



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-SEVENTH GENERAL ASSEMBLY**

**16TH LEGISLATIVE DAY**

**THURSDAY, MARCH 10, 2011**

**12:48 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**16th Legislative Day**

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The Senate met pursuant to adjournment.  
Senator Jeffrey M. Schoenberg, Evanston, Illinois, presiding.  
Prayer by Pastor Clint Cook, Real Life Church, Springfield, Illinois.  
Senator Maloney led the Senate in the Pledge of Allegiance.

Senator Koehler moved that reading and approval of the Journal of Wednesday, March 9, 2011, be postponed, pending arrival of the printed Journal.

The motion prevailed.

**MESSAGE 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

March 10, 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 Don Harmon to temporarily replace Senator Donne Trotter as a member of the Senate Energy Committee. This appointment will automatically expire upon adjournment of the Senate Energy Committee.

Sincerely,  
s/John J. Cullerton  
John J. Cullerton  
Senate President

cc: Senate Minority Leader Christine Radogno

**LEGISLATIVE MEASURES FILED**

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

Senate Committee Amendment No. 1 to Senate Bill 40  
Senate Committee Amendment No. 1 to Senate Bill 73  
Senate Committee Amendment No. 1 to Senate Bill 97  
Senate Committee Amendment No. 1 to Senate Bill 262  
Senate Committee Amendment No. 2 to Senate Bill 664  
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Senate Committee Amendment No. 1 to Senate Bill 1258  
Senate Committee Amendment No. 2 to Senate Bill 1270  
Senate Committee Amendment No. 1 to Senate Bill 1282  
Senate Committee Amendment No. 1 to Senate Bill 1311  
Senate Committee Amendment No. 1 to Senate Bill 1387  
Senate Committee Amendment No. 1 to Senate Bill 1578

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Senate Committee Amendment No. 1 to Senate Bill 1632  
 Senate Committee Amendment No. 1 to Senate Bill 1667  
 Senate Committee Amendment No. 1 to Senate Bill 1682  
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 Senate Committee Amendment No. 1 to Senate Bill 1945  
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 Senate Committee Amendment No. 1 to Senate Bill 2103  
 Senate Committee Amendment No. 2 to Senate Bill 2106  
 Senate Committee Amendment No. 1 to Senate Bill 2135  
 Senate Committee Amendment No. 1 to Senate Bill 2193  
 Senate Committee Amendment No. 1 to Senate Bill 2288

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

Senate Floor Amendment No. 2 to Senate Bill 2138

### **PRESENTATION OF RESOLUTIONS**

#### **SENATE RESOLUTION NO. 110**

Offered by Senator Duffy and all Senators:

Mourns the death of Gayle Karnatz of Wood Dale, formerly of Elmhurst.

#### **SENATE RESOLUTION NO. 111**

Offered by Senator Lightford and all Senators:

Mourns the death of Bishop DeArmond Southern Mathews.

#### **SENATE RESOLUTION NO. 112**

Offered by Senator Haine and all Senators:

Mourns the death of Dale Henry Pickerill of Glen Carbon.

#### **SENATE RESOLUTION NO. 113**

Offered by Senator Haine and all Senators:

Mourns the death of the Reverend George Orval Dougherty.

#### **SENATE RESOLUTION NO. 114**

Offered by Senator Haine and all Senators:

Mourns the death of Dorothy Marie Stumpe of Alton.

#### **SENATE RESOLUTION NO. 115**

Offered by Senator Duffy and all Senators:

Mourns the death of Kenneth E. Wood of Lake Bluff.

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

### **REPORTS FROM STANDING COMMITTEES**

Senator Garrett, Chairperson of the Committee on Commerce, to which was referred **Senate Bill No. 2082**, reported the same back with the recommendation that the bill do pass.

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

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Senator Forby, Chairperson of the Committee on Labor, to which was referred **Senate Bill No. 1952**, reported the same back with the recommendation that the bill do pass.

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

Senator Forby, Chairperson of the Committee on Labor, to which was referred **Senate Bills Numbered 1122 and 1735**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Raoul, Chairperson of the Committee on Pensions and Investments, to which was referred **Senate Bill No. 1831**, reported the same back with the recommendation that the bill do pass.

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

Senator Raoul, Chairperson of the Committee on Pensions and Investments, to which was referred **Senate Bill No. 1556**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Martinez, Chairperson of the Committee on Licensed Activities, to which was referred **Senate Bills Numbered 1310, 1830 and 2145**, reported the same back with the recommendation that the bills do pass.

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

Senator Martinez, Chairperson of the Committee on Licensed Activities, to which was referred **Senate Bills Numbered 1306 and 2062**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

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

Senate Amendment No. 2 to Senate Bill 153

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

Senator Harmon, Chairperson of the Committee on Executive, to which was referred **Senate Bills Numbered 35, 1330, 1352, 1782, 1835, 2018, 2172 and 2232**, reported the same back with the recommendation that the bills do pass.

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

Senator Harmon, Chairperson of the Committee on Executive, to which was referred **Senate Bills Numbered 1297 and 1645**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Hutchinson, Chairperson of the Committee on Revenue, to which was referred **Senate Bills Numbered 43, 1531, 1900, 1921, 2009, 2025 and 2073**, reported the same back with the recommendation that the bills do pass.

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

Senator Hutchinson, Chairperson of the Committee on Revenue, to which was referred **Senate Bills Numbered 395 and 2194**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

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Senator Holmes, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Bills Numbered 90, 1311, 1728, 1869, 2007, 2148, 2188 and 2293**, reported the same back with the recommendation that the bills do pass.

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

Senator Holmes, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Bills Numbered 1336, 1610, 1669, 1836 and 1853**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Holmes, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Resolutions numbered 52 and 58**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Resolutions numbered 52 and 58** were placed on the Secretary's Desk.

Senator Haine, Chairperson of the Committee on Insurance, to which was referred **Senate Bills Numbered 152 and 1544**, reported the same back with the recommendation that the bills do pass.

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

Senator Haine, Chairperson of the Committee on Insurance, to which was referred **Senate Bill No. 1557**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Collins, Chairperson of the Committee on Financial Institutions, to which was referred **Senate Bills Numbered 16, 1933 and 2002**, reported the same back with the recommendation that the bills do pass.

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

Senator Jacobs, Chairperson of the Committee on Energy, to which was referred **Senate Bills Numbered 1316, 1652, 1653 and 1654**, reported the same back with the recommendation that the bills do pass.

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

Senator Jacobs, Chairperson of the Committee on Energy, to which was referred **Senate Bill No. 2169**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred **Appointment Messages Numbered 27 and 28**, reported the same back with the recommendation that the Senate do advise and consent.

Under the rules, the foregoing appointment messages are eligible for consideration by the Senate.

#### 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 passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 222

[March 10, 2011]

A bill for AN ACT concerning government.  
HOUSE BILL NO. 1073  
A bill for AN ACT concerning criminal law.  
HOUSE BILL NO. 1074  
A bill for AN ACT concerning criminal law.  
HOUSE BILL NO. 1100  
A bill for AN ACT relating to aerospace competitiveness.  
HOUSE BILL NO. 1112  
A bill for AN ACT concerning criminal law.  
Passed the House, March 9, 2011.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 222, 1073, 1074, 1100 and 1112** were taken up, ordered printed and placed on first reading.

A message from the House by  
Mr. Mahoney, Clerk:  
Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1151  
A bill for AN ACT concerning transportation.  
HOUSE BILL NO. 1163  
A bill for AN ACT concerning wildlife.  
HOUSE BILL NO. 1197  
A bill for AN ACT concerning education.  
HOUSE BILL NO. 1224  
A bill for AN ACT concerning State government.  
HOUSE BILL NO. 1255  
A bill for AN ACT concerning families.  
Passed the House, March 9, 2011.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1151, 1163, 1197, 1224 and 1255** were taken up, ordered printed and placed on first reading.

A message from the House by  
Mr. Mahoney, Clerk:  
Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1272  
A bill for AN ACT concerning criminal law.  
HOUSE BILL NO. 1303  
A bill for AN ACT concerning safety.  
HOUSE BILL NO. 1377  
A bill for AN ACT concerning transportation.  
HOUSE BILL NO. 1385  
A bill for AN ACT concerning transportation.  
HOUSE BILL NO. 1427  
A bill for AN ACT concerning employment.  
Passed the House, March 9, 2011.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1272, 1303, 1377, 1385 and 1427** were taken up, ordered printed and placed on first reading.

[March 10, 2011]



A message from the House by  
Mr. Mahoney, Clerk:

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

HOUSE BILL NO. 1445  
A bill for AN ACT concerning State government.  
HOUSE BILL NO. 1462  
A bill for AN ACT concerning transportation.  
HOUSE BILL NO. 1463  
A bill for AN ACT concerning health facilities.  
HOUSE BILL NO. 1471  
A bill for AN ACT concerning public employee benefits.  
Passed the House, March 9, 2011.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1445, 1462, 1463 and 1471** were taken up, ordered printed and placed on first reading.

#### REPORTS FROM STANDING COMMITTEES

Senator Hunter, Chairperson of the Committee on Human Services, to which was referred **Senate Bills Numbered 1827 and 1968**, reported the same back with the recommendation that the bills do pass. Under the rules, the bills were ordered to a second reading.

Senator Hunter, Chairperson of the Committee on Human Services, to which was referred **Senate Joint Resolution No. 15**, reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted. Under the rules, **Senate Joint Resolution No. 15** was placed on the Secretary's Desk.

Senator Wilhelmi, Chairperson of the Committee on Judiciary, to which was referred **Senate Bills Numbered 1295, 1355, 1691, 1766, 1972 and 2015**, reported the same back with the recommendation that the bills do pass. Under the rules, the bills were ordered to a second reading.

Senator Wilhelmi, Chairperson of the Committee on Judiciary, to which was referred **Senate Bills Numbered 63, 1593, 1694 and 1804**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass. Under the rules, the bills were ordered to a second reading.

#### READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Haine, **Senate Bill No. 74**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 100**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 145**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bivins, **Senate Bill No. 151**, having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Sullivan, **Senate Bill No. 1221**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 1245**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 1278**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bomke, **Senate Bill No. 1291**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 1293**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1553**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 1584**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 1617**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **Senate Bill No. 1633**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator McCarter, **Senate Bill No. 1350** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 1350**

AMENDMENT NO. 1. Amend Senate Bill 1350 by replacing everything after the enacting clause with the following:

"Section 5. The Truth in Health Care Professional Services Act is amended by changing Section 10 as follows:

(225 ILCS 145/10)

Sec. 10. Definitions. For purposes of this Act:

"Advertisement" denotes any communication or statement, whether printed, electronic, or oral, that names the health care professional in relation to his or her practice, profession, or institution in which the individual is employed, volunteers, or otherwise provides health care services. This includes business cards, letterhead, patient brochures, e-mail, Internet, audio, and video, and any other communication or statement used in the course of business.

"Deceptive" or "misleading" includes, but is not limited to, any advertisement or affirmative communication or representation for health care services that misstates, falsely describes, or falsely represents the health care professional's skills, training, expertise, education, board certification, or licensure.

"Health care professional" means any person who treats human ailments and is subject to licensure or regulation by the State, including students and residents. "Health care professional" does not include an individual licensed as a dentist under the Illinois Dental Practice Act.

"Licensee" means a health care professional who holds an active license with the licensing board governing his or her practice in this State.

(Source: P.A. 96-1340, eff. 7-27-10.)

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

[March 10, 2011]

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

On motion of Senator Sullivan, **Senate Bill No. 1643**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **Senate Bill No. 1670** having been printed, was taken up, read by title a second time.

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

Senator Raoul offered the following amendment and moved its adoption:

**AMENDMENT NO. 2 TO SENATE BILL 1670**

AMENDMENT NO. 2. Amend Senate Bill 1670 on page 3, by inserting immediately below line 3 the following:

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

On motion of Senator Raoul, **Senate Bill No. 1673**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 1681**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Wilhelmi, **Senate Bill No. 1684**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Wilhelmi, **Senate Bill No. 1692**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Millner, **Senate Bill No. 1697**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Millner, **Senate Bill No. 1700**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1712**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bomke, **Senate Bill No. 1724**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator LaHood, **Senate Bill No. 1727**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **Senate Bill No. 1754**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **Senate Bill No. 1807**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 1828**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **Senate Bill No. 1865**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **Senate Bill No. 1913**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 1929**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Delgado, **Senate Bill No. 1943**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Delgado, **Senate Bill No. 1950**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Millner, **Senate Bill No. 1962**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **Senate Bill No. 1967**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **Senate Bill No. 2010** having been printed, was taken up, read by title a second time.

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

#### **AMENDMENT NO. 1 TO SENATE BILL 2010**

AMENDMENT NO. 1. Amend Senate Bill 2010 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Fertilizer Act of 1961 is amended by changing Sections 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 18a, 19, 20, and 21 and by adding Sections 21.5 and 21.7 as follows: (505 ILCS 80/2) (from Ch. 5, par. 55.2)

Sec. 2. Enforcing official. The Director of the Department of Agriculture, hereinafter referred to as the "Director", shall administer this Act. This Act shall be administered by the Director of the Department of Agriculture, hereinafter referred to as the "Director".

(Source: Laws 1961, p. 3085.)

(505 ILCS 80/3) (from Ch. 5, par. 55.3)

Sec. 3. Definitions of words and terms. When used in this Act unless the context otherwise requires:

"AAPFCO" means the Association of American Plant Food Control Officials.

"Anhydrous ammonia" means the compound formed by the combination of 2 gaseous elements, nitrogen and hydrogen, in the proportion of one part of nitrogen to 3 parts of hydrogen (NH<sub>3</sub>) by volume. Anhydrous ammonia is a fertilizer of ammonia gas in compressed and liquified form. It is not aqueous ammonia which is a solution of ammonia gas in water and which is considered a low-pressure nitrogen solution.

"Blender" means any person or system engaged in the business of blending fertilizer. This includes both mobile and fixed equipment, excluding application equipment, used to achieve this function.

"Blending" means the physical mixing or combining of: one or more fertilizer materials and one or more filler materials; 2 or more fertilizer materials; 2 or more fertilizer materials and filler materials, including mixing through the simultaneous or sequential application of any of the outlined combinations listed in this definition, to produce a uniform mixture.

"Brand" means a term, design, or trademark used in connection with one or several grades of commercial fertilizers.

"Bulk" means any fertilizer distributed in a non-packaged form.

"Custom blend" means a fertilizer blended according to specifications provided to a blender in a soil test nutrient recommendation or to meet the specific consumer request prior to blending.

~~(a) The term "fertilizer material" means any substance containing nitrogen, phosphorus, potash or any other recognized plant nutrient element or compound which is used primarily for its plant nutrient content or for compounding mixed fertilizers except unmanipulated animal and vegetable manures.~~

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(b) The term "mixed fertilizer" means any combination or mixture of fertilizer materials designed for use or claimed to have value in promoting plant growth.

(c) The term "commercial fertilizer" means mixed fertilizer and/or fertilizer materials except the following natural products: agricultural limestone, marl, sea solids and unprocessed animal manure, which have not been manipulated so as to alter or change them chemically and burnt or hydrated lime, and sewage sludge produced by any sanitary district shall not be subject to the provisions of this Act. Such term does not include "custom mixes" as defined herein.

(d) The term "anhydrous ammonia" means the compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the proportion of one part of nitrogen to three parts of hydrogen (NH<sub>3</sub>) by volume. Anhydrous ammonia is a commercial fertilizer of ammonia gas in compressed and liquified form. It is not aqueous ammonia which is a solution of ammonia gas in water and which is considered a low pressure nitrogen solution.

(e) The term "specialty fertilizer" means a commercial fertilizer distributed primarily for nonfarm use, such as home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, green houses and nurseries, and may include commercial fertilizer used for research or experimental purposes.

(f) The term "bulk fertilizers" means commercial fertilizer or custom mix distributed in a non packaged form.

(g) The term "custom mix" means a mixture of 2 or more commercial fertilizers mixed at time of shipment to the specific order of the consumer.

"Custom blender" (h) The term "custom mixer" means a person who produces and sells custom blends mixes.

"Deficiency" means the amount of nutrient found by analysis less than that guaranteed that may result from a lack of nutrient ingredients or from lack of uniformity.

"Department" means the Illinois Department of Agriculture.

"Department rules or regulations" means any rule or regulation implemented by the Department as authorized under Section 14 of this Act.

"Director" means the Director of Agriculture or a duly authorized representative.

"Distribute" means to import, consign, manufacture, produce, store, transport, custom blend, compound, or blend fertilizer or to transfer from one container to another for the purpose of selling, giving away, bartering, or otherwise supplying fertilizer in this State. For the purposes of this Act, "distribute" does not include the retail sale of non-bulk, packaged speciality fertilizers or the commercial application of fertilizer to lawns as defined in the Lawn Care Products Application and Notice Act.

"Distributor" means any person who distributes.

"Fertilizer" means any substance containing one or more of the recognized plant nutrient nitrogen, phosphate, potash, or those defined under 8 Ill. Adm. Code 210.20 that is used for its plant nutrient content and that is designed for use or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, sea solids, marl, lime, limestone, wood ashes, and other products exempted by regulation by the Director.

"Fertilizer material" means a fertilizer that either:

(A) contains important quantities of no more than one of the primary plant nutrients: nitrogen (N), phosphate (P<sub>2</sub>O<sub>5</sub>), and potash (K<sub>2</sub>O);

(B) has 85% or more of its plant nutrient content present in the form of a single chemical compound; or

(C) is derived from a plant or animal residue or by-product or natural material deposit that has been processed in such a way that its content of plant nutrients has not been materially changed except by purification and concentration.

(i) The term "brand" means a term, design, or trade mark used in connection with one or several grades of commercial fertilizers.

(j) The term "guaranteed analysis" means the minimum percentages of plant nutrients claimed in the following order and form:

- A. Total Nitrogen (N).....%
- Available Phosphoric Acid (P<sub>2</sub>O<sub>5</sub>).....%
- Soluble Potash (K<sub>2</sub>O).....%

B. For unacidulated mineral phosphatic materials and basic slag, both total and available phosphoric acid and the degree of fineness. For bone, tankage, and other organic phosphatic materials, total phosphoric acid.

C. Additional plant nutrients expressed as the elements, when permitted by regulation.

D. Potential basicity or acidity expressed in terms of calcium carbonate equivalent in multiples of 100 pounds per ton, when required by regulation.

"Grade" (k) The term "grade" means the minimum percentage of total nitrogen, available phosphoric phosphate acid (P2O5) and soluble

potash (K2O) stated in the whole numbers in the same terms, order, and percentages as in the guaranteed analysis, provided that specialty fertilizers may be guaranteed in fractional units of less than 1% of total nitrogen, available phosphate, and soluble potash and that fertilizer materials, bone meal, manures, and similar materials may be guaranteed in fractional units ~~order given in this definition.~~

"Guaranteed analysis" means the minimum percentages of plant nutrients claimed in the following order and form:

A. Total Nitrogen (N).....%  
 Available Phosphate (P2O5).....%  
 Soluble Potash (K2O).....%

B. For unacidulated mineral phosphatic materials and basic slag, both total and available phosphate and the degree of fineness. For bone, tankage, and other organic phosphatic materials, total phosphate.

C. Guarantees for plant nutrients other than nitrogen, phosphate, and potash may be permitted or required by regulation by the Director. The guarantees for such other nutrients shall be expressed in the form of the element.

"Investigational allowance" means an allowance for variations inherent in the taking, preparation, and analysis of an official sample of fertilizer.

"Label" means the display of all written, printed, or graphic matter upon the immediate container or a statement accompanying a fertilizer.

"Labeling" means all (i) written, written, printed, or graphic matter upon or accompanying any fertilizer or (ii) advertisements, Internet, brochures, posters, and television and radio announcements used in promoting the sale of fertilizer.

"Lot" means an identifiable quantity of fertilizer that can be sampled according to AOAC International procedures, such as, the amount contained in a single vehicle, the amount delivered under a single invoice, or in the case of bagged fertilizer, not more than 25 tons.

(l) The term "official sample" means any sample of commercial fertilizer or custom mix taken by the Director or his agent and designated as "official" by the Director.

(m) The term "ton" means a net weight of 2000 pounds avoirdupois.

(n) The term "per cent" or "percentage" means the percentage by weight.

(o) The term "person" means any individual, partnership, association, firm and corporation.

(p) The term "distribute" means to offer for sale, sell, barter, store, handle, transport or otherwise supply commercial fertilizers or custom mix. The term "distributor" means any person who distributes.

(q) Words importing the singular number may extend and be applied to several persons or things and words importing the plural number may include the singular.

(r) The term "registrant" means the person who registers commercial fertilizer or custom mix under the provisions of this Act.

(s) The term "Low-pressure nitrogen solution" means a low pressure solution containing 2 per cent or more by weight of free ammonia and/or having vapor pressure of 5 pounds or more per square inch gauge at 104° F.

"Mixed fertilizer" means any combination or mixture of fertilizer materials designed for use or claimed to have value in promoting plant growth.

"Official sample" means any sample of fertilizer taken by the Director or his agent and designated as official by the Director.

"Per cent" or "percentage" means the percentage by weight.

"Person" means any individual, partnership, association, firm and corporation.

"Registrant" means the person who registers fertilizer and obtains a license under the provisions of this Act.

"Specialty fertilizer" means a fertilizer distributed primarily for nonfarm use, such as home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, green houses and nurseries, and may include fertilizer used for research or experimental purposes.

"Ton" means a net weight of 2,000 pounds avoirdupois.

"Unit" means 20 pounds or 1% of a ton of plant nutrient.

(t) The term "Department" means the Illinois Department of Agriculture.

(u) The term "Director" means the Director of the Illinois Department of Agriculture or a duly authorized representative.

(Source: P.A. 83-586.)

(505 ILCS 80/4) (from Ch. 5, par. 55.4)

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Sec. 4. License and product registration ~~Registration.~~

(a) Each brand and grade of ~~commercial~~ fertilizer shall be registered in the name of that person whose name appears upon the label before being distributed in this State. The application for registration shall be submitted with a label or facsimile of same to the Director on form furnished by the Director, and shall be accompanied by a fee of ~~\$20~~ \$10 per grade within a brand. Upon approval by the Director a copy of the registration shall be furnished to the applicant. All registrations expire on December 31 of each year.

The application shall include the following information:

- (1) The net weight
- (2) The brand and grade
- (3) The guaranteed analysis
- (4) The name and address of the registrant.

(a-5) No person shall distribute a fertilizer in the State unless the person has secured a license under this Act on forms provided by the Director. The license application shall be accompanied by a fee of \$100, provided that the persons who store anhydrous ammonia as a fertilizer, store bulk fertilizer, or custom blend fertilizer at more than one site under the same distributor's name shall identify each additional site with a complete address and remit a license fee of \$50 for each additional site. Persons performing lawn care applications for hire or persons who sell specialty fertilizer exclusively in non-bulk packages to consumers or end users are exempt from obtaining a license under this Act.

(b) A distributor shall not be required to register any brand of ~~commercial~~ fertilizer ~~or custom mix~~ which is already registered under this Act by another person.

(c) The plant nutrient content of each and every ~~commercial~~ fertilizer must remain uniform for the period of registration and, in no case, shall the percentage of any guaranteed plant nutrient element be changed in such a manner that the crop-producing quality of the ~~commercial~~ fertilizer is lowered.

(d) ~~(Blank) Each custom mixer shall register annually with the Director on forms furnished by the Director. The application for registration shall be accompanied by a fee of \$50, unless the custom mixer elects to register each mixture, paying a fee of \$10 per mixture. Upon approval by the Director, a copy of the registration shall be furnished to the applicant. All registrations expire on December 31 of each year.~~

(e) A custom ~~blend mix~~ as defined in Section 3 section 3(f), prepared for one consumer shall not be co-mingled with the custom ~~blended mixed~~ fertilizer prepared for another consumer.

(f) All fees collected pursuant to this Section shall be paid to the Fertilizer Control Fund for activities related to the administration and enforcement of this Act ~~paid into the State treasury.~~

(Source: P.A. 93-32, eff. 7-1-03.)

(505 ILCS 80/5) (from Ch. 5, par. 55.5)

Sec. 5. Labeling.

(a) Any ~~commercial~~ fertilizer ~~or custom mix~~ distributed in this State in non-bulk containers shall have placed on or affixed to the container a label setting forth in clearly legible form the following information: required by Items (1), (2), (3), and (4) of paragraph (a) of Section 4:

- (1) net weight;
- (2) brand and grade; provided, that the grade shall not be required when no primary nutrients are claimed;
- (3) guaranteed analysis;
- (4) directions for use for the fertilizer distributed to the consumer; and
- (5) name and address of the registrant.

In the case of bulk shipments as a brand or grade of fertilizer, information required by items (1), (2), (3), and (5) of this subsection (a) in a written or printed form shall accompany delivery of each load and be supplied to the purchaser at the time of delivery.

(b) ~~(Blank). If distributed in bulk as a brand or grade of fertilizer, a written or printed statement of the information required by items (1), (2), (3), and (4) of paragraph (a) of Section 4 shall accompany delivery of each load and be supplied to the purchaser at time of delivery.~~

(c) If distributed in bulk as a custom ~~blend mixed~~ fertilizer, a written or printed statement shall accompany delivery of each load and be supplied to the purchaser at time of delivery and must carry information as follows:

1. Weight of each ~~commercial~~ fertilizer used in the custom ~~blend mixing~~.
2. The guaranteed analysis of each ~~commercial~~ fertilizer used in the custom ~~blend mixing~~.
3. Total weight of fertilizer delivered in each load.
4. Name and address of the person selling the fertilizer.

(d) A custom ~~blended mixed~~ fertilizer shall be intimately and uniformly mixed. The Director, in determining for administrative purposes whether a custom ~~blend mix~~ is intimately and uniformly mixed,

shall compute the analysis of the load of custom ~~blended mixed~~ fertilizer from the information required by Items (1), (2), and (3) of paragraph (c) of this section.

(e) Each lot of fertilizer shall display identification in a manner that includes, but is not limited to, numerical, alphabetical, date of manufacture, or a combination that distinguishes it from that of other lots distributed.

(f) Fertilizer materials not defined by AAPFCO may be used if the registrant furnishes an acceptable definition, AOAC International or other appropriate method of analysis, heavy metal analysis, and agronomic data when deemed necessary.

(Source: Laws 1963, p. 2240.)

(505 ILCS 80/6) (from Ch. 5, par. 55.6)

Sec. 6. Inspection fees.

(a) There shall be paid to the Director for all ~~commercial fertilizers or custom mix~~ distributed in this State an inspection fee at the rate of ~~15¢ 25¢~~ per ton. Sales ~~to manufacturers~~ or exchanges between ~~registrants~~ ~~them~~ are hereby exempted from the inspection fee.

On individual packages of ~~commercial or custom mix or specialty~~ fertilizers containing 5 pounds or less, or if in liquid form containers of 4,000 cubic centimeters or less, there shall be paid instead of the ~~15¢ 25¢~~ per ton inspection fee, an annual inspection fee of ~~\$50 \$25~~ for each grade within a brand sold or distributed. Where a person sells ~~commercial or custom mix or specialty~~ fertilizers in packages of 5 pounds or less, or 4,000 cubic centimeters or less if in liquid form, and also sells in larger packages than 5 pounds or liquid containers larger than 4,000 cubic centimeters, this annual inspection fee of ~~\$50 \$25~~ applies only to that portion sold in packages of 5 pounds or less or 4,000 cubic centimeters or less, and that portion sold in larger packages or containers shall be subject to the same inspection fee of ~~15¢ 25¢~~ per ton as provided in this Act. ~~The increased fees shall be effective after June 30, 1989.~~

(b) Every person who distributes a ~~commercial fertilizer or custom mix~~ in this State shall file with the Director, on forms furnished by the Director, a semi-annual statement for the periods ending June 30 and December 31, setting forth the number of net tons of each grade of ~~commercial~~ fertilizers within a brand or the net tons of custom ~~blend mix~~ distributed. The report shall be due on or before the ~~30th 15th~~ day of the month following the close of each semi-annual period and upon the statement shall pay the inspection fee at the rate stated in paragraph (a) of this Section.

~~One half of the 25¢ per ton inspection fee shall be paid into the Fertilizer Control Fund and all other fees collected under this Section shall be paid into the State treasury.~~

If the tonnage report is not filed and the payment of inspection fee is not made within 30 days after the end of the semi-annual period, a collection fee amounting to ~~15% 40%~~ (minimum ~~\$15 \$40~~) of the amount shall be assessed against the registrant. The amount of fees due shall constitute a debt and become the basis of a judgment against the registrant. Upon the written request to the Director additional time may be granted past the normal date of filing the semi-annual statement.

(c) When more than one person is involved in the distribution of a ~~commercial~~ fertilizer, the last registrant who distributes to the ~~consumer or end-user non-registrant (dealer or consumer)~~ is responsible for reporting the tonnage and paying the inspection fee.

(d) All fees collected under this Section shall be paid to the Fertilizer Control Fund for activities related to the administration and enforcement of this Act.

(Source: P.A. 93-32, eff. 7-1-03.)

(505 ILCS 80/6a) (from Ch. 5, par. 55.6a)

Sec. 6a. Nutrient Research and Education Council. The Director is hereby authorized to ensure that distributors remit a designated fertilizer tonnage assessment to the Nutrient Research and Education Council (NREC) for the purpose of pursuing nutrient research and providing educational programs to ensure the adoption and implementation of practices that optimize nutrient use efficiency, ensure soil fertility, and address environmental concerns with regard to fertilizer use. The NREC may also participate in relevant demonstration and cost-share programs to enhance adoption and meet objectives of nutrient efficiency and stewardship programs supported by the NREC.

The NREC shall be comprised of 9 persons, 3 representing the fertilizer industry, 3 persons representing grower organizations, to include at least one member of the State's largest farm organization, one person representing the specialty fertilizer industry, one person representing a certified agronomy organization, and the Director or his or her designee and 4 non-voting members: 2 persons representing environmental organizations, one person representing a State or federal agriculture experiment station and the Director of the Illinois Environmental Protection Agency or his or her designee. In the appointment of persons to the NREC, the organizations designated in this Section shall nominate, and the Director shall select from these nominations, representatives to this Council. Members of the Council shall receive no compensation for their services, and the terms of the Council members,

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appointment process, and conduct of the meetings shall be outlined in the bylaws established by this Council on their initial appointment by the Director and made available to the industry organizations.

The responsibilities of the NREC are to:

(1) prioritize nutrient research needs and solicit research proposals to generate findings and make recommendations to the Council based on the findings;

(2) evaluate the proposed budget for each research project and make recommendations as necessary;

(3) arrange for peer review of all research proposals for scientific merit and methods;

(4) report the findings of all research projects at industry conferences, publish the findings and implement educational programs to apply the research recommendations in agricultural production systems and in consumer use markets where appropriate;

(5) engage in outreach and field level trials and educational programs with growers and consumers and publicize these events; and

(6) where practical, cooperate with other programs with similar goals.

The Council shall recommend, and the Director shall set, the fertilizer tonnage assessment for the purpose of funding the NREC at no less than 50 cents per ton and no greater than \$3 per ton to fund, administer, publish, and implement the research, education, and outreach programs designated each year by the Council. A minimum of 20% of the funds shall be designated for cost-share programs and on-farm demonstration programs to study and address water quality issues. The Council shall report to the Director by December 31 of each year the recommended amount of annual tonnage assessment to be collected the following year from distributors.

Assessments collected from distributors are payable directly to the NREC on a semi-annual basis. This payment shall coincide with the reporting of the tonnage data and the remittance of the inspection fee to the Department. If the NREC assessment is not made to the Council under this Section, then the Director may rescind the license of the distributor. The Council may enter into an agreement with the Director to establish random audits of distributors to assure accurate remittance of the NREC assessment. The NREC may also enter into contracts with other entities approved by the Council for the purposes of fulfilling the objectives of the NREC.

The NREC shall publish annually an activity and financial report of its activities, funds collected, and expenditures for nutrient programs shall be audited at least annually by a certified public accountant and made available within 30 days after its completion to the Director and each Council member for dissemination to their respective organizations. The Department is hereby authorized to establish a program and expend appropriations for a fertilizer research and education program dealing with the relationship of fertilizer use to soil management, soil fertility, plant nutrition problems, and for research on environmental concerns which may be related to fertilizer usage; for the dissemination of the results of such research; and for other designated activities including educational programs to promote the correct and effective usage of fertilizer materials.

To assist in the development and administration of the fertilizer research and education program, the Director is authorized to establish a Fertilizer Research and Education Council consisting of 9 persons. This council shall be comprised of 3 persons representing the fertilizer industry, 3 persons representing crop production, and 2 persons representing the public at large. In the appointment of persons to the council, the Director shall consult with representative persons and recognized organizations in the respective fields concerning such appointments. The Director or his representative from the Department shall act as chairman of the council. The Director shall call meetings thereof from time to time or when requested by 3 or more appointed members of the council.

The responsibilities of the Fertilizer Research and Education Council are to:

(a) solicit research and education projects consistent with the scope of the established fertilizer research and education program;

(b) review and arrange for peer review of all research proposals for scientific merit and methods, and review or arrange for the review of all proposals for their merit, objective, methods and procedures;

(c) evaluate the proposed budget for the projects and make recommendations as necessary; and

(d) monitor the progress of projects and report at least once each 6 months on each project's accomplishments to the Director and Board of Agricultural Advisors.

The Fertilizer Research and Education Council shall at least annually recommend projects to be approved and funded including recommendations on continuation or cancellation of authorized and ongoing projects to the Board of Agricultural Advisors, which is created in Section 5-525 of the Departments of State Government Law (20 ILCS 5/5-525). The Board of Agricultural Advisors shall review the proposed projects and recommendations of the Fertilizer Research and Education Council and recommend to the Director what projects shall be approved and their priority. In the case of authorized

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~~and ongoing projects, the Board of Agricultural Advisors shall recommend to the Director the continuation or cancellation of such projects.~~

~~When the Director, the Board of Agricultural Advisors, and the Fertilizer Research and Education Council approve a project and subject to available appropriations, the Director shall grant funds to the person originating the proposal.~~

(Source: P.A. 91-239, eff. 1-1-00.)

(505 ILCS 80/7) (from Ch. 5, par. 55.7)

Sec. 7. Inspection, sampling, analysis.

(a) It is the duty of the Director, who may act through his authorized agent, to sample, inspect, make analysis of, and test ~~commercial fertilizers and custom mixes~~ distributed within this State at a time and place and to such an extent as the Director ~~he~~ considers necessary to determine whether such ~~commercial fertilizers or custom mixes~~ are in compliance with the provisions of this Act. The Director, individually or through his agent, is authorized to enter upon any public or private premises during regular business hours in order to have access to ~~commercial fertilizers or custom mixes~~ and to records relating to their distribution subject to the provisions of this Act and the rules and regulations pertaining thereto.

(b) The methods of analysis and sampling shall be those adopted by the official agency from sources such as those of the Association of Official ~~Analytical Agricultural~~ Chemists.

(c) The Director, in determining for administrative purposes whether any ~~commercial fertilizer or custom mix~~ is deficient in plant food, shall be guided solely by the official sample as defined in ~~paragraph (c) of Section 3, and obtained and analyzed as provided for in this Section paragraph (b) of Section 7.~~

(d) The results of official analysis of any ~~commercial fertilizer or custom mix~~ which has been found to be subject to penalty or other legal action shall be forwarded by the Director to the registrant at least 10 days before the report is submitted to the purchaser. If during that period no adequate evidence to the contrary is made available to the Director, the report shall become official. Upon request the Director shall furnish to the registrant a portion of any sample found subject to penalty or other legal action.

(Source: P.A. 77-106.)

(505 ILCS 80/8) (from Ch. 5, par. 55.8)

Sec. 8. Plant food deficiency.

If any ~~commercial fertilizer or custom mix~~ offered for sale in this State proves, upon official analysis, to be deficient from its guaranteed analysis, penalty shall be assessed against the manufacturer or custom ~~blender mixer~~ in accordance with the following provisions:

(1) ~~When the value for a single ingredient fertilizer containing nitrogen, available phosphate, or soluble potash is found to be deficient from the guarantee to the extent of 3% to 5% of the total value. For a single ingredient fertilizer containing nitrogen or phosphate or potash: when the value of this ingredient is found to be deficient from the guarantee to the extent of 3% and not over 5% of the total value,~~ the registrant shall be liable for the actual deficiency in value. When the deficiency exceeds 5% of the total value, the penalty shall be 3 times the actual value of the shortage.

(2) For multiple ingredient fertilizers containing 2 or more of the single ingredients: nitrogen or phosphate or potash, penalties shall be assessed according to (a) or (b) as herein stated. When a multiple ingredient fertilizer is subject to a penalty under both (a) and (b) only the larger penalty shall be assessed.

(a) When the total combined values of the nitrogen or available ~~phosphate phosphoric acid~~ or potash is found to be deficient to the extent of ~~3% to 5% 3% and not over 5%~~, the registrant shall be liable for the actual deficiency in total value. When the deficiency exceeds 5% of the total value, the penalty shall be 3 times the actual value of the shortage.

(b) When either the nitrogen, available ~~phosphate phosphoric acid~~, or potash value is found deficient from the guarantee to the extent of 20% up to the maximum of 4 units (4% plant food), the registrant shall be liable for the value of such shortages.

(3) Deficiencies in any other constituent or constituents covered under Section 3, ~~paragraph (i), items B, C, and D~~ of this Act which the registrant is required to or may guarantee shall be evaluated by the Director and penalties therefor shall be prescribed by the Director.

(a) Nothing contained in this Section shall prevent any person from appealing to a court of competent jurisdiction for judgment as to the justification of such penalties.

(b) All penalties assessed under this Section shall be paid to the consumer of the lot of ~~commercial fertilizer or custom mix~~ purchased, and which is represented by the sample analyzed, within 3 months after the date of notice from the Director to the registrant. Receipts shall be taken therefor and promptly forwarded to the Director. If such consumers cannot be found, the amount of the penalty shall be paid to the Director who shall deposit the same in the General Revenue Fund in the State Treasury.

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(Source: Laws 1963, p. 2240.)

(505 ILCS 80/9) (from Ch. 5, par. 55.9)

Sec. 9. Commercial value. On the basis of information secured from persons holding registrant's permit to sell fertilizers in Illinois, the following values will be used for purposes of assessing penalties as provided by Section 8 of this Act:

Nitrogen	\$6.00 <del>\$3.00</del> per unit ( <del>30¢ 15¢</del> per pound)
Total P2O5 in Rock	
Phosphate	1.44 <del>.72</del> per unit ( <del>7.2¢ 3.6¢</del> per pound)
Available P2O5	4.00 <del>2.00</del> per unit ( <del>20¢ 10¢</del> per pound)
Potash	2.00 <del>1.00</del> per unit ( <del>10¢ 5¢</del> per pound).

In the event that the actual retail price is substantially greater than the value as calculated at the above rates, the penalty shall be based on the retail price. In addition, the Director may require that any lot subject to penalty be returned to the registrant and all costs involved in the return of such goods shall be borne by the registrant. However, in the case of bulk fertilizers, the person offering fertilizer for sale in bulk shall be responsible for guaranteeing such fertilizer and shall be liable for all penalties assessed under the provisions of Section 8.

(Source: P.A. 89-626, eff. 8-9-96.)

(505 ILCS 80/10) (from Ch. 5, par. 55.10)

Sec. 10. Minimum plant food content.

No superphosphate containing less than 18% available ~~phosphate phosphoric acid~~ nor any mixed fertilizer or custom ~~blend mix~~, other than a custom ~~blend mix~~ consisting in part of unacidulated mineral phosphatic materials, in which the sum of the guarantees for the nitrogen, available ~~phosphate phosphoric acid~~, and soluble potash totals less than 20% shall be distributed in this State. Specialty fertilizers are exempt from minimum plant food requirements for mixed fertilizers and custom ~~blends mixes~~.

(Source: Laws 1961, p. 3085.)

(505 ILCS 80/11) (from Ch. 5, par. 55.11)

Sec. 11. ~~Misbranding or adulteration. False or misleading statements.~~

(a) It is unlawful for any person to distribute a fertilizer that is misbranded or adulterated within this State. A fertilizer shall be deemed misbranded if:

(1) its labeling is false or misleading in any particular;

(2) it is distributed under the name of another fertilizer product;

(3) it is not labeled as required by this Act or its rules; or

(4) it purports to be or is represented as a fertilizer, or is represented as containing a plant nutrient or fertilizer, unless such plant nutrient or fertilizer conforms to the definition of identity, if any, prescribed by regulation of the Director; in adopting such regulations the Director shall give due regard to commonly accepted definitions and official fertilizer terms such as those issued by the Association of American Plant Food Control Officials.

(b) A fertilizer shall be deemed adulterated if:

(1) it contains any deleterious or harmful substance, defined under the provisions of this Act or its rules or regulations, in sufficient amount to render it injurious to beneficial plant life, animals, humans, aquatic life, soil, or water when applied in accordance with directions for use on the label;

(2) its composition falls below or differs from that which it is purported to possess by its labeling;

(3) it contains unwanted crop seed or weed seed. A commercial fertilizer or custom mix is misbranded if it carries any false or misleading statement upon or attached to the container, or if false or misleading statements concerning its agricultural value are made on the container or in any advertising matter accompanying or associated with the commercial fertilizer or custom mix. It is unlawful to distribute a misbranded commercial fertilizer or custom mix only after a notice of hearing has been issued, served, a hearing held, and opportunity is given for the defendant to appeal to a court of competent jurisdiction from the decision of the hearing, if he so elects, within a period of 10 days after such hearing.

(Source: Laws 1961, p. 3085.)

(505 ILCS 80/12) (from Ch. 5, par. 55.12)

Sec. 12. Tonnage reports; records.

(a) Any person distributing fertilizer to a consumer or end-user non-registrant in this State shall provide the Director with a summary report on or before the 10th day of each month covering the shipments made during the preceding month of tonnage on a form, provided by the Director, for that purpose. If requested by the NREC, the distributor who supplies fertilizer to the consumer or end user

shall also provide to the NREC additional information relevant to general fertilizer use, practices or sales of products that enhance the stabilization, or efficiency of fertilizer.

Specialty fertilizer sold in packages weighing 5 pounds or less or in container of 4000 cubic centimeters or less, shall be reported but no inspection fee will be charged. No information furnished under this Section shall be disclosed by the Department in such a way as to divulge the operation of any person.

(b) Persons engaged in the sale of ammonium nitrate shall obtain the following information upon its distribution:

(1) the date of distribution;

(2) the quantity purchased;

(3) the license number of the purchaser's valid State or federal driver's license, or an equivalent number taken from another form of picture identification approved for purchaser identification by the Director; and

(4) the purchaser's name, current physical address, and telephone number.

Any retailer of ammonium nitrate may refuse to sell ammonium nitrate to any person attempting to purchase ammonium nitrate (i) out of season, (ii) in unusual quantities, or (iii) under suspect purchase patterns.

(c) Records created under subsection (b) of this Section shall be maintained for a minimum of 2 years. Such records shall be available for inspection, copying, and audit by the Department as provided under this Act.

(Source: P.A. 95-219, eff. 8-16-07.)

(505 ILCS 80/13) (from Ch. 5, par. 55.13)

Sec. 13. Publications.

The Director shall publish at least semi-annually and in such forms as he may deem proper:

(a) Information concerning the distribution of ~~commercial fertilizers and custom mixes~~ by counties.

(b) Results of analysis based on official samples of ~~commercial fertilizers and custom mixes~~ distributed within the state as compared with the analysis guaranteed under Sections 4 and 5.

(Source: Laws 1961, p. 3085.)

(505 ILCS 80/14) (from Ch. 5, par. 55.14)

Sec. 14. Rules and regulations.

(a) For the enforcement of this Act, the Director is authorized, after due notice and public hearing, to prescribe and to enforce such rules and regulations relating to the distribution of fertilizers, the equipment, containers, and storage pertaining to anhydrous ammonia, and low pressure nitrogen solutions ~~commercial fertilizer or custom mix~~ as he may be ~~find~~ necessary to carry into effect the full intent and meaning of this Act.

(b) The official definitions of fertilizers and official fertilizer terms as adopted and published by the Association of American Plant Food Control Officials and any amendments or supplements thereto are the official definitions of fertilizers and official fertilizer terms, except insofar as specifically defined in Section 3 or amended, modified, or rejected by a rule adopted by the Director.

(Source: Laws 1961, p. 3085.)

(505 ILCS 80/15) (from Ch. 5, par. 55.15)

Sec. 15. Short weight. If any ~~commercial fertilizer or custom mix~~ in the possession of the consumer is found by the Director to be short in weight, the registrant of such ~~commercial fertilizer or custom mix~~ shall, within 30 days after official notice from the Director, pay to the consumer a penalty equal to 4 times the value of the actual shortage.

(Source: Laws 1961, p. 3085.)

(505 ILCS 80/16) (from Ch. 5, par. 55.16)

Sec. 16. Cancellation, suspension, or refusal of registrations and licenses. ~~Cancellation of registrations:~~

The Director may refuse to register a fertilizer or cancel or suspend a fertilizer registration, custom blend, or fertilizer license if:

(1) the composition of the fertilizer does not warrant the claims made;

(2) the fertilizer does not comply with the provisions of this Act or its rules;

(3) the labeling or other materials required for registration do not comply with the provisions of this Act or its rules;

(4) the registrant used fraudulent or deceptive practices to secure registration;

(5) it is determined that a fertilizer poses a risk of unreasonable adverse effects to man or the environment under the provisions of this Act or its rules; or

(6) the registrant does not comply with the provisions of this Act or its rules.

~~The Director is authorized and empowered to cancel the registration of any brand of commercial fertilizer or custom mix or to refuse to register any brand of commercial fertilizer or custom mix as herein provided, upon satisfactory evidence that the registrant has used fraudulent or deceptive practices in the evasions or attempted evasions of the provisions of this Act or any rules and regulations promulgated thereunder; however, no registration shall be revoked or refused until the registrant has been given the opportunity to appear for a hearing by the Director.~~

~~(Source: Laws 1961, p. 3085.)~~

~~(505 ILCS 80/17) (from Ch. 5, par. 55.17)~~

~~Sec. 17. Stop sale; use or removal order.~~

~~(a) Whenever the Director finds that a fertilizer is being distributed in violation of this Act or its rules, he or she may issue and serve a written order to stop sale, stop use, or regulate removal upon an owner, operator, manager, or agent in charge of the fertilizer.~~

~~(b) The Director shall provide the registrant, if different from the person served under subsection (a), with a copy of any order when corrective action appears to be the responsibility of the registrant.~~

~~(c) If an owner, operator, manager, or agent is not available for service of an order upon him or her, the Director shall attach the order to the fertilizer and notify the registrant.~~

~~(d) The Director shall remove or vacate an order by written notice when the violated provisions of this Act or its rules have been complied with, the conditions specified have been met, or the violation has been otherwise disposed of by either administrative or judicial action and all costs and expenses incurred in connection with the withdrawal have been paid.~~

~~(e) When the Director finds, under the provisions of this Act or its rules, that a fertilizer being distributed in this State is injurious to plants, animals, or man when used in accordance with label directions, he or she may issue an order to remove the fertilizer from the State and establish requirements to effect the expeditious removal of the fertilizer without adverse effects to man or the environment. "Stop sale" orders.~~

~~The Director or his authorized agent may issue and enforce a written or printed "stop sale, use, or removal" order to the owner or custodian of any lot of commercial fertilizer or custom mix and to hold such lot at a designated place when the Director finds such commercial fertilizer or custom mix is being offered or exposed for sale in violation of any of the provisions of this Act until the law has been complied with and such commercial fertilizer or custom mix is released in writing by the Director or such violation has been otherwise legally disposed of by written authority.~~

~~The Director shall release the commercial fertilizer or custom mix so withdrawn when the requirements of the provisions of this Act have been complied with and all costs and expenses incurred in connection with the withdrawal have been paid.~~

~~(Source: P.A. 77-106.)~~

~~(505 ILCS 80/18) (from Ch. 5, par. 55.18)~~

~~Sec. 18. Seizure, condemnation and sale.~~

~~Any lot of commercial fertilizer or custom mix not in compliance with the provisions of this Act shall be subject to seizure on complaint of the Director or his authorized agent to the circuit court of the county in which such commercial fertilizer or custom mix is located. In the event the court finds such commercial fertilizer or custom mix to be in violation of this Act and orders the condemnation of such commercial fertilizer or custom mix, it shall be disposed of in any manner consistent with the quality of the commercial fertilizer or custom mix and the laws of the State. However, in no instance shall the disposition of such commercial fertilizer or custom mix be ordered by the court without first giving the claimant an opportunity to apply to the court for release of such commercial fertilizer or custom mix or for permission to process or re-label the commercial fertilizer or custom mix to bring it into compliance with this Act.~~

~~(Source: P.A. 77-106.)~~

~~(505 ILCS 80/18a) (from Ch. 5, par. 55.18a)~~

~~Sec. 18a. Location and operation.~~

~~(a) Before installing commercial fertilizer facilities for the distribution or storage of anhydrous ammonia or low-pressure nitrogen solutions, the owner shall apply to the Department for approval of the location of the facilities. Distribution and storage facilities shall be in compliance with local zoning ordinances and the minimum distance requirements for safe storage of anhydrous ammonia or low-pressure nitrogen solutions as established by Department rule. Existing storage tanks installed prior to the effective date of this amendatory Act of 1983 shall be exempt from the requirements for location approval. Prior to any expansion or modification of such existing storage tanks, written approval shall be obtained from the Department and such tanks shall meet current requirements as established by Department rule.~~

(b) Authorized Department personnel may enter upon any public or private premises during reasonable business hours and inspect facilities, equipment and vehicles used in the storage and distribution of anhydrous ammonia and low-pressure nitrogen solutions and observe operations as necessary to determine compliance with the provisions of this Act and the rules promulgated hereunder. Department personnel may enter the premises at any time when the health, safety or welfare of the public is threatened by escaping gas, spills, fire, damaged or faulty equipment, accident or act of God.

(c) The Department shall adopt rules and regulations setting forth minimum safety standards covering the design, construction, location, installation and operation of equipment for storage, handling, use and transportation of anhydrous ammonia and low pressure nitrogen solutions. Such rules and regulations shall consist of those reasonably necessary for the safety of the public, including persons handling or using such materials, and shall be in substantial conformity with the current nationally accepted safety standards.

(d) The Director or his authorized agent may issue and enforce a written stop use order to the owner or custodian of the facility upon a violation of this Act or the rules and regulations. The Director shall terminate the stop use order upon compliance with the requirements of this Act and rules and regulations.

(e) The Department may adopt rules and regulations setting forth the requirements for the containment of fertilizer products at commercial facilities, which may include, but would not be limited to, the design, inspection, construction, location, installation, and operation for the storage and handling use of bulk liquid fertilizer, bulk dry fertilizer, and low-pressure nitrogen solutions as may be necessary for the protection of ground water, the environment, and public safety. The Department may establish fees for the inspection of such containment facilities.

(f) Nothing in this Section shall apply to facilities that manufacture anhydrous ammonia subject to the OSHA Process Safety Management regulations cited under 29 CFR 1910.119.

(Source: P.A. 85-1327.)

(505 ILCS 80/19) (from Ch. 5, par. 55.19)

Sec. 19. Violations and prosecutions. ~~Violations.~~

(a) If it appears from the examination of any commercial fertilizer or custom mix that any of the provisions of this Act or the rules and regulations issued thereunder have been violated, the Director or his or her authorized agent shall cause notice of the violations to be given to the registrant, distributor or possessor from whom the sample was taken. Any person so notified shall be given opportunity to be heard under such rules and regulations as may be prescribed by the Director. If it appears after such hearing, either in the presence or absence of the person so notified, that any of the provisions of this Act or rules and regulations issued thereunder have been violated, the Director may certify the facts to the proper prosecuting attorney.

It shall be unlawful for any person to distribute, store, transport or use anhydrous ammonia or low-pressure nitrogen solutions in violation of this Act or the rules and regulations promulgated thereunder or to violate a stop use order issued by the Director.

(b) Any person convicted of violating any provisions of this Act or any of the rules or regulations issued thereunder, or who impedes, obstructs, hinders or otherwise prevents or attempts to prevent the Director, or his or her duly authorized agent, in the performance of his or her duty in connection with the provisions of this Act, shall be guilty of a business offense punishable by a fine not less than \$1,000 plus all costs for each violation to exceed \$1,000. In all prosecutions under this Act involving the composition of a commercial fertilizer or custom mix, a certified copy of the official analysis signed by the Director shall be accepted as prima facie evidence of the composition.

(c) Nothing in this Act shall be construed as requiring the Director or his or her representative to report for prosecution or for the institution of seizure proceedings as a result of minor violations of the Act if he or she believes that a suitable notice of warning in writing will serve the public interests ~~that the public interests will be served by a suitable notice of warning in writing.~~

(d) It shall be the duty of each State's attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in the circuit court without delay.

~~(e) (Blank). The Director is authorized to apply for and the court is authorized to grant a temporary restraining order or a preliminary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this Act or any rule or regulation promulgated under the Act notwithstanding the existence of other remedies. The injunction shall be entered without bond.~~

(Source: P.A. 83-1362.)

(505 ILCS 80/20) (from Ch. 5, par. 55.20)

Sec. 20. Hearing; notice; injunction.

(a) The Department, over the signature of the Director, is authorized to issue subpoenas and bring

before the Department any person or persons in this State to take testimony orally, by deposition, or by exhibit, in the same manner prescribed by law in judicial proceedings and civil cases in the circuit courts of this State. The Director is authorized to issue subpoenas duces tecum for records relating to a fertilizer distributor's or registrant's business.

(b) The Department, over the signature of the Director, may apply to any court for a temporary restraining order or a preliminary or permanent injunction restraining any person from violating or continuing to violate any provision of this Act or its rules. An injunction issued under this Section shall be issued without bond.

(c) When an administrative hearing is held, the hearing officer, upon determination of a violation of this Act, shall levy and the Department shall collect administrative penalties in addition to any initial penalty levied by this Act on a per occurrence basis as follows:

(1) A penalty of \$1000 shall be imposed for the following violations:

(A) neglect or refusal, after notice in writing, to comply with provisions of this Act or its rules or any lawful order of the Director; or

(B) sale, transport, disposal, or distribution of a fertilizer that has been placed under stop-sale order.

(2) A penalty of \$500 shall be imposed for the following violations:

(A) thwarting or hindering the Director in the performance of his or hers duties by misrepresenting or concealing facts or conditions; or

(B) distribution of a fertilizer that is mislabeled or adulterated.

(3) A penalty of \$200 shall be imposed for the following violations:

(A) distribution of a fertilizer that does not have an accompanying label attached or displayed;

(B) failure to comply with any provisions of this Act or its rules; or

(C) distribution in this State of any fertilizer containing noxious weed seed.

When a fertilizer-soil amendment combination labeled in accordance with 8 Ill. Adm. Code 211.40 Subpart (b) is subject to penalties, the larger penalty shall be assessed.

All penalties collected by the Department under this Section shall be deposited into the Fertilizer Control Fund. Any penalty not paid within 60 days after receiving the notice from the Department shall be submitted to the Attorney General's office for collection. Exchanges between manufacturers.

Nothing in this Act shall be construed to restrict or avoid sales or exchanges of commercial fertilizers to each other by importers, manufacturers or manipulators who mix fertilizer materials for sale or as preventing the free and unrestricted shipments of commercial fertilizer to manufacturers or manipulators who have registered their brands as required by the provisions of this Act.

(Source: Laws 1961, p. 3085.)

(505 ILCS 80/21) (from Ch. 5, par. 55.21)

Sec. 21. Exchanges between manufacturers Constitutionality. Nothing in this Act shall be construed to restrict or avoid sales or exchanges of fertilizers to each other by importers, manufacturers or blenders who mix fertilizer materials for sale or as preventing the free and unrestricted shipments of fertilizer to manufacturers or manipulators who have registered their brands as required by the provisions of this Act.

If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

(Source: Laws 1961, p. 3085.)

(505 ILCS 80/21.5 new)

Sec. 21.5. Constitutionality. If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged invalid by any court of competent jurisdiction, the judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which the judgment shall have been rendered.

(505 ILCS 80/21.7 new)

Sec. 21.7. Home rule. The regulation of fertilizer under this Act by any political subdivision of this State, including home rule units, is specifically prohibited, except for counties and municipalities with a population greater than 3,000,000. The regulation of fertilizer under this Act is an exclusive power and function of the State, except as provided in this paragraph, and is denial and limitation, under subsection (h) of Section 6 of Article VII of the Illinois Constitution, of the power of a home rule unit to regulate fertilizer or custom blends.

(505 ILCS 80/6b rep.)

Section 10. The Illinois Fertilizer Act of 1961 is amended by repealing Section 6b.

Section 99. Effective date. This Act takes effect January 1, 2012."

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

On motion of Senator Kotowski, **Senate Bill No. 2027**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandack, **Senate Bill No. 2040**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Millner, **Senate Bill No. 2042**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **Senate Bill No. 2056**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **Senate Bill No. 2096** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 2096**

AMENDMENT NO. 1. Amend Senate Bill 2096 on page 1, immediately below line 3, by inserting the following:

"Section 3. The School Code is amended by changing Section 10-20.51 as follows:  
(105 ILCS 5/10-20.51)

Sec. 10-20.51. Press boxes; accessibility. A school board does not have to comply with the Illinois Accessibility Code (71 Ill. Adm. Code 400) with respect to accessibility to press boxes that are on school property if the press boxes are in bleachers that have points of entry at only one level, and the aggregate area of the press box is no more than 500 square feet ~~were constructed before August 25, 2009 (the effective date of Public Act 96-674)~~.  
(Source: P.A. 96-674, eff. 8-25-09; 96-1000, eff. 7-2-10)."

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

On motion of Senator Garrett, **Senate Bill No. 2133**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **Senate Bill No. 2143**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **Senate Bill No. 2190**, having been printed, was taken up, read by title a second time and ordered to a third reading.

**PRESENTATION OF RESOLUTION**

Senators Steans - Kotowski offered the following Senate Joint Resolution, which was referred to the Committee on Assignments:

**SENATE JOINT RESOLUTION NO. 29**

WHEREAS, Under subsection (b) of Section 2 of Article VIII of the Illinois Constitution, appropriations for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year; therefore, be it

[March 10, 2011]



RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the General Assembly, in compliance with subsection (b) of Section 2 of Article VIII of the Illinois Constitution and with Section 4 of the Commission on Government Forecasting and Accountability Act, estimates the general funds to be available during State fiscal year 2012, as expressed in millions of dollars, as follows:

<u>Revenue Sources</u>	<u>Estimate</u>
<b>State Taxes</b>	
Personal Income Tax (net of refunds)	\$15,786
Corporate Income Tax (net of refunds)	\$2,170
Sales Tax	\$6,739
Public Utility (regular)	\$1,136
Cigarette Tax	\$355
Liquor Gallonage Taxes	\$161
Vehicle Use Tax	\$29
Inheritance Tax (gross)	\$196
Insurance Taxes & Fees	\$315
Corporate Franchise Tax & Fees	\$202
Interest on State Funds & Investments	\$35
Cook County Intergovernmental Transfer	\$244
<u>Other Sources</u>	<u>\$379</u>
<b>Subtotal</b>	<b>\$27,747</b>
<b>Transfers</b>	
Lottery	\$645
Riverboat transfers and receipts	\$432
<u>Other</u>	<u>\$614</u>
<b>Total State Sources</b>	<b>\$29,438</b>
<b>Federal Sources</b>	<b>\$4,844</b>
<b>Total Federal &amp; State Sources</b>	<b>\$34,282</b>

At the hour of 1:47 o'clock p.m., the Chair announced that the Senate stand at ease.

#### AT EASE

At the hour of 2:02 o'clock p.m., the Senate resumed consideration of business.  
Senator Schoenberg, presiding.

#### REPORT FROM STANDING COMMITTEE

Senator Wilhelmi, Chairperson of the Committee on Judiciary, to which was referred **Senate Bill No. 1949**, reported the same back with the recommendation that the bill do pass.

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

#### REPORTS FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 10, 2011 meeting, reported the following Senate Bills have been assigned to the indicated Standing Committees of the Senate:

Environment: **Senate Bill No. 1543.**

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Executive: **Senate Bill No. 2218.**

Labor: **Senate Bills Numbered 2242 and 2243.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 10, 2011 meeting, reported the following Senate Resolution has been assigned to the indicated Standing Committee of the Senate:

Revenue: **Senate Joint Resolution No. 29.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 10, 2011 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Criminal Law: **Senate Committee Amendment No. 1 to Senate Bill 1032.**

Human Services: **Senate Committee Amendment No. 1 to Senate Bill 1687.**

#### **COMMITTEE MEETING ANNOUNCEMENT**

The Chair announced the following committee to meet at 2:30 o'clock p.m.:

Executive Subcommittee on State Government Operations in Room 212

#### **PRESENTATION OF RESOLUTION**

Senator Sullivan 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. 28**

**RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN,** that when the two Houses adjourn on Thursday, March 10, 2011, the Senate stands adjourned until Monday, March 14, 2011 at 2:00 o'clock p.m., or until the call of the President; and the House of Representatives stands adjourned until Tuesday, March 15, 2011, at 12:00 o'clock noon, 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.

#### **RESOLUTIONS CONSENT CALENDAR**

##### **SENATE RESOLUTION NO. 94**

Offered by Senator Wilhelmi and all Senators:

Mourns the death of Vera Ann (Nee, Attalla) Mushro of Lockport.

##### **SENATE RESOLUTION NO. 95**

Offered by Senator Murphy and all Senators:

Mourns the death of Virginia Z. Kucera of Arlington Heights.

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**SENATE RESOLUTION NO. 99**

Offered by Senator Koehler and all Senators:  
Mourns the death of Beverly J. Mercer of Wyoming.

**SENATE RESOLUTION NO. 100**

Offered by Senator Link and all Senators:  
Mourns the death of Diana H. Nelson of Round Lake Beach.

**SENATE RESOLUTION NO. 101**

Offered by Senator Link and all Senators:  
Mourns the death of Michael Scott Halwax of North Chicago.

**SENATE RESOLUTION NO. 102**

Offered by Senator Link and all Senators:  
Mourns the death of Marie Stimac Groblewski of North Chicago.

**SENATE RESOLUTION NO. 103**

Offered by Senator Link and all Senators:  
Mourns the death of Walter Turner Edwards.

**SENATE RESOLUTION NO. 104**

Offered by Senator Link and all Senators:  
Mourns the death of Nathalia Field Holland of Evanston.

**SENATE RESOLUTION NO. 105**

Offered by Senator Link and all Senators:  
Mourns the death of Darlene M. Bunk (nee, Luce) of Waukegan, formerly of North Chicago.

**SENATE RESOLUTION NO. 106**

Offered by Senator Wilhelmi and all Senators:  
Mourns the death of Joliet Police Officer James B. "Geta" Dietz.

**SENATE RESOLUTION NO. 108**

Offered by Senator Kotowski and all Senators:  
Mourns the death of Dan Walsh of Park Ridge.

**SENATE RESOLUTION NO. 110**

Offered by Senator Duffy and all Senators:  
Mourns the death of Gayle Karnatz of Wood Dale, formerly of Elmhurst.

**SENATE RESOLUTION NO. 111**

Offered by Senator Lightford and all Senators:  
Mourns the death of Bishop DeArmond Southern Mathews.

**SENATE RESOLUTION NO. 112**

Offered by Senator Haine and all Senators:  
Mourns the death of Dale Henry Pickerill of Glen Carbon.

**SENATE RESOLUTION NO. 113**

Offered by Senator Haine and all Senators:  
Mourns the death of the Reverend George Orval Dougherty.

**SENATE RESOLUTION NO. 114**

Offered by Senator Haine and all Senators:  
Mourns the death of Dorothy Marie Stumpe of Alton.

**SENATE RESOLUTION NO. 115**

Offered by Senator Duffy and all Senators:  
Mourns the death of Kenneth E. Wood of Lake Bluff.

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

At the hour of 2:10 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

**AFTER RECESS**

At the hour of 4:11 o'clock p.m., the Senate resumed consideration of business.  
Senator Sullivan, presiding.

**LEGISLATIVE MEASURES FILED**

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

Senate Committee Amendment No. 1 to Senate Bill 1312  
Senate Committee Amendment No. 1 to Senate Bill 1656

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

Senate Committee Amendment No. 2 to Senate Bill 1755

At the hour of 4:12 o'clock p.m., pursuant to **Senate Joint Resolution No. 28**, the Chair announced the Senate stand adjourned until Monday, March 14, 2011, at 2:00 o'clock p.m.