



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SIXTH GENERAL ASSEMBLY

142ND LEGISLATIVE DAY

THURSDAY, JANUARY 6, 2011

9:33 O'CLOCK A.M.

SENATE
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142nd Legislative Day

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The Senate met pursuant to adjournment.
Senator Antonio Muñoz , Chicago, Illinois, presiding.
Prayer by Pastor Michael Dye, Knox Knolls Free Methodist Church, Springfield, Illinois.
Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, January 5, 2011, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

DOC Quarterly Report, January 1, 2011, submitted by the Department of Corrections.

IJJ Quarterly Report, January 1, 2011, submitted by the Department of Juvenile Justice.

EDGE Business Local Efficiency Report, December 30, 2010, submitted by the Department of Commerce and Economic Opportunity.

FY 2010 Illinois Employment Opportunities Grant Program Annual Report, submitted by the Department of Commerce and Economic Opportunity.

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

COMMUNICATION FROM THE MINORITY LEADER

CHRISTINE RADOGNO
SENATE REPUBLICAN LEADER · 41st DISTRICT

January 6, 2011

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

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Matt Murphy to temporarily replace Senator Kirk Dillard as a member of the Senate Committee on Assignments. This appointment is effective immediately and will automatically expire upon adjournment of the Senate on January 6, 2011.

Sincerely,
s/Christine Radogno
Senate Republican Leader

cc: Senate President John Cullerton
Assistant Secretary of the Senate Scott Kaiser

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 1141

Offered by Senator Murphy and all Senators:
Mourns the death of Joe M. Johnson.

[January 6, 2011]

SENATE RESOLUTION NO. 1142

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

SENATE RESOLUTION NO. 1143

Offered by Senator Kotowski and all Senators:
Mourns the death of Ann O'Malley of Wilmette.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 1454, sponsored by Senator Sandoval, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1515, sponsored by Senator Rutherford, was taken up, read by title a first time and referred to the Committee on Assignments.

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following Committee meetings:

9:30 o'clock a.m., Higher Education in Room 409

9:50 o'clock a.m., Transportation in Room 400

10:10 o'clock a.m., Executive in Room 212; Revenue in Room 400

10:30 o'clock a.m., Insurance in Room 400; State Government and Veterans' Affairs in Room 409.

At the hour of 9:39 o'clock a.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 12:24 o'clock a.m., the Senate resumed consideration of business.
Senator Schoenberg, presiding.

REPORTS FROM STANDING COMMITTEES

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred the Motion to Concur with House Amendments to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendments 1 and 2 to Senate Bill 3965

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

Senator Viverito, Chairperson of the Committee on Revenue, to which was referred the Motion to Concur with House Amendments to the following Senate Bill, reported that the Committee recommends do adopt:

[January 6, 2011]

Motion to Concur in House Amendments 1 and 2 to Senate Bill 2530

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

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

Senate Amendment No. 2 to House Bill 5018

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

Senator Haine, Chairperson of the Committee on Insurance, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 2525

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 1144

Offered by Senator Mulroe and all Senators:
Mourns the death of Frank Eugene Bekielewski of Chicago.

SENATE RESOLUTION NO. 1145

Offered by Senator Demuzio and all Senators:
Mourns the death of Michael Allan Zippay, Sr., of Mt. Olive.

SENATE RESOLUTION NO. 1146

Offered by Senator Demuzio and all Senators:
Mourns the death of Maxine Burkhalter Griffel of Carlinville.

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

CONSIDERATION OF HOUSE AMENDMENT TO SENATE BILL ON SECRETARY'S DESK

On motion of Senator Martinez, **Senate Bill No. 2525**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

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

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

YEAS 45; NAYS 9; Present 1.

The following voted in the affirmative:

Althoff	Haine	Maloney	Sandoval
Bomke	Harmon	Martinez	Schoenberg
Bond	Hendon	Meeks	Silverstein
Brady	Holmes	Mulroe	Steans
Clayborne	Hunter	Muñoz	Sullivan
Collins	Hutchinson	Noland	Trotter

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Crotty	Jacobs	Pankau	Viverito
Delgado	Jones, E.	Radogno	Wilhelmi
Demuzio	Koehler	Raoul	Mr. President
Forby	Kotowski	Risinger	
Frerichs	Lightford	Rutherford	
Garrett	Link	Sandack	

The following voted in the negative:

Bivins	Johnson	McCarter
Burzynski	Lauzen	Millner
Duffy	Luechtefeld	Murphy

The following voted present:

Rezin

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2525**.

Ordered that the Secretary inform the House of Representatives thereof.

ANNOUNCEMENT ON ATTENDANCE

Senator Millner announced for the record that Senator Dillard was absent today.

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

On motion of Senator Clayborne, **Senate Bill No. 2530**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Clayborne 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 55; NAYS 2.

The following voted in the affirmative:

Althoff	Haine	Maloney	Risinger
Bivins	Harmon	Martinez	Rutherford
Bomke	Hendon	McCarter	Sandack
Bond	Holmes	Meeks	Sandoval
Brady	Hunter	Millner	Schoenberg
Clayborne	Hutchinson	Mulroe	Silverstein
Collins	Jacobs	Muñoz	Steans
Crotty	Johnson	Murphy	Sullivan
Delgado	Koehler	Noland	Syverson
Demuzio	Kotowski	Pankau	Trotter
Duffy	Lauzen	Radogno	Viverito
Forby	Lightford	Raoul	Wilhelmi
Frerichs	Link	Rezin	Mr. President
Garrett	Luechtefeld	Righter	

The following voted in the negative:

Burzynski

[January 6, 2011]

Jones, J.

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 2530**.

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. 2530**.

On motion of Senator Garrett, **Senate Bill No. 3965**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Garrett 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 53; NAYS 3.

The following voted in the affirmative:

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

The following voted in the negative:

Burzynski
Jones, J.
McCarter

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 3965**.

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILL RECALLED

On motion of Senator Haine, **House Bill No. 5018** was recalled from the order of third reading to the order of second reading.

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

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 5018

AMENDMENT NO. 2. Amend House Bill 5018 by replacing everything after the enacting clause with the following:

"Section 5. The Health Maintenance Organization Act is amended by changing Section 6-8 as follows: (215 ILCS 125/6-8) (from Ch. 111 1/2, par. 1418.8)

[January 6, 2011]

Sec. 6-8. Powers and duties of the Association. In addition to the powers and duties enumerated in other Sections of this Article, the Association shall have the powers set forth in this Section.

(1) If a domestic organization is an impaired organization, the Association may, subject to any conditions imposed by the Association other than those which impair the contractual obligations of the impaired organization, and approved by the impaired organization and the Director:

(a) guarantee, assume, or reinsure, or cause to be guaranteed, assumed or reinsured, any or all of the covered health care plan certificates of covered persons of the impaired organization;

(b) provide such monies, pledges, notes, guarantees, or other means as are proper to effectuate paragraph (a), and assure payment of the contractual obligations of the impaired organization pending action under paragraph (a); and

(c) loan money to the impaired organization.

(2) If a domestic, foreign, or alien organization is an insolvent organization, the Association shall, subject to the approval of the Director:

(a) guarantee, assume, indemnify or reinsure or cause to be guaranteed, assumed, indemnified or reinsured the covered health care plan benefits of covered persons of the insolvent organization; however, in the event that the Director of Healthcare and Family Services (formerly Director of the Department of Public Aid) assigns individuals that are recipients of public aid from an insolvent organization to another organization, the Director of Healthcare and Family Services shall, before fixing the rates to be paid by the Department of Healthcare and Family Services to the transferee organization on account of such individuals, consult with the Director of the Department of Insurance as to the reasonableness of such rates in light of the health care needs of such individuals and the costs of providing health care services to such individuals;

(b) assure payment of the contractual obligations of the insolvent organization to covered persons;

(c) make payments to providers of health care, or indemnity payments to covered persons, so as to assure the continued payment of benefits substantially similar to those provided for under covered health care plan certificate issued by the insolvent organization to covered persons; and

(d) provide such monies, pledges, notes, guaranties, or other means as are reasonably necessary to discharge such duties.

This subsection (2) shall not apply when the Director has determined that the foreign or alien organization's domiciliary jurisdiction or state of entry provides, by statute, protection substantially similar to that provided by this Article for residents of this State and such protection will be provided in a timely manner.

(3) There shall be no liability on the part of and no cause of action shall arise against the Association or against any transferee from the Association in connection with the transfer by reinsurance or otherwise of all or any part of an impaired or insolvent organization's business by reason of any action taken or any failure to take any action by the impaired or insolvent organization at any time.

(4) If the Association fails to act within a reasonable period of time as provided in subsection (2) of this Section with respect to an insolvent organization, the Director shall have the powers and duties of the Association under this Article with regard to such insolvent organization.

(5) The Association or its designated representatives may render assistance and advice to the Director, upon his request, concerning rehabilitation, payment of claims, continuations of coverage, or the performance of other contractual obligations of any impaired or insolvent organization.

(6) The Association has standing to appear before any court concerning all matters germane to the powers and duties of the Association, including, but not limited to, proposals for reinsuring or guaranteeing the covered health care plan certificates of the impaired or insolvent organization and the determination of the covered health care plan certificates and contractual obligations.

(7) (a) Any person receiving benefits under this Article is deemed to have assigned the rights under the covered health care plan certificates to the Association to the extent of the benefits received because of this Article whether the benefits are payments of contractual obligations or continuation of coverage. The Association may require an assignment to it of such rights by any payee, enrollee or beneficiary as a condition precedent to the receipt of any rights or benefits conferred by this Article upon such person. The Association is subrogated to these rights against the assets of any insolvent organization and against any other party who may be liable to such payee, enrollee or beneficiary.

(b) The subrogation rights of the Association under this subsection have the same priority against the assets of the insolvent organization as that possessed by the person entitled to receive benefits under this Article.

(8) (a) The contractual obligations of the insolvent organization for which the Association becomes or may become liable are as great as but no greater than the contractual obligations of the insolvent

organization would have been in the absence of an insolvency unless such obligations are reduced as permitted by subsection (3), but the aggregate liability of the Association shall not exceed \$500,000 ~~\$300,000~~ with respect to any one natural person.

(b) Furthermore, the Association shall not be required to pay, and shall have no liability to, any provider of health care services to an enrollee:

(i) if such provider, or his or its affiliates or members of his immediate family, at any time within the one year prior to the date of the issuance of the first order, by a court of competent jurisdiction, of conservation, rehabilitation or liquidation pertaining to the health maintenance organization:

(A) was a securityholder of such organization (but excluding any securityholder holding an equity interest of 5% or less);

(B) exercised control over the organization by means such as serving as an officer or director, through a management agreement or as a principal member of a not-for-profit organization;

(C) had a representative serving by virtue of ~~or~~ his or her official position as a representative of such provider on the board of any entity which exercised control over the organization;

(D) received provider payments made by such organization pursuant to a contract which was not a product of arms-length bargaining; or

(E) received distributions other than for physician services from a not-for-profit organization on account of such provider's status as a member of such organization.

For purposes of this subparagraph (i), the terms "affiliate," "person," "control" and "securityholder" shall have the meanings ascribed to such terms in Section 131.1 of the Illinois Insurance Code; or

(ii) if and to the extent such a provider has agreed by contract not to seek payment from the enrollee for services provided to such enrollee or if, and to the extent, as a matter of law such provider may not seek payment from the enrollee for services provided to such enrollee; or -

(iii) related to any policy, contract, or certificate providing any hospital, medical, prescription drug, or other health care benefits pursuant to Part C or Part D of Subchapter XVIII, Chapter 7 of Title 42 of the United States Code (commonly known as Medicare Part C & D) or any regulations issued pursuant thereto; or

(iv) for any portion of a policy, contract, or certificate to the extent that the assessments required by this Article with respect to the policy or contract are preempted or otherwise not permitted by federal or State law; or

(v) for any obligation that does not arise under the express written terms of the policy or contract issued by the organization to the contract owner or policy owner, including without limitation:

(A) claims based on marketing materials;

(B) claims based on side letters, riders, or other documents that were issued by the insurer without meeting applicable policy form filing or approval requirements;

(C) misrepresentations of or regarding policy benefits;

(D) extra-contractual claims; or

(E) claims for penalties or consequential or incidental damages.

(c) In no event shall the Association be required to pay any provider participating in the insolvent organization any amount for in-plan services rendered by such provider prior to the insolvency of the organization in excess of (1) the amount provided by a capitation contract between a physician provider and the insolvent organization for such services; or (2) the amounts provided by contract between a hospital provider and the Department of Healthcare and Family Services (formerly Department of Public Aid) for similar services to recipients of public aid; or (3) in the event neither (1) nor (2) above is applicable, then the amounts paid under the Medicare area prevailing rate for the area where the services were provided, or if no such rate exists with respect to such services, then 80% of the usual and customary rates established by the Health Insurance Association of America. The payments required to be made by the Association under this Section shall constitute full and complete payment for such provider services to the enrollee.

(d) The Association shall not be required to pay more than an aggregate of \$300,000 for any organization which is declared to be insolvent prior to July 1, 1987, and such funds shall be distributed first to enrollees who are not public aid recipients pursuant to a plan recommended by the Association and approved by the Director and the court having jurisdiction over the liquidation.

(9) The Association may:

