the law applicable to making appointments to that office, subject to the

provisions of this Section.

A person who has been appointed by the Governor before the effective date of this amendatory Act of the 96th General Assembly to serve as a temporary appointee, pursuant to Article V, Section 9(b) of the Illinois Constitution or any other applicable statute, to any office to which appointment requires the advice and consent of the Senate shall not continue in office after that effective date or the next meeting of the Senate, as applicable, unless the Governor has filed a message with the Secretary of the Senate nominating that person to fill that office on or before the next meeting of the Senate after that temporary appointment was made. After that effective date or meeting date, whichever last occurs, each such office is considered vacant and shall be filled only pursuant to the law applicable to making appointments to that office, subject to the provisions of this Section.

(c) A person who is appointed by the Governor on or after the effective date of this amendatory Act of the 96th General Assembly to serve as an acting appointee to any office to which appointment requires the advice and consent of the Senate shall not continue in office more than 30 days unless the Governor files a message with the Secretary of the Senate nominating that person to fill that office within that 30 days. After that 30 days, each such office is considered vacant and shall be filled only pursuant to the law applicable to making appointments to that office, subject to the provisions of this Section.

A person who has been appointed by the Governor before the effective date of this amendatory Act of the 96th General Assembly to serve as an acting appointee to any office to which appointment requires the advice and consent of the Senate shall not continue in office for more than 30 days after that effective date unless the Governor has filed a message with the Secretary of the Senate nominating that person to fill that office on or before that effective date. After that 30 days, each such office is considered vacant and shall be filled only pursuant to the law applicable to making appointments to that office, subject to the provisions of this Section.

For the purposes of this subsection (c), "acting appointee" means a person appointed by the Governor to serve as an acting director or acting secretary pursuant to Section 5-605 of the Civil Administrative Code of Illinois. "Acting appointee" also means a person appointed by the Governor pursuant to any other statute to serve as an acting holder of any office, to execute the duties and functions of any office, or both.

(d) The provisions of this Section apply notwithstanding any law to the contrary.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO HOUSE BILL 5057

AMENDMENT NO. 3. Amend House Bill 5057, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, by replacing line 21 on page 4 with the following:

"any law to the contrary. However, the provisions of this Section shall not apply to appointments made under Article 1A of the Illinois Election Code."

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.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Cullerton, **House Bill No. 5057**, 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 52; NAYS None.

The following voted in the affirmative:

[December 2, 2010]

Althoff	Forby	Lightford	Rutherford
Bivins	Frerichs	Link	Sandack
Bomke	Haine	Luechtefeld	Sandoval
Bond	Harmon	Maloney	Silverstein
Brady	Hendon	Martinez	Steans
Burzynski	Holmes	McCarter	Sullivan
Clayborne	Hunter	Millner	Syverson
Collins	Hutchinson	Mulroe	Viverito
Crotty	Jacobs	Muñoz	Wilhelmi
Dahl	Jones, E.	Murphy	Mr. President
Delgado	Jones, J.	Noland	
Demuzio	Koehler	Radogno	
Dillard	Kotowski	Righter	
Duffy	Lauzen	Risinger	

This bill, having received the vote of three-fifths 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Koehler, **House Bill No. 5756**, 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	Haine	Luechtefeld	Sandack
Bond	Harmon	Maloney	Sandoval
Brady	Hendon	Martinez	Silverstein
Burzynski	Holmes	McCarter	Steans
Clayborne	Hunter	Millner	Sullivan
Collins	Hutchinson	Mulroe	Syverson
Crotty	Jacobs	Muñoz	Viverito
Dahl	Jones, E.	Murphy	Wilhelmi
Delgado	Jones, J.	Noland	Mr. President
Demuzio	Koehler	Radogno	
Dillard	Kotowski	Raoul	
Duffy	Lauzen	Righter	

This bill, having received the vote of three-fifths 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Cullerton, **House Bill No. 5420** having been printed, was taken up and read by title a second time.

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

[December 2, 2010]

AMENDMENT NO. 1 TO HOUSE BILL 5420

AMENDMENT NO. 1. Amend House Bill 5420 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 1 as follows:
(30 ILCS 105/1) (from Ch. 127, par. 137)

Sec. 1. The fiscal year of ~~this~~ ~~this~~ State shall commence July 1 and close June 30.
(Source: Laws 1951, p. 1231)."

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

On motion of Senator Cullerton, **House Bill No. 5424** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 5424

AMENDMENT NO. 1. Amend House Bill 5424 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Identification Card Act is amended by changing Section 1 as follows:
(15 ILCS 335/1) (from Ch. 124, par. 21)

Sec. 1. Short Title. This Act may be cited as ~~the~~ ~~the~~ Illinois Identification Card Act.
(Source: P.A. 86-1475)."

