



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SEVENTH GENERAL ASSEMBLY

17TH LEGISLATIVE DAY

MONDAY, MARCH 14, 2011

2:17 O'CLOCK P.M.

SENATE
Daily Journal Index
17th Legislative Day

Action	Page(s)
Appointment Message	7
Communication from the Minority Leader	5
Legislative Measure(s) Filed	4, 5, 29
Message from the House	7, 10
Presentation of Senate Resolutions No'd. 116 - 118	6
Report from Assignments Committee	24, 25
Report from Standing Committee(s)	6
Report(s) Received	5

Bill Number	Legislative Action	Page(s)
SB 0090	Second Reading	23
SB 1122	Second Reading	12
SB 1283	Tabled	23
SB 1316	Second Reading	13
SB 1330	Second Reading	14
SB 1336	Second Reading	23
SB 1669	Second Reading	14
SB 1735	Second Reading	20
SB 1755	Second Reading	21
SB 1808	Second Reading	21
SB 1827	Second Reading	21
SB 1830	Second Reading	21
SB 1837	Second Reading	21
SB 1869	Second Reading	21
SB 1894	Second Reading	21
SB 1933	Second Reading	21
SB 1968	Second Reading	21
SB 2009	Second Reading	21
SB 2012	Second Reading	21
SB 2018	Second Reading	21
SB 2025	Second Reading	21
SB 2062	Second Reading	21
SB 2073	Second Reading	22
SB 2138	Second Reading	22
SB 2145	Second Reading	23
SB 2172	Second Reading	23
SB 2188	Second Reading	23
SB 2232	Second Reading	23
SJR 0015	Adopted, as amended	26
SR 0037	Adopted	26
SR 0118	Committee on Assignments	6
HB 0143	First Reading	10
HB 0220	First Reading	10
HB 0222	First Reading	10
HB 0277	First Reading	10
HB 0295	First Reading	10
HB 1096	First Reading	11
HB 1151	First Reading	11
HB 1192	First Reading	11
HB 1255	First Reading	11

[March 14, 2011]

HB 1263	First Reading.....	11
HB 1272	First Reading.....	11
HB 1295	First Reading.....	11
HB 1377	First Reading.....	11
HB 1427	First Reading.....	11
HB 1445	First Reading.....	11
HB 1471	First Reading.....	11
HB 1524	First Reading.....	11
HB 1527	First Reading.....	11
HB 1528	First Reading.....	11
HB 1542	First Reading.....	11
HB 1547	First Reading.....	11
HB 1553	First Reading.....	11
HB 1554	First Reading.....	11
HB 1605	First Reading.....	11
HB 1610	First Reading.....	11
HB 1657	First Reading.....	12
HB 1683	First Reading.....	12
HB 1698	First Reading.....	12
HB 1699	First Reading.....	12
HB 1702	First Reading.....	12
HB 1724	First Reading.....	12
HB 1864	First Reading.....	12
HB 1870	First Reading.....	12
HB 1882	First Reading.....	12
HB 1929	First Reading.....	12
HB 2099	First Reading.....	12

The Senate met pursuant to adjournment.

Senator M. Maggie Crotty, Oak Forest, Illinois, presiding.

Prayer by Reverend David Upchurch, Rochester Christian Church, Rochester, Illinois.

Senator Maloney led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Thursday, March 10, 2011, be postponed, pending arrival of the printed Journal.

The motion prevailed.

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 31
 Senate Committee Amendment No. 1 to Senate Bill 36
 Senate Committee Amendment No. 1 to Senate Bill 59
 Senate Committee Amendment No. 1 to Senate Bill 72
 Senate Committee Amendment No. 1 to Senate Bill 79
 Senate Committee Amendment No. 1 to Senate Bill 87
 Senate Committee Amendment No. 1 to Senate Bill 102
 Senate Committee Amendment No. 1 to Senate Bill 103
 Senate Committee Amendment No. 1 to Senate Bill 104
 Senate Committee Amendment No. 1 to Senate Bill 108
 Senate Committee Amendment No. 2 to Senate Bill 133
 Senate Committee Amendment No. 1 to Senate Bill 540
 Senate Committee Amendment No. 1 to Senate Bill 541
 Senate Committee Amendment No. 2 to Senate Bill 541
 Senate Committee Amendment No. 1 to Senate Bill 769
 Senate Committee Amendment No. 2 to Senate Bill 839
 Senate Committee Amendment No. 1 to Senate Bill 953
 Senate Committee Amendment No. 1 to Senate Bill 954
 Senate Committee Amendment No. 1 to Senate Bill 1034
 Senate Committee Amendment No. 1 to Senate Bill 1147
 Senate Committee Amendment No. 3 to Senate Bill 1213
 Senate Committee Amendment No. 2 to Senate Bill 1244
 Senate Committee Amendment No. 2 to Senate Bill 1259
 Senate Committee Amendment No. 2 to Senate Bill 1294
 Senate Committee Amendment No. 1 to Senate Bill 1305
 Senate Committee Amendment No. 1 to Senate Bill 1416
 Senate Committee Amendment No. 1 to Senate Bill 1543
 Senate Committee Amendment No. 1 to Senate Bill 1545
 Senate Committee Amendment No. 1 to Senate Bill 1548
 Senate Committee Amendment No. 1 to Senate Bill 1549
 Senate Committee Amendment No. 1 to Senate Bill 1555
 Senate Committee Amendment No. 1 to Senate Bill 1619
 Senate Committee Amendment No. 1 to Senate Bill 1620
 Senate Committee Amendment No. 1 to Senate Bill 1623
 Senate Committee Amendment No. 1 to Senate Bill 1637
 Senate Committee Amendment No. 1 to Senate Bill 1644
 Senate Committee Amendment No. 2 to Senate Bill 1644
 Senate Committee Amendment No. 1 to Senate Bill 1702
 Senate Committee Amendment No. 1 to Senate Bill 1749
 Senate Committee Amendment No. 1 to Senate Bill 1750
 Senate Committee Amendment No. 2 to Senate Bill 1773
 Senate Committee Amendment No. 1 to Senate Bill 1795
 Senate Committee Amendment No. 1 to Senate Bill 1826