- (a) Enter into such contracts as are necessary or proper to carry out the provisions and purposes of this Article.
- (b) Sue or be sued, including taking any legal actions necessary or proper for recovery of any unpaid assessments under Section 6-9. The Association shall not be liable for punitive or exemplary damages.
- (c) Borrow money to effect the purposes of this Article. Any notes or other evidence of indebtedness of the Association not in default are legal investments for domestic organizations and may be carried as admitted assets.
- (d) Employ or retain such persons as are necessary to handle the financial transactions of the Association, and to perform such other functions as become necessary or proper under this Article.
- (e) Negotiate and contract with any liquidator, rehabilitator, conservator, or ancillary receiver to carry out the powers and duties of the Association.
- (f) Take such legal action as may be necessary to avoid payment of improper claims.
- (g) Exercise, for the purposes of this Article and to the extent approved by the Director, the powers of a domestic organization, but in no case may the Association issue evidence of coverage other than that issued to perform the contractual obligations of the impaired or insolvent organization.
- (h) Exercise all the rights of the Director under Section 193(4) of the Illinois Insurance Code with respect to covered health care plan certificates after the association becomes obligated by statute.
- (i) Request information from a person seeking coverage from the Association in order to aid the Association in determining its obligations under this Article with respect to the person and the person shall promptly comply with the request.
- (j) Take other necessary or appropriate action to discharge its duties and obligations under this Article or to exercise its powers under this Article.
- (10) The obligations of the Association under this Article shall not relieve any reinsurer, insurer or other person of its obligations to the insolvent organization (or its conservator, rehabilitator, liquidator or similar official) or its enrollees, including without limitation any reinsurer, insurer or other person liable to the insolvent insurer (or its conservator, rehabilitator, liquidator or similar official) or its enrollees under any contract of reinsurance, any contract providing stop loss coverage or similar coverage or any health care contract. With respect to covered health care plan certificates for which the Association becomes obligated after an entry of an order of liquidation or rehabilitation, the Association may elect to succeed to the rights of the insolvent organization arising after the date of the order of liquidation or rehabilitation under any contract of reinsurance, any contract providing stop loss coverage or similar coverages or any health care service contract to which the insolvent organization was a party, on the terms set forth under such contract, to the extent that such contract provides coverage for health care services provided after the date of the order of liquidation or rehabilitation. As a condition to making this election, the Association must pay premiums for coverage relating to periods after the date of the order of liquidation or rehabilitation.
- (11) The Association shall be entitled to collect premiums due under or with respect to covered health care certificates for a period from the date on which the domestic, foreign, or alien organization became an insolvent organization until the Association no longer has obligations under subsection (2) of this Section with respect to such certificates. The Association's obligations under subsection (2) of this Section with respect to any covered health care plan certificates shall terminate in the event that all such premiums due under or with respect to such covered health care plan certificates are not paid to the Association (i) within 30 days of the Association's demand therefor, or (ii) in the event that such certificates provide for a longer grace period for payment of premiums after notice of non-payment or demand therefor, within the lesser of (A) the period provided for in such certificates or (B) 60 days.
- (12) The Board of Directors of the Association shall have discretion and may exercise reasonable business judgment to determine the means by which the Association is to provide the benefits of this Article in an economical and efficient manner.
- (13) Where the Association has arranged or offered to provide the benefits of this Article to a covered person under a plan or arrangement that fulfills the Association's obligations under this Article, the person shall not be entitled to benefits from the Association in addition to or other than those provided under the plan or arrangement.
- (14) Venue in a suit against the Association arising under the Article shall be in Cook County. The Association shall not be required to give any appeal bond in an appeal that relates to a cause of action arising under this Article.

(Source: P.A. 95-331, eff. 8-21-07; 96-1450, eff. 8-20-10; 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 bill, as amended, was ordered to a third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Haine, **House Bill No. 5018**, 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 57; NAYS None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Wilhelmi, **House Bill No. 5289**, 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 50; NAYS 6.

The following voted in the affirmative:

Althoff	Harmon	Luechtefeld	Rutherford
Bivins	Hendon	Maloney	Sandack
Bomke	Holmes	Martinez	Sandoval
Bond	Hunter	Millner	Schoenberg
Clayborne	Hutchinson	Mulroe	Silverstein
Collins	Jacobs	Muñoz	Steans
Crotty	Johnson	Murphy	Sullivan

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Delgado	Jones, E.	Noland	Trotter
Demuzio	Jones, J.	Pankau	Viverito
Forby	Koehler	Radogno	Wilhelmi
Frerichs	Kotowski	Raoul	Mr. President
Garrett	Lightford	Rezin	
Haine	Link	Risinger	

The following voted in the negative:

Brady	Duffy	McCarter
Burzynski	Lauzen	Syversen

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Hutchinson, **House Bill No. 1606** was recalled from the order of third reading to the order of second reading.

Senator Hutchinson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO HOUSE BILL 1606

AMENDMENT NO. 1. Amend House Bill 1606 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by adding Section 5-1063.5 as follows:
(55 ILCS 5/5-1063.5 new)

Sec. 5-1063.5. Permits for demolition and renovation; asbestos. Before a county may issue a demolition or renovation permit for property that is regulated under Part 61 of Title 40 of the Code of Federal Regulations (NESHAP), the county must notify the permit applicant of the requirement to file a NESHAP notification form with the Illinois Environmental Protection Agency, as required by Section 61.145(b) of Title 40 of the Code of Federal Regulations. A county may seek assistance from the Illinois Environmental Protection Agency or any other State agency in developing procedures to implement the provisions of this Section.

Section 10. The Illinois Municipal Code is amended by adding Section 11-39-2.5 as follows:
(65 ILCS 5/11-39-2.5 new)

Sec. 11-39-2.5. Permits for demolition and renovation; asbestos. Before a municipality may issue a demolition or renovation permit for property that is regulated under Part 61 of Title 40 of the Code of Federal Regulations (NESHAP), the municipality must notify the permit applicant of the requirement to file a NESHAP notification form with the Illinois Environmental Protection Agency, as required by Section 61.145(b) of Title 40 of the Code of Federal Regulations. A municipality may seek assistance from the Illinois Environmental Protection Agency or any other State agency in developing procedures to implement the provisions of this Section.

Section 90. The State Mandates Act is amended by adding Section 8.35 as follows:
(30 ILCS 805/8.35 new)

Sec. 8.35. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 96th General Assembly.

Section 99. Effective date. This Act takes effect 90 days after becoming law."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

[January 6, 2011]

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Hutchinson, **House Bill No. 1606**, 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 58; NAYS None.

The following voted in the affirmative:

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

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Hutchinson, **House Bill No. 1644**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 45; NAYS 11.

The following voted in the affirmative:

Althoff	Harmon	Maloney	Sandack
Bomke	Hendon	Martinez	Schoenberg
Bond	Holmes	Millner	Silverstein
Clayborne	Hunter	Mulroe	Steans
Collins	Hutchinson	Muñoz	Sullivan
Crotty	Jacobs	Noland	Trotter
Delgado	Jones, E.	Pankau	Viverito
Demuzio	Jones, J.	Radogno	Wilhelmi
Forby	Koehler	Raoul	Mr. President
Frerichs	Kotowski	Righter	
Garrett	Lightford	Risinger	
Haine	Link	Rutherford	

The following voted in the negative:

[January 6, 2011]

Bivins	Duffy	McCarter	Sandoval
Brady	Johnson	Murphy	Syverson
Burzynski	Lauzen	Rezin	

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.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Steans moved that **House Joint Resolution No. 127**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Steans moved that House Joint Resolution No. 127 be adopted.

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

YEAS 57; NAYS None; Present 1.

The following voted in the affirmative:

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

The following voted present:

Sandoval

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Jacobs, **House Bill No. 1422**, 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 56; NAYS None.

The following voted in the affirmative:

[January 6, 2011]

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

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

Ordered that the Secretary inform the House of Representatives thereof.

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

At the hour of 1:37 o'clock p.m., the Chair announced that the Senate stand in recess.

AFTER RECESS

At the hour of 4:08 o'clock p.m., the Senate resumed consideration of business.

Senator Muñoz, presiding, and the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 4:22 o'clock p.m., the Senate resumed consideration of business.

Senator Muñoz, presiding.

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 3 to House Bill 4599

Senate Floor Amendment No. 2 to House Bill 5424

Senate Floor Amendment No. 2 to House Bill 5960

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its January 6, 2011 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Executive: **Senate Floor Amendment No. 2 to House Bill 5424 and Senate Floor Amendment No. 2 to House Bill 5960.**

Revenue: **Senate Floor Amendment No. 3 to House Bill 4599.**

[January 6, 2011]

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following to committees meet at 5:30 o'clock p.m.:

Executive in Room 212
Revenue in Room 400

MESSAGES FROM THE PRESIDENT

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

JOHN J. CULLERTON
SENATE PRESIDENT

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

January 6, 2011

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

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Donne Trotter to temporarily replace Senator Rickey Hendon as a member of the Senate Executive Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Executive Committee.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

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

JOHN J. CULLERTON
SENATE PRESIDENT

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

January 6, 2011

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

Dear Madam Secretary:

Pursuant to Rule 2-10, I am scheduling the Senate session to convene at 3:00 p.m., on Monday, January 10, 2011.

Sincerely,
s/John J. Cullerton
Senate President

[January 6, 2011]

cc: Senate Minority Leader Christine Radogno

COMMUNICATION FROM THE MINORITY LEADER

CHRISTINE RADOGNO
SENATE REPUBLICAN LEADER · 41st DISTRICT

January 6, 2011

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

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Matt Murphy to temporarily replace Senator Brad Burzynski as a member of the Senate Executive Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Executive Committee.

Sincerely,
s/Christine Radogno
Senate Republican Leader

cc: Senate President John Cullerton
Assistant Secretary of the Senate Scott Kaiser

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

At the hour of 4:25 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 6:53 o'clock p.m., the Senate resumed consideration of business.
Senator Harmon, presiding.

MESSAGES FROM THE HOUSE

A message from the House by
Mr. Mahoney, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:
SENATE BILL NO. 3539

A bill for AN ACT concerning criminal law.
Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:
House Amendment No. 1 to SENATE BILL NO. 3539
Passed the House, as amended, January 6, 2011.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 3539

AMENDMENT NO. 1. Amend Senate Bill 3539 by replacing everything after the enacting clause with the following:

[January 6, 2011]

"Section 5. The State Finance Act is amended by adding Section 5.786 as follows:
(30 ILCS 105/5.786 new)
Sec. 5.786. The Death Penalty Abolition Fund.

Section 10. The Code of Criminal Procedure of 1963 is amended by adding Section 119-1 as follows:
(725 ILCS 5/119-1 new)
Sec. 119-1. Death penalty abolished.

(a) Beginning on the effective date of this amendatory Act of the 96th General Assembly, notwithstanding any other law to the contrary, the death penalty is abolished and a sentence to death may not be imposed.

(b) All unobligated and unexpended moneys remaining in the Capital Litigation Trust Fund on the effective date of this amendatory Act of the 96th General Assembly shall be transferred into the Death Penalty Abolition Fund, a special fund in the State treasury, to be expended by the Illinois Criminal Justice Information Authority, for services for families of victims of homicide or murder and for training of law enforcement personnel.

(725 ILCS 124/Act rep.)

Section 15. The Capital Crimes Litigation Act is repealed.

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

Section 99. Effective date. This Act takes effect July 1, 2011, except that Section 15 takes effect January 1, 2012."

Under the rules, the foregoing **Senate Bill No. 3539**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 3952

A bill for AN ACT concerning local government.

Passed the House, January 6, 2011.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE BILL 3659

A bill for AN ACT concerning revenue.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 3659

Senate Amendment No. 3 to HOUSE BILL NO. 3659

Concurred in by the House, January 6, 2011.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

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

HOUSE BILL 5420

A bill for AN ACT concerning State government.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 5420

[January 6, 2011]

Senate Amendment No. 2 to HOUSE BILL NO. 5420
Concurred in by the House, January 6, 2011.

MARK MAHONEY, Clerk of the House

A message from the House by
Mr. Mahoney, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 5727

A bill for AN ACT concerning local government.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 5727

Concurred in by the House, January 6, 2011.

MARK MAHONEY, Clerk of the House

JOINT ACTION MOTION FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Motion to Concur in House Amendment 1 to Senate Bill 3539

REPORTS FROM STANDING COMMITTEES

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

Senate Amendment No. 3 to House Bill 4599

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

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

Senate Amendment No. 2 to House Bill 5424

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

INTRODUCTION OF BILL

SENATE BILL NO. 3977. Introduced by Senator Luechtefeld, a bill for AN ACT concerning public health.

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 1147

Offered by Senator Radogno and all Senators:

Mourns the death of Eric Edward Fatla of Frankfort.

SENATE RESOLUTION NO. 1148

[January 6, 2011]

Offered by Senator Demuzio and all Senators:
Mourns the death of M. Earlene Fuchs of Farmersville.

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

HOUSE BILL RECALLED

On motion of Senator Schoenberg, **House Bill No. 4599** was recalled from the order of third reading to the order of second reading.

Senator Schoenberg offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO HOUSE BILL 4599

AMENDMENT NO. 3. Amend House Bill 4599, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Small Business Job Creation Tax Credit Act is amended by changing Sections 10, 25, and 35 as follows:

(35 ILCS 25/10)

Sec. 10. Definitions. In this Act:

"Applicant" means a person that is operating a business located within the State of Illinois that is engaged in interstate or intrastate commerce and either:

(1) has no more than 50 full-time employees, without regard to the location of employment of such employees at the beginning of the incentive period; or -

(2) hired within the incentive period an employee who had participated as worker-trainee in the Put Illinois to Work Program during 2010.

In the case of any person that is a member of a unitary business group within the meaning of subdivision (a)(27) of Section 1501 of the Illinois Income Tax Act, "applicant" refers to the unitary business group.

"Certificate" means the tax credit certificate issued by the Department under Section 35 of this Act.

"Certificate of eligibility" means the certificate issued by the Department under Section 20 of this Act.

"Credit" means the amount awarded by the Department to an applicant by issuance of a certificate under Section 35 of this Act for each new full-time equivalent employee hired or job created.

"Department" means the Department of Commerce and Economic Opportunity.

"Director" means the Director of the Department.

"Full-time employee" means an individual who is employed for a basic wage for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment.

"Incentive period" means the period beginning July 1, 2010 and ending on June 30, 2011.

"Basic wage" means compensation for employment that is no less than \$10 ~~\$13.75~~ per hour or the equivalent salary for a new employee.

"New employee" means a full-time employee;

(1) who first became employed by an applicant with less than 50 full-time employees within the incentive period whose hire results in a

net increase in the applicant's full-time Illinois employees and who is receiving a basic wage as compensation; or -

(2) who participated as a worker-trainee in the Put Illinois to Work Program during 2010 and who is subsequently hired during the incentive period by an applicant and who is receiving a basic wage as compensation.

The term "new employee" does not include:

(1) a person who was previously employed in Illinois by the applicant or a related member prior to the onset of the incentive period; or

(2) any individual who has a direct or indirect ownership interest of at least 5% in the profits, capital, or value of the applicant or a related member.

"Noncompliance date" means, in the case of an applicant that is not complying with the requirements of the provisions of this Act, the day following the last date upon which the taxpayer was in compliance with the requirements of the provisions of this Act, as determined by the Director, pursuant to Section 45 of this Act.

[January 6, 2011]

"Put Illinois to Work Program" means a worker training and employment program that was established by the State of Illinois with funding from the United States Department of Health and Human Services of Emergency Temporary Assistance to Needy Families funds authorized by the American Recovery and Reinvestment Act of 2009 (ARRA TANF Funds). These ARRA TANF funds were in turn used by the State of Illinois to fund the Put Illinois to Work Program.

"Related member" means a person that, with respect to the applicant during any portion of the incentive period, is any one of the following,

(1) An individual, if the individual and the members of the individual's family (as defined in Section 318 of the Internal Revenue Code) own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the outstanding profits, capital, stock, or other ownership interest in the applicant.

(2) A partnership, estate, or trust and any partner or beneficiary, if the partnership, estate, or trust and its partners or beneficiaries own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the profits, capital, stock, or other ownership interest in the applicant.

(3) A corporation, and any party related to the corporation in a manner that would require an attribution of stock from the corporation under the attribution rules of Section 318 of the Internal Revenue Code, if the applicant and any other related member own, in the aggregate, directly, indirectly, beneficially, or constructively, at least 50% of the value of the corporation's outstanding stock.

(4) A corporation and any party related to that corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of Section 318 of the Internal Revenue Code, if the corporation and all such related parties own, in the aggregate, at least 50% of the profits, capital, stock, or other ownership interest in the applicant.

(5) A person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code, except that for purposes of determining whether a person is a related member under this paragraph, "20%" shall be substituted for "5%" whenever "5%" appears in Section 1563(e) of the Internal Revenue Code.

(Source: P.A. 96-888, eff. 4-13-10.)

(35 ILCS 25/25)

Sec. 25. Tax credit.

(a) Subject to the conditions set forth in this Act, an applicant is entitled to a credit against payment of taxes withheld under Section 704A of the Illinois Income Tax Act;

(1) for new employees who participated as worker-trainees in the Put Illinois to Work Program during 2010:

(A) in the first calendar year ending on or after the date that is 6 months after December 31, 2010, or the date of hire, whichever is later. Under this subparagraph, the applicant is entitled to one-half of the credit allowable for each new employee who is employed for at least 6 months after the date of hire; and

(B) in the first calendar year ending on or after the date that is 12 months after December 31, 2010, or the date of hire, whichever is later. Under this subparagraph, the applicant is entitled to one-half of the credit allowable for each new employee who is employed for at least 12 months after the date of hire;

(2) for all other new employees, in the first calendar year ~~years~~ ending on or after the date that is 12 months after the date of hire of

a new employee. The credit shall be allowed as a credit to an applicant for each full-time employee hired during the incentive period that results in a net increase in full-time Illinois employees, where the net increase in the employer's full-time Illinois employees is maintained for at least 12 months.

(b) The Department shall make credit awards under this Act to further job creation.

(c) The credit shall be claimed for the first calendar year ending on or after the date on which the certificate is issued by the Department.

(d) The credit shall not exceed \$2,500 per new employee hired.

(e) The net increase in full-time Illinois employees, measured on an annual full-time equivalent basis, shall be the total number of full-time Illinois employees of the applicant on June 30, 2011, minus the number of full-time Illinois employees employed by the employer on July 1, 2010. For purposes of the calculation, an employer that begins doing business in this State during the incentive period, as determined by the Director, shall be treated as having zero Illinois employees on July 1, 2010.

(f) The net increase in the number of full-time Illinois employees of the applicant under subsection (e) must be sustained continuously for at least 12 months, starting with the date of hire of a new employee

during the incentive period. Eligibility for the credit does not depend on the continuous employment of any particular individual. For purposes of this subsection (f), if a new employee ceases to be employed before the completion of the 12-month period for any reason, the net increase in the number of full-time Illinois employees shall be treated as continuous if a different new employee is hired as a replacement within a reasonable time for the same position.

(Source: P.A. 96-888, eff. 4-13-10.)

(35 ILCS 25/35)

Sec. 35. Application for award of tax credit; tax credit certificate.

(a) On or after the conclusion of the 12-month period (or 6-month period, for purposes of subparagraph (A) of item (1) of subsection (a) of Section 25) after a new employee has been hired, an applicant shall file with the Department an application for award of a credit. The application shall include the following:

(1) The names, Social Security numbers, job descriptions, salary or wage rates, and dates of hire of the new employees with respect to whom the credit is being requested, and an indication of whether each new employee listed participated as a worker-trainee in the Put Illinois to Work Program.

(2) A certification that each new employee listed has been retained on the job for one year (or 6 months, for purposes of subparagraph (A) of item (1) of subsection (a) of Section 25) from the date of hire.

(3) The number of new employees hired by the applicant during the incentive period.

(4) The net increase in the number of full-time Illinois employees of the applicant (including the new employees listed in the request) between the beginning of the incentive period and the dates on which the new employees listed in the request were hired. This requirement does not apply for tax credits the applicant is seeking because the new employee had participated as a worker-trainee in the Put Illinois to Work Program.

(5) An agreement that the Director is authorized to verify with the appropriate State agencies the information contained in the request before issuing a certificate to the applicant.

(6) Any other information the Department determines to be appropriate.

(b) Although an application may be filed at any time after the conclusion of the 12-month period (or 6-month period, for purposes of subparagraph (A) of item (1) of subsection (a) of Section 25) after a new employee was hired, an application filed more than 90 days after the earliest date on which it could have been filed shall not be awarded any credit if, prior to the date it is filed, the Department has received applications under this Section for credits totaling more than \$50,000,000.

(c) The Department shall issue a certificate to each applicant awarded a credit under this Act. The certificate shall include the following:

(1) The name and taxpayer identification number of the applicant.

(2) The date on which the certificate is issued.

(3) The credit amount that will be allowed.

(4) Any other information the Department determines to be appropriate.

(Source: P.A. 96-888, eff. 4-13-10.)

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 bill, as amended, was ordered to a third reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Schoenberg, **House Bill No. 4599**, 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 None.

[January 6, 2011]

The following voted in the affirmative:

Althoff	Holmes	Meeks	Sandoval
Bivins	Hunter	Mulroe	Schoenberg
Bomke	Hutchinson	Muñoz	Silverstein
Bond	Jacobs	Murphy	Steans
Brady	Jones, E.	Noland	Sullivan
Clayborne	Jones, J.	Pankau	Trotter
Collins	Koehler	Radogno	Viverito
Crotty	Kotowski	Raoul	Wilhelmi
Demuzio	Lauzen	Rezin	Mr. President
Duffy	Lightford	Righter	
Forby	Link	Risinger	
Frerichs	Maloney	Rutherford	
Garrett	Martinez	Sandack	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Kotowski, **House Bill No. 5424** was recalled from the order of third reading to the order of second reading.

Senator Kotowski offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 5424

AMENDMENT NO. 2. Amend House Bill 5424, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Labor Relations Act is amended by adding Section 21.5 as follows:
(5 ILCS 315/21.5 new)

Sec. 21.5. Termination of certain agreements after constitutional officers take office.

(a) No collective bargaining agreement entered into on or after the effective date of this amendatory Act of the 96th General Assembly between an executive branch constitutional officer or any agency or department of an executive branch constitutional officer and a labor organization may extend beyond June 30th of the year in which the terms of office of executive branch constitutional officers begin.

(b) No collective bargaining agreement entered into on or after the effective date of this amendatory Act of the 96th General Assembly between an executive branch constitutional officer or any agency or department of an executive branch constitutional officer and a labor organization may provide for an increase in salary, wages, or benefits starting on or after the first day of the terms of office of executive branch constitutional officers and ending June 30th of that same year.

(c) Any collective bargaining agreement in violation of this Section is terminated and rendered null and void by operation of law.

(d) For purposes of this Section, "executive branch constitutional officer" has the same meaning as that term is defined in the State Officials and Employees Ethics Act.

Section 10. The State Budget Law of the Civil Administrative Code of Illinois is amended by changing Sections 50-5 and 50-25 as follows:
(15 ILCS 20/50-5)

Sec. 50-5. Governor to submit State budget.

(a) The Governor shall, as soon as possible and not later than the second Wednesday in March in 2010 (March 10, 2010) and the third Wednesday in February of each year beginning in 2011, except as otherwise provided in this Section, submit a State budget, embracing therein the amounts recommended by the Governor to be appropriated to the respective departments, offices, and institutions, and for all other public purposes, the estimated revenues from taxation, ~~and the estimated revenues from sources other than taxation, and an estimate of the amount required to be raised by taxation.~~ Except with respect

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to the capital development provisions of the State budget, beginning with the revenue estimates prepared for fiscal year 2012, revenue estimates shall be based solely on: (i) revenue sources (including non-income resources), rates, and levels that exist as of the date of the submission of the State budget for the fiscal year and (ii) revenue sources (including non-income resources), rates, and levels that have been passed by the General Assembly as of the date of the submission of the State budget for the fiscal year and that are authorized to take effect in that fiscal year. Except with respect to the capital development provisions of the State budget, the Governor shall determine available revenue, deduct the cost of essential government services, including, but not limited to, pension payments and debt service, and assign a percentage of the remaining revenue to each statewide prioritized goal, as established in Section 50-25 of this Law, taking into consideration the proposed goals set forth in the report of the Commission established under that Section. The Governor shall also demonstrate how spending priorities for the fiscal year fulfill those statewide goals. The amounts recommended by the Governor for appropriation to the respective departments, offices and institutions shall be formulated according to each department's, office's, and institution's ability to effectively deliver services that meet the established statewide goals according to the various functions and activities for which the respective department, office or institution of the State government (including the elective officers in the executive department and including the University of Illinois and the judicial department) is responsible. The amounts relating to particular functions and activities shall be further formulated in accordance with the object classification specified in Section 13 of the State Finance Act. In addition, the amounts recommended by the Governor for appropriation shall take into account each State agency's effectiveness in achieving its prioritized goals for the previous fiscal year, as set forth in Section 50-25 of this Law, giving priority to agencies and programs that have demonstrated a focus on the prevention of waste and the maximum yield from resources.

Beginning in fiscal year 2011, the Governor shall distribute written quarterly financial reports on operating funds, which may include general, State, or federal funds and may include funds related to agencies that have significant impacts on State operations, budget statements to the General Assembly and the State Comptroller. The reports statements shall be submitted no later than 45 days after the last day on Wednesday of the last week of the last month of each quarter of the fiscal year and, as is currently the practice on the effective date of this amendatory Act of the 96th General Assembly, shall be posted on the Governor's Office of Management and Budget's Comptroller's website on the same day. The reports statements shall be prepared and presented in an executive summary format that may include includes, for the fiscal year to date, individual itemizations for each significant revenue type source as well as individual itemizations of expenditures and obligations, by agency the classified line items set forth in Section 13 of the State Finance Act and for other purposes, with an appropriate level of detail. The reports statement shall include a calculation of the actual total budget surplus or deficit for the fiscal year to date. The Governor shall also present periodic budget addresses throughout the fiscal year at the invitation of the General Assembly.

The Governor shall not propose expenditures and the General Assembly shall not enact appropriations that exceed the resources estimated to be available, as provided in this Section. Appropriations may be adjusted during the fiscal year by means of one or more supplemental appropriation bills if any State agency either fails to meet or exceeds the goals set forth in Section 50-25 of this Law.

For the purposes of Article VIII, Section 2 of the 1970 Illinois Constitution, the State budget for the following funds shall be prepared on the basis of revenue and expenditure measurement concepts that are in concert with generally accepted accounting principles for governments:

- (1) General Revenue Fund.
- (2) Common School Fund.
- (3) Educational Assistance Fund.
- (4) Road Fund.
- (5) Motor Fuel Tax Fund.
- (6) Agricultural Premium Fund.

These funds shall be known as the "budgeted funds". The revenue estimates used in the State budget for the budgeted funds shall include the estimated beginning fund balance, plus revenues estimated to be received during the budgeted year, plus the estimated receipts due the State as of June 30 of the budgeted year that are expected to be collected during the lapse period following the budgeted year, minus the receipts collected during the first 2 months of the budgeted year that became due to the State in the year before the budgeted year. Revenues shall also include estimated federal reimbursements associated with the recognition of Section 25 of the State Finance Act liabilities. For any budgeted fund for which current year revenues are anticipated to exceed expenditures, the surplus shall be considered to be a resource available for expenditure in the budgeted fiscal year.

Expenditure estimates for the budgeted funds included in the State budget shall include the costs to be incurred by the State for the budgeted year, to be paid in the next fiscal year, excluding costs paid in the budgeted year which were carried over from the prior year, where the payment is authorized by Section 25 of the State Finance Act. For any budgeted fund for which expenditures are expected to exceed revenues in the current fiscal year, the deficit shall be considered as a use of funds in the budgeted fiscal year.

Revenues and expenditures shall also include transfers between funds that are based on revenues received or costs incurred during the budget year.

Appropriations for expenditures shall also include all anticipated statutory continuing appropriation obligations that are expected to be incurred during the budgeted fiscal year.

By March 15 of each year, the Commission on Government Forecasting and Accountability shall prepare revenue and fund transfer estimates in accordance with the requirements of this Section and report those estimates to the General Assembly and the Governor.

For all funds other than the budgeted funds, the proposed expenditures shall not exceed funds estimated to be available for the fiscal year as shown in the budget. Appropriation for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year.

~~(b) This subsection applies only to the process for the proposed fiscal year 2011 budget.~~

By February 24, 2010, the Governor must file a written report with the Secretary of the Senate and the Clerk of the House of Representatives containing the following:

- (1) for fiscal year 2010, the revenues for all budgeted funds, both actual to date and estimated for the full fiscal year;
- (2) for fiscal year 2010, the expenditures for all budgeted funds, both actual to date and estimated for the full fiscal year;
- (3) for fiscal year 2011, the estimated revenues for all budgeted funds, including without limitation the affordable General Revenue Fund appropriations, for the full fiscal year; and
- (4) for fiscal year 2011, an estimate of the anticipated liabilities for all budgeted funds, including without limitation the affordable General Revenue Fund appropriations, debt service on bonds issued, and the State's contributions to the pension systems, for the full fiscal year.

~~Between July 1 and August 31 of each fiscal year February 24, 2010 and March 10, 2010, the members of the General Assembly and members of the public may make written budget recommendations to the Governor, and the Governor shall promptly make those recommendations available to the public through the Governor's Internet website.~~

Beginning with budgets prepared for fiscal year 2013, the budgets submitted by the Governor and appropriations made by the General Assembly for all executive branch State agencies must adhere to a method of budgeting where each priority must be justified each year according to merit rather than according to the amount appropriated for the preceding year.

(Source: P.A. 96-1, eff. 2-17-09; 96-320, eff. 1-1-10; 96-881, eff. 2-11-10; 96-958, eff. 7-1-10; 96-1000, eff. 7-2-10.)

(15 ILCS 20/50-25)

Sec. 50-25. Statewide prioritized goals. For fiscal year 2012 and each fiscal year thereafter, prior to the submission of the State budget, the Governor, in consultation with the appropriation committees of the General Assembly and, beginning with budgets prepared for fiscal year 2013, the commission established under this Section, shall: (i) prioritize outcomes that are most important for each State agency of the executive branch under the jurisdiction of the Governor to achieve for the next fiscal year and (ii) set goals to accomplish those outcomes according to the priority of the outcome. There must be a reasonable number of annually defined statewide goals defining State priorities for the budget. Each goal shall be further defined to facilitate success in achieving that goal. No later than July 31 of each fiscal year beginning in fiscal year 2012, the Governor shall establish a commission for the purpose of advising the Governor in setting those outcomes and goals, including the timeline for achieving those outcomes and goals. The commission shall be a well-balanced group and shall be a manageable size. The commission shall hold at least 2 public meetings during each fiscal year. One meeting shall be held in the City of Chicago and one meeting shall be held in the City of Springfield. By November 1 of each year, the commission shall submit a report to the Governor and the General Assembly setting forth recommendations with respect to the Governor's proposed outcomes and goals. The report shall be published on the Governor's Office of Management and Budget's website. In its report, the commission shall propose a percentage of the total budget to be assigned to each proposed outcome and goal. The commission shall also review existing mandated expenditures and include in its report recommendations for the termination of mandated expenditures. The General Assembly may object to the commission's report by passing a joint resolution detailing the General Assembly's objections.

In addition, each other constitutional officer of the executive branch, in consultation with the appropriation committees of the General Assembly, shall: (i) prioritize outcomes that are most important for his or her office to achieve for the next fiscal year and (ii) set goals to accomplish those outcomes according to the priority of the outcome. The Governor and each constitutional officer shall separately conduct performance analyses to determine which programs, strategies, and activities will best achieve those desired outcomes. The Governor shall recommend that appropriations be made to State agencies and officers for the next fiscal year based on the agreed upon goals and priorities. Each agency and officer may develop its own strategies for meeting those goals and shall review and analyze those strategies on a regular basis. The Governor shall also implement procedures to measure annual progress toward the State's highest priority outcomes and shall develop a statewide reporting system that compares the actual results with budgeted results. Those performance measures and results shall be posted on the State Comptroller's website, and compiled for distribution in the Comptroller's Public Accountability Report, as is currently the practice on the effective date of this amendatory Act of the 96th General Assembly.

(Source: P.A. 96-958, eff. 7-1-10.)

Section 15. The Illinois Grant Funds Recovery Act is amended by adding Section 4.2 as follows:
(30 ILCS 705/4.2 new)

Sec. 4.2. Suspension of grant making authority. Any grant funds and any grant program administered by a grantor agency subject to this Act are indefinitely suspended on July 1, 2012, and on July 1st of every 5th year thereafter, unless the General Assembly, by law, authorizes that grantor agency to make grants or lifts the suspension of the authorization of that grantor agency to make grants. In the case of a suspension of the authorization of a grantor agency to make grants, the authority of that grantor agency to make grants is suspended until the suspension is explicitly lifted by law by the General Assembly, even if an appropriation has been made for the explicit purpose of such grants. This suspension of grant making authority supersedes any other law or rule 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.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Kotowski, **House Bill No. 5424**, 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 30; NAYS 10; Present 3.

The following voted in the affirmative:

Althoff	Holmes	Noland	Schoenberg
Bivins	Koehler	Radogno	Stears
Bond	Kotowski	Raoul	Sullivan
Brady	Lauzen	Rezin	Viverito
Crotty	Maloney	Righter	Wilhelmi
Duffy	Mulroe	Risinger	Mr. President
Frerichs	Muñoz	Rutherford	
Garrett	Murphy	Sandack	

The following voted in the negative:

Bomke	Jones, E.	Luechtefeld	Silverstein
Forby	Jones, J.	McCarter	

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Jacobs

Link

Pankau

The following voted present:

Hunter
Hutchinson
Meeks

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 1086

Offered by Senator Koehler and all Senators:
Mourns the death of Frank Campbell, Sr., of Peoria.

SENATE RESOLUTION NO. 1087

Offered by Senator Wilhelmi and all Senators:
Mourns the death of Judith Ann Robbins (nee, Will).

SENATE RESOLUTION NO. 1088

Offered by Senator Radogno and all Senators:
Mourns the death of James W. Goodall.

SENATE RESOLUTION NO. 1089

Offered by Senator Lauzen and all Senators:
Mourns the death of Karl S. Csiszer of Plano.

SENATE RESOLUTION NO. 1090

Offered by Senator Hunter and all Senators:
Mourns the death of Dr. Robert L. Johnson, Sr., of Chicago.

SENATE RESOLUTION NO. 1091

Offered by Senator Hunter and all Senators:
Mourns the death of Dr. Margaret Burroughs.

SENATE RESOLUTION NO. 1092

Offered by Senator Hunter and all Senators:
Mourns the death of E. Beatrice Sam.

SENATE RESOLUTION NO. 1093

Offered by Senator Haine and all Senators:
Mourns the death of Betty Jane McClintock of Godfrey.

SENATE RESOLUTION NO. 1094

Offered by Senator Haine and all Senators:
Mourns the death of Joyce J. Webber of Alton.

SENATE RESOLUTION NO. 1095

Offered by Senator Haine and all Senators:
Mourns the death of Dallas C. Matlock of Edwardsville.

SENATE RESOLUTION NO. 1096

Offered by Senator Haine and all Senators:
Mourns the death of Lester E. "Gene" Cox of Alton.

SENATE RESOLUTION NO. 1097

Offered by Senator Haine and all Senators:
Mourns the death of Donald M. Hinrichs of Alton.

SENATE RESOLUTION NO. 1098

Offered by Senator Frerichs and all Senators:
Mourns the death of Lonnie E. Clark, Sr., of Urbana.

SENATE RESOLUTION NO. 1099

Offered by Senator Mulroe and all Senators:
Mourns the death of Philip G. Greco, Sr.

SENATE RESOLUTION NO. 1100

Offered by Senator Harmon and all Senators:
Mourns the death of Betty Van Wyk of Oak Park.

SENATE RESOLUTION NO. 1101

Offered by Senator Hunter and all Senators:
Mourns the death of Katherine I. Higginbottom.

SENATE RESOLUTION NO. 1102

Offered by Senator Althoff and all Senators:
Mourns the death of James R. Rakow of Algonquin.

SENATE RESOLUTION NO. 1103

Offered by Senator Koehler and all Senators:
Mourns the death of Bruce "Skip" Snyder of Peoria.

SENATE RESOLUTION NO. 1104

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

SENATE RESOLUTION NO. 1105

Offered by Senator Kotowski and all Senators:
Mourns the death of Susan Ornig.

SENATE RESOLUTION NO. 1106

Offered by Senator Duffy and all Senators:
Mourns the death of Rosemarie Broda of Park Ridge.

SENATE RESOLUTION NO. 1107

Offered by Senator Mulroe and all Senators:
Mourns the death of John J. "Jack" Martin, Jr.

SENATE RESOLUTION NO. 1108

Offered by Senator Dillard and all Senators:
Mourns the death of Carolyn Gordon Hewitt of Hinsdale.

SENATE RESOLUTION NO. 1109

Offered by Senator Dillard and all Senators:
Mourns the death of Donna Jean Creel (nee, Brown) of Westmont.

SENATE RESOLUTION NO. 1110

Offered by Senator Demuzio and all Senators:
Mourns the death of Vera C. Pratt of Girard.

SENATE RESOLUTION NO. 1111

Offered by Senator Demuzio and all Senators:

Mourns the death of Brett L. Stewart of Standard City.

SENATE RESOLUTION NO. 1112

Offered by Senator Demuzio and all Senators:
Mourns the death of Matthew D. Turcol, Mayor of Benld.

SENATE RESOLUTION NO. 1113

Offered by Senator Demuzio and all Senators:
Mourns the death of Rachele Kristine “Kris” Reno of Medora.

SENATE RESOLUTION NO. 1114

Offered by Senator Demuzio and all Senators;,
Mourns the death of Howard Herbert “Tennessee” Hughes of Carlinville.

SENATE RESOLUTION NO. 1115

Offered by Senator Koehler and all Senators:
Mourns the death of Gary N. Paulson of Edwards.

SENATE RESOLUTION NO. 1116

Offered by Senators Brady – Sullivan and all Senators:
Mourns the death of State Representative Richard P. Myers of Colchester.

SENATE RESOLUTION NO. 1117

Offered by Senator Brady and all Senators:
Mourns the death of Idalia M. “Dally” Leese of Bloomington.

SENATE RESOLUTION NO. 1118

Offered by Senator Brady and all Senators:
Mourns the death of Jerry D. Reece of Normal.

SENATE RESOLUTION NO. 1119

Offered by Senator Brady and all Senators:
Mourns the death of Rollins Currie, Sr., of Bloomington.

SENATE RESOLUTION NO. 1120

Offered by Senator Harmon and all Senators:
Mourns the death of Clifford Becker, Sr., of Oak Park.

SENATE RESOLUTION NO. 1121

Offered by Senator Murphy and all Senators:
Mourns the death of Scott R. Triphahn of Hoffman Estates.

SENATE RESOLUTION NO. 1122

Offered by Senator Haine and all Senators:
Mourns the death of Maureen Kinney Maher.

SENATE RESOLUTION NO. 1123

Offered by Senator Haine and all Senators:
Mourns the death of James H. McClenahan.

SENATE RESOLUTION NO. 1124

Offered by Senator Haine and all Senators:
Mourns the death of Russell F. “Pat” Patterson.

SENATE RESOLUTION NO. 1125

Offered by Senator Haine and all Senators:
Mourns the death of William J. Corrigan.

SENATE RESOLUTION NO. 1126

Offered by Senator Haine and all Senators:
Mourns the death of U.S. Marine Corps Lance Corporal Kenneth A. Corzine.

SENATE RESOLUTION NO. 1127

Offered by Senator Haine and all Senators:
Mourns the death of Albert E. Jedda.

SENATE RESOLUTION NO. 1128

Offered by Senator Haine and all Senators:
Mourns the death of George W. Donohoo.

SENATE RESOLUTION NO. 1129

Offered by Senator Collins and all Senators:
Mourns the death of Helen Louise Sankey-Campbell.

SENATE RESOLUTION NO. 1130

Offered by Senator Clayborne and all Senators:
Mourns the death of Dr. Lorraine D. Williams of East St. Louis.

SENATE RESOLUTION NO. 1131

Offered by Senator Demuzio and all Senators:
Mourns the death of Eileen F. Boehm of Carlinville.

SENATE RESOLUTION NO. 1132

Offered by Senator Demuzio and all Senators:
Mourns the death of William A. Rolando of Springfield, formerly of Jerseyville.

SENATE RESOLUTION NO. 1133

Offered by Senator Demuzio and all Senators:
Mourns the death of Vera C. Pratt of Gerard.

SENATE RESOLUTION NO. 1134

Offered by Senator Demuzio and all Senators:
Mourns the death of Alice Joanne Rosentreter of Carlinville.

SENATE RESOLUTION NO. 1135

Offered by Senator Demuzio and all Senators:
Mourns the death of Barbara A. Boente of Carlinville.

SENATE RESOLUTION NO. 1136

Offered by Senator Demuzio and all Senators:
Mourns the death of Marvel J. LeVora of Carlinville.

SENATE RESOLUTION NO. 1137

Offered by Senator Demuzio and all Senators:
Mourns the death of Alessandro Cesare "Red" Perardi of Carlinville.

SENATE RESOLUTION NO. 1138

Offered by Senator Demuzio and all Senators:
Mourns the death of Andrew Ryan "Chappy" Chapman of Bunker Hill.

SENATE RESOLUTION NO. 1139

Offered by Senator Hutchinson and all Senators:
Mourns the death of Samuel Wilson Hurley, Jr., of Chicago.

SENATE RESOLUTION NO. 1140

Offered by Senator Demuzio and all Senators:
Mourns the death of Kyle Adam Vanausdoll of Jerseyville.

SENATE RESOLUTION NO. 1141

Offered by Senator Murphy and all Senators:
Mourns the death of Joe M. Johnson.

SENATE RESOLUTION NO. 1142

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

SENATE RESOLUTION NO. 1143

Offered by Senator Kotowski and all Senators:
Mourns the death of Ann O'Malley of Wilmette.

SENATE RESOLUTION NO. 1144

Offered by Senator Mulroe and all Senators:
Mourns the death of Frank Eugene Bekielewski of Chicago.

SENATE RESOLUTION NO. 1145

Offered by Senator Demuzio and all Senators:
Mourns the death of Michael Allan Zippay, Sr., of Mt. Olive.

SENATE RESOLUTION NO. 1146

Offered by Senator Demuzio and all Senators:
Mourns the death of Maxine Burkhalter Griffel of Carlinville.

SENATE RESOLUTION NO. 1147

Offered by Senator Radogno and all Senators:
Mourns the death of Eric Edward Fatla of Frankfort.

SENATE RESOLUTION NO. 1148

Offered by Senator Demuzio and all Senators:
Mourns the death of M. Earlene Fuchs of Farmersville.

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

PRESENTATION OF RESOLUTION

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

SENATE JOINT RESOLUTION NO. 132

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, January 06, 2011, the Senate stands adjourned until Monday, January 10, 2011 at 3:00 o'clock p.m., or until the call of the President; and the House of Representatives stands adjourned until Friday, January 07, 2011, at 9:00 o'clock a.m., and when it adjourns on that day, it stands adjourned until Sunday, January 09, 2011, and when it adjourns on that day, it stands adjourned until Monday, January 10, 2011, or until the call of the Speaker.

The motion prevailed.

And the resolution was adopted.

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

At the hour of 7:23 o'clock p.m., pursuant to **Senate Joint Resolution No. 132**, the Chair announced the Senate stand adjourned until Monday, January 10, 2011, at 3:00 o'clock p.m.