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

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

On motion of Senator Link, **Senate Bill No. 3538**, with House Amendments numbered 1 and 3 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 46; NAYS 4; Present 2.

The following voted in the affirmative:

Althoff	Forby	Lightford	Risinger
Bivins	Frerichs	Link	Rutherford
Bomke	Haine	Luechtefeld	Sandack
Bond	Harmon	Maloney	Silverstein
Brady	Hendon	McCarter	Steans
Burzynski	Holmes	Millner	Sullivan
Clayborne	Hutchinson	Mulroe	Syverson
Crotty	Jacobs	Murphy	Viverito
Dahl	Jones, J.	Noland	Wilhelmi
Demuzio	Koehler	Radogno	Mr. President
Dillard	Kotowski	Raoul	
Duffy	Lauzen	Righter	

The following voted in the negative:

Delgado	Martinez
Hunter	Muñoz

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The following voted present:

Collins
Sandoval

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 3 to **Senate Bill No. 3538**, by a three-fifths vote.

Ordered that the Secretary inform the House of Representatives thereof.

Senator E. Jones, III asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 3538**.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Sandoval, **House Bill No. 1516**, 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 52; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Link	Rutherford
Bivins	Haine	Luechtefeld	Sandack
Bomke	Harmon	Maloney	Sandoval
Brady	Hendon	Martinez	Silverstein
Burzynski	Holmes	McCarter	Steans
Clayborne	Hunter	Millner	Sullivan
Collins	Hutchinson	Mulroe	Syverson
Crotty	Jacobs	Muñoz	Viverito
Dahl	Jones, E.	Murphy	Wilhelmi
Delgado	Jones, J.	Noland	Mr. President
Demuzio	Koehler	Radogno	
Dillard	Kotowski	Raoul	
Duffy	Laufen	Righter	
Forby	Lightford	Risinger	

This bill, having received the vote of three-fifths 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.

CONSIDERATION OF HOUSE BILL VETOED BY THE GOVERNOR

Pursuant to the Motion in Writing filed on Tuesday, November 30, 2010 and journalized Tuesday, November 30, 2010, Senator Murphy moved that **House Bill No. 4836** 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 24; NAYS 23.

The following voted in the affirmative:

Althoff	Duffy	Murphy	Viverito
Bivins	Jacobs	Radogno	Wilhelmi
Bomke	Jones, J.	Righter	Mr. President

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Brady	Lauzen	Risinger
Burzynski	Luechtefeld	Rutherford
Dahl	McCarter	Sandack
Dillard	Millner	Syverson

The following voted in the negative:

Collins	Hendon	Lightford	Noland
Crotty	Holmes	Link	Raoul
Delgado	Hunter	Maloney	Sandoval
Demuzio	Jones, E.	Martinez	Silverstein
Forby	Koehler	Mulroe	Steans
Harmon	Kotowski	Muñoz	

The motion, having failed to received the vote of three-fifths of the members elected, was lost.
Ordered that the Secretary inform the House of Representatives thereof.

MESSAGE FROM THE HOUSE

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 125

WHEREAS, The members of the Illinois General Assembly are saddened to learn of the death of former Illinois State Representative Joel D. Brunsvold of Milan, who passed away on September 7, 2010; and

WHEREAS, Joel Brunsvold was born on February 26, 1942, in Mason City, Iowa; he was the son of Burnell and Esther Brunsvold; he married Barbara L. Bashaw on February 22, 1964, in Rock Island; and

WHEREAS, Joel Brunsvold graduated from Rock Island High School in 1960, where he was a football and baseball standout; he then earned his bachelor's degree from Augustana College in 1964, where he lettered in both football and baseball; and

WHEREAS, Joel Brunsvold had a distinguished career in education; he began his teaching career at Coyne Center Grade School; he later moved to Sherrard High School, where he taught science and coached football and track; during his teaching career, he was elected to serve as a Trustee for the Village of Milan; he was then elected to serve as Mayor of the Village of Milan in 1977, where he served for 2 successful terms until 1983; and

WHEREAS, In 1982, Joel Brunsvold was elected to serve in the Illinois House of Representatives, where he served with dignity and integrity for 11 terms; as a State Representative, he chaired the House Agriculture and Conservation and Elementary and Secondary Education Committees and was appointed by the Speaker of the House to serve as the Democratic Caucus Chairman and Assistant Majority Leader; during this time, he also founded and co-chaired the Illinois Legislative Sportsman's Caucus, an organization that raised money and awareness for outdoor activities for disabled youth; in 2003, he was selected to serve as Director of the Illinois Department of Natural Resources, where he served until his retirement in 2005; and

WHEREAS, Joel Brunsvold was a member of St. Matthew Lutheran Church in Milan and numerous state and local sports and wildlife organizations; and

WHEREAS, Joel Brunsvold was preceded in death by his parents; his brother, Jerome; his
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father-in-law, Earl Bashaw; and his brother-in-law, Dennis Bashaw; and

WHEREAS, Joel Brunsvold is survived by his beloved wife of 46 years, Barbara; his sons and daughter-in-law, Timothy Joel Brunsvold and Theodore J. and Elizabeth Brunsvold; his granddaughters, Lauren and Grace Brunsvold; his brothers and sisters-in-law, Bruce and Penny Brunsvold and Brian and JoAnne Brunsvold; his mother-in-law, Virginia Bashaw; his sister-in-law, Josie Bashaw; and his nephews and nieces and their spouses, Justin, Lisa, and Kari Brunsvold, Douglas (Christie) Brunsvold, Jason Brunsvold, Abby (Ronnie) Mentarbo, and Anna Bashaw; and

WHEREAS, Joel Brunsvold will be remembered by all who knew and loved him as a dedicated legislator, a devoted family man, an avid sportsman, and a loyal friend and public servant; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we mourn, along with his family and friends, the passing of our former friend and colleague, Joel Brunsvold; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Joel Brunsvold as an expression of our sympathy.

Adopted by the House, November 16, 2010.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 125 was referred to the Resolutions Consent Calendar.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 1085

Offered by Senator Bomke and all Senators:
Mourns the death of Daniel Roy Martin of Petersburg.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

CONSIDERATION OF HOUSE BILL VETOED BY THE GOVERNOR

Pursuant to the Motion in Writing filed on Tuesday, November 30, 2010 and journalized Tuesday, November 30, 2010, Senator Dillard moved that **House Bill No. 5206** 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 50; NAYS None.

The following voted in the affirmative:

Bivins	Frerichs	Lightford	Risinger
Bomke	Haine	Link	Rutherford
Brady	Harmon	Luechtefeld	Sandack
Burzynski	Hendon	Martinez	Sandoval
Clayborne	Holmes	McCarter	Silverstein
Collins	Hunter	Millner	Steans
Crotty	Hutchinson	Mulroe	Sullivan
Dahl	Jacobs	Muñoz	Syverson
Delgado	Jones, E.	Murphy	Viverito

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Demuzio	Jones, J.	Noland	Wilhelmi
Dillard	Koehler	Radogno	Mr. President
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.

PRESENTATION OF RESOLUTION

Senators Radogno - Cullerton and all Senators offered the following Senate Resolution:

SENATE RESOLUTION NO. 1084

WHEREAS, Senator Dan Rutherford has represented the citizens of central Illinois with merit in the General Assembly for 18 years; and

WHEREAS, He has served with distinction in the Illinois Senate after 5 honorable terms in the Illinois House of Representatives; and

WHEREAS, Senator Rutherford's legislative priorities have been those with regard to protecting the taxpayers and their wallets, nursing home residents, agricultural interests, business development, and job creation; and

WHEREAS, His tireless devotion to nursing home issues has earned him numerous awards from health care and senior citizen advocacy groups from across Illinois; and

WHEREAS, He was the legislative author of a bill to convert the reimbursement rates for nursing homes to the "Minimum Date Set," based on the health condition of the resident; and

WHEREAS, He has sponsored legislation which curtailed onerous governmental intrusion such as the 2004 legislation to curb "infamous" public health department inspections of non-commercial potlucks and the 2009 legislation to scale back regulatory burdens placed on contestants of amateur martial arts; and

WHEREAS, He has led efforts to ensure that the Department of Corrections is working in the best interest of those citizens whose lives are affected by the department and successfully worked against roving-prison closure policies on two occasions, which if enacted, would have jeopardized public safety and would have threatened the livelihood of thousands of Illinois citizens; and

WHEREAS, His steadfast opposition to the growing number of Illinois specialty license plates for vehicles has earned him the respect of the law enforcement community; and

WHEREAS, He has always recognized the need to work with legislators on both sides of the aisle and in both chambers regardless of their stance on public policy; and

WHEREAS, He and his legislative staff's constituent services have been a staple of the Senator's dedication to his District; and

WHEREAS, He was selected to serve as an Assistant Senate Republican Leader in 2009; and

WHEREAS, Senator Rutherford is currently the only member of the General Assembly to have served on a House of Representatives Investigative Impeachment Committee and Senate Impeachment Tribunal Committee as part of two separate impeachment processes; and

WHEREAS, He has served as the ranking Republican on the Senate Financial Institutions Committee

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during his entire tenure in the Illinois Senate, working to protect consumers from overbearing fees and predatory business practices; and

WHEREAS, He served on the General Assembly's Joint Committee on Administrative Rules while in the House of Representatives and the Senate and observes that "JCAR is the sharp end of the stick in making public policy"; and

WHEREAS, Dan Rutherford was the executive director of the Illinois for Ronald Reagan's 1980 Election to the Office of the President of the United States; and

WHEREAS, He served as President of the Student Body at Illinois State University; and

WHEREAS, He has traveled to all seven continents, including a stint in Antarctica and leading safaris in Africa, and has logged more than 200 deep sea dives across the globe; and

WHEREAS, He has successfully worked with the ServiceMaster Company for 25 years; and

WHEREAS, He has planted more than 19,000 trees and shrubs on his personal property to promote reforestation and wildlife habitat; and

WHEREAS, He graduated from Pontiac Township High School; and

WHEREAS, He earned a Bachelor of Science degree in business administration from Illinois State University, where he has been admitted into the Hall of Fame for both the College of Business and the College of Arts and Sciences; and

WHEREAS, In his 18 years as a lawmaker, Dan Rutherford has represented his constituents in Springfield with determination and class, earning the respect and admiration of his colleagues on both sides of the aisle; and

WHEREAS, Lawmakers and staff alike know and appreciate Senator Rutherford for his work ethic; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Dan Rutherford on his retirement from the Illinois General Assembly after 18 years of honorable and dedicated service and on his election as Treasurer of the State of Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Dan Rutherford as a symbol of our friendship, our gratitude for his hard work, and our best wishes for his future service as the Treasurer of the State of Illinois.

Senator Radogno, having asked and obtained unanimous consent to suspend the rules for the immediate consideration of the foregoing resolution, moved its adoption.

The motion prevailed.

And the resolution was adopted.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Steans moved that **Senate Resolution No. 1047**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Steans moved that Senate Resolution No. 1047 be adopted.

The motion prevailed.

And the resolution was adopted.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

[December 2, 2010]

House Bill No. 1410, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1512, sponsored by Senator Demuzio, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1525, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1565, sponsored by Senator Bomke, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1721, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1935, sponsored by Senator Frerichs, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 6881, sponsored by Senator Raoul, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 6908, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Assignments.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 1054

Offered by Senator Holmes and all Senators:
Mourns the death of U.S. Army Private First Class Andrew N. Meari of Plainfield.

SENATE RESOLUTION NO. 1055

Offered by Senator Lauzen and all Senators:
Mourns the death of Gerald Francis Fitzgerald of Barrington Hills, Illinois, and Naples, Florida.

SENATE RESOLUTION NO. 1056

Offered by Senator Lauzen and all Senators:
Mourns the death of John L. Bonie of Aurora.

SENATE RESOLUTION NO. 1057

Offered by Senator Murphy and all Senators:
Mourns the death of Jennifer McDevitt.

SENATE RESOLUTION NO. 1058

Offered by Senator Link and all Senators:
Mourns the death of Susan August of Waukegan.

SENATE RESOLUTION NO. 1059

Offered by Senator Link and all Senators:
Mourns the death of Geraldine "Gerald" Williams of North Chicago.

SENATE RESOLUTION NO. 1060

Offered by Senator Link and all Senators:
Mourns the death of Marjorie J. Werenski of Waukegan.

SENATE RESOLUTION NO. 1061

Offered by Senator Link and all Senators:
Mourns the death of William L. O. Kline of Waukegan, formerly of North Chicago and Kenosha.

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SENATE RESOLUTION NO. 1062

Offered by Senator Harmon and all Senators:
Mourns the death of Lawrence N. "Larry" Hansen of River Forest.

SENATE RESOLUTION NO. 1063

Offered by Senator Wilhelmi and all Senators:
Mourns the death of Robert William Manner of Joliet.

SENATE RESOLUTION NO. 1064

Offered by Senator Wilhelmi and all Senators:
Mourns the death of Dojna G. Barr.

SENATE RESOLUTION NO. 1065

Offered by Senator Koehler and all Senators:
Mourns the death of Margaret Elizabeth "Peg" Pratt of Green Valley.

SENATE RESOLUTION NO. 1066

Offered by Senator Dillard and all Senators:
Mourns the death of Helen J. Anderson of Hinsdale.

SENATE RESOLUTION NO. 1067

Offered by Senator Dillard and all Senators:
Mourns the death of Gregg John Davis of Naperville.

SENATE RESOLUTION NO. 1068

Offered by Senator Haine and all Senators:
Mourns the death of Mary Ellen Fischer of Godfrey.

SENATE RESOLUTION NO. 1069

Offered by Senator Haine and all Senators:
Mourns the death of Marshall "Zeke" Smith of Edwardsville.

SENATE RESOLUTION NO. 1070

Offered by Senator Haine and all Senators:
Mourns the death of Carol A. Owen of Godfrey.

SENATE RESOLUTION NO. 1072

Offered by Senator Kotowski and all Senators:
Mourns the death of John Karnezis.

SENATE RESOLUTION NO. 1073

Offered by Senator Lauzen and all Senators:
Mourns the death of Hubert Edward Reeves of Prescott, Arizona, formerly of Joliet.

SENATE RESOLUTION NO. 1074

Offered by Senator Lauzen and all Senators:
Mourns the death of Barbara Ann Erickson of North Aurora.

SENATE RESOLUTION NO. 1075

Offered by Senator Murphy and all Senators:
Mourns the death of James L. McCabe of Arlington Heights.

SENATE RESOLUTION NO. 1076

Offered by Senator Murphy and all Senators:
Mourns the death of Linda L. Glover of Island Lake.

SENATE RESOLUTION NO. 1077

Offered by Senator Bomke and all Senators:

Mourns the death of Thelma June Matson of Lincoln.

SENATE RESOLUTION NO. 1078

Offered by Senator Haine and all Senators:

Mourns the death of Edward Nelson Juneau of Glen Carbon, formerly of Granite City.

SENATE RESOLUTION NO. 1079

Offered by Senator Maloney and all Senators:

Mourns the death of Daniel J. Seidl.

SENATE RESOLUTION NO. 1080

Offered by Senator Maloney and all Senators:

Mourns the death of Edward M. "Boots" Cosgrove.

SENATE RESOLUTION NO. 1081

Offered by Senator Koehler and all Senators:

Mourns the death of Paul B. Snider of Peoria.

SENATE RESOLUTION NO. 1082

Offered by Senator Koehler and all Senators:

Mourns the death of Ronald E. "Ron" Herman of Peoria.

SENATE RESOLUTION NO. 1083

Offered by Senator Koehler and all Senators:

Mourns the death of Denise Frances Ritschel of Peoria.

SENATE RESOLUTION NO. 1085

Offered by Senator Bomke and all Senators:

Mourns the death of Daniel Roy Martin of Petersburg.

HOUSE JOINT RESOLUTION NO. 125

Offered by Senator Jacobs.

Mourns the death of former Illinois State Representative Joel D. Brunsvold of Milan.

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

MESSAGE FROM THE HOUSE

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 129

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the House of Representatives adjourns on Wednesday, December 01, 2010, it stands adjourned until Monday, January 03, 2011 at 3:00 o'clock p.m., or until the call of the Speaker; and when the Senate adjourns on Thursday, December 02, 2010, it stands adjourned until Tuesday, January 04, 2011, at 12:00 o'clock noon, or until the call of the President.

Adopted by the House, December 1, 2010.

MARK MAHONEY, Clerk of the House

[December 2, 2010]

By unanimous consent, on motion of Senator Lightford, the foregoing message reporting House Joint Resolution No. 129 was taken up for immediate consideration.

Senator Lightford moved that the Senate concur with the House in the adoption of the resolution.

The motion prevailed.

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

Ordered that the Secretary inform the House of Representatives thereof.

COMMUNICATIONS

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

December 1, 2010

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

Madame Secretary:

Today, Senator Wilhelmi moved to concur in House Amendment #1 to Senate Bill 3776. The bill is an initiative of the Illinois Finance Authority (“IFA”) and creates the Private Activity Bond Approval Act.

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

IRA I. SILVERSTEIN
STATE SENATOR · 8TH DISTRICT

December 2, 2010

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

Madame Secretary:

Today, the Senate consented to the appointment by the Governor of Nicholas Grapsas, as the Public Administrator of Cook County. As a part of my practice, I represent the Office of the Public Administrator of Cook County. Accordingly, to avoid the appearance of conflict of interest, I abstained from voting on the question of the confirmation of the Public Administrator of Cook County and I hereby disclose that fact to the Senate.

Sincerely,
s/Ira Silverstein

[December 2, 2010]

At the hour of 12:13 o'clock p.m., pursuant to **House Joint Resolution No. 129**, the Chair announced the Senate stand adjourned until Tuesday, January 4, 2011, at 12:00 o'clock noon, or until the call of the President.