[March 14, 2011]

Senate Committee Amendment No. 1 to Senate Bill 1833
Senate Committee Amendment No. 1 to Senate Bill 1877
Senate Committee Amendment No. 1 to Senate Bill 1883
Senate Committee Amendment No. 1 to Senate Bill 1919
Senate Committee Amendment No. 2 to Senate Bill 1948
Senate Committee Amendment No. 1 to Senate Bill 1951
Senate Committee Amendment No. 1 to Senate Bill 1993
Senate Committee Amendment No. 1 to Senate Bill 1996
Senate Committee Amendment No. 1 to Senate Bill 2104
Senate Committee Amendment No. 1 to Senate Bill 2134
Senate Committee Amendment No. 1 to Senate Bill 2139
Senate Committee Amendment No. 1 to Senate Bill 2203
Senate Committee Amendment No. 1 to Senate Bill 2242
Senate Committee Amendment No. 1 to Senate Bill 2243
Senate Committee Amendment No. 1 to Senate Bill 2245
Senate Committee Amendment No. 1 to Senate Bill 2255

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

Senate Floor Amendment No. 1 to Senate Bill 106
Senate Floor Amendment No. 2 to Senate Bill 1311
Senate Floor Amendment No. 1 to Senate Bill 1640
Senate Floor Amendment No. 3 to Senate Bill 1645
Senate Floor Amendment No. 3 to Senate Bill 2138

REPORT RECEIVED

The Secretary placed before the Senate the following report:

Illinois Tollway 2011 Budget, submitted by the Illinois Tollway.

The foregoing report was ordered received and placed on file in the Secretary's Office.

COMMUNICATION FROM THE MINORITY LEADER

CHRISTINE RADOGNO
SENATE REPUBLICAN LEADER · 41st DISTRICT

March 14, 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 John O. Jones to temporarily replace Senator Dale Righter as a member of the Senate Committee on Assignments. This appointment is effective immediately and will automatically expire upon adjournment of the Senate on March 14, 2011.

Sincerely,
s/Christine Radogno
Christine Radogno
Senate Republican Leader

[March 14, 2011]

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

REPORT FROM STANDING COMMITTEE

Senator Wilhelmi, Chairperson of the Committee on Judiciary, to which was referred **Senate Bill No. 1824**, reported the same back with the recommendation that the bill do pass.
Under the rules, the bill was ordered to a second reading.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 116

Offered by Senator Althoff and all Senators:
Mourns the death of Thomas M. Rembacz of Cary.

SENATE RESOLUTION NO. 117

Offered by Senator Hunter and all Senators:
Mourns the death of Melvin Alexander, Sr., of Chicago.

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

SENATE RESOLUTION NO. 118

WHEREAS, The General Assembly enacted landmark procurement reforms during the 96th General Assembly aimed at rooting out and curing various abuses within the State's procurement system; and

WHEREAS, The General Assembly intended to enact substantive procurement reforms that balanced the critical need to reduce fraud, waste, mismanagement, and abuse while maintaining efficiency and efficacy in purchasing goods and services for the State; and

WHEREAS, Since the enactment of these landmark procurement reforms, members of the business community, university officials and faculty, and others have brought forth issues regarding the new procurement law and its effect on contracting that could unintentionally chill innovation, create costly inefficiencies, and harm businesses, State universities and their top-tier research facilities, and the State; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that a Senate Committee on Procurement is created and charged with the task of studying all aspects of the State's procurement system, including, but not limited to: reporting of procurement communications, ensuring prudent communications with vendors regarding the execution of contracts, encouraging private enterprises to share expertise and ideas with the State, hearings regarding sole source contracts, and disclosures regarding subcontractors; and be it further

RESOLVED, That the Committee shall be made up of 6 members: 3 shall be appointed by the President of the Senate and 3 shall be appointed by the Minority Leader of the Senate; and be it further

RESOLVED, That the Committee shall have Co-Chairpersons, one appointed by the President of the Senate and one appointed by the Minority Leader of the Senate; Co-Chairpersons shall not be of the same caucus and shall serve at the pleasure of the caucus leader making the appointment; and be it further

RESOLVED, That the Committee shall have all of the powers granted to a standing committee under the Senate Rules; and be it further

[March 14, 2011]

RESOLVED, That meetings of the Committee shall be posted and open to the public in accordance with Senate Rules; and be it further

RESOLVED, That the Committee may call upon Constitutional Officers, the Procurement Policy Board, the Executive Ethics Commission, State universities, State agencies, business associations, representatives of public employees, advocates, and any additional agencies or groups as the Committee sees fit in order to hear testimony and gather details and information relating to the purposes of the Committee; and be it further

RESOLVED, That the Committee shall be appointed no later than one week after the adoption of this resolution, and the Committee shall submit a report no later than May 16, 2011 to the President of the Senate and the Minority Leader of the Senate.

APPOINTMENT MESSAGE

Appointment Message No. 29

To the Honorable Members of the Senate, Ninety-Seventh General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Board of Trustees of Southern Illinois University

Start Date: March 11, 2011

End Date: January 16, 2017

Name: Donna L. Manering

Residence: 222 Pineview Drive, Makanda, IL 62958

Annual Compensation: Unsalariated

Per diem: Not Applicable

Nominee's Senator: Senator David Luechtefeld

Most Recent Holder of Office: Stephen Wigginton

Superseded Appointment Message: Not Applicable

Under the rules, the foregoing Appointment Message was referred to the Committee on Assignments.

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. 220

[March 14, 2011]

A bill for AN ACT concerning regulation.
HOUSE BILL NO. 1096
A bill for AN ACT concerning health facilities.
HOUSE BILL NO. 1489
A bill for AN ACT concerning State government.
HOUSE BILL NO. 1524
A bill for AN ACT concerning health.
HOUSE BILL NO. 1527
A bill for AN ACT concerning State government.
HOUSE BILL NO. 1528
A bill for AN ACT concerning controlled substances.
Passed the House, March 10, 2011.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 220, 1096, 1489, 1524, 1527 and 1528** 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. 1537
A bill for AN ACT concerning veterans.
HOUSE BILL NO. 1541
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 1542
A bill for AN ACT concerning government.
HOUSE BILL NO. 1547
A bill for AN ACT concerning State government.
HOUSE BILL NO. 1553
A bill for AN ACT concerning civil law.
HOUSE BILL NO. 1554
A bill for AN ACT concerning liquor.
Passed the House, March 10, 2011.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1537, 1541, 1542, 1547, 1553 and 1554** 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. 1558
A bill for AN ACT concerning wind energy.
HOUSE BILL NO. 1563
A bill for AN ACT concerning local government.
HOUSE BILL NO. 1591
A bill for AN ACT concerning health.
HOUSE BILL NO. 1605
A bill for AN ACT concerning local government.
HOUSE BILL NO. 1610
A bill for AN ACT concerning local government.
HOUSE BILL NO. 1657
A bill for AN ACT concerning conservation.

[March 14, 2011]

Passed the House, March 10, 2011.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1558, 1563, 1591, 1605, 1610 and 1657** 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. 1663

A bill for AN ACT concerning public health.

HOUSE BILL NO. 1683

A bill for AN ACT concerning finance.

HOUSE BILL NO. 1698

A bill for AN ACT concerning civil law.

HOUSE BILL NO. 1699

A bill for AN ACT concerning civil law.

HOUSE BILL NO. 1702

A bill for AN ACT concerning transportation.

Passed the House, March 10, 2011.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1663, 1683, 1698, 1699 and 1702** 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. 1707

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 1709

A bill for AN ACT concerning local government.

HOUSE BILL NO. 1724

A bill for AN ACT concerning wildlife.

HOUSE BILL NO. 1864

A bill for AN ACT concerning education.

HOUSE BILL NO. 1870

A bill for AN ACT concerning insurance.

HOUSE BILL NO. 1877

A bill for AN ACT concerning criminal law.

Passed the House, March 10, 2011.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1707, 1709, 1724, 1864, 1870 and 1877** 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. 1882

[March 14, 2011]

A bill for AN ACT concerning State government.
HOUSE BILL NO. 1888
A bill for AN ACT concerning local government.
HOUSE BILL NO. 1927
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 1929
A bill for AN ACT concerning corrections.
HOUSE BILL NO. 1956
A bill for AN ACT concerning public employee benefits.
HOUSE BILL NO. 1957
A bill for AN ACT concerning education.
Passed the House, March 10, 2011.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1882, 1888, 1927, 1929, 1956 and 1957** 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. 1984
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 1985
A bill for AN ACT concerning local government.
HOUSE BILL NO. 2073
A bill for AN ACT concerning finance.
HOUSE BILL NO. 2083
A bill for AN ACT concerning State government.
HOUSE BILL NO. 2099
A bill for AN ACT concerning regulation.
Passed the House, March 10, 2011.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1984, 1985, 2073, 2083 and 2099** were taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 143, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 220, sponsored by Senator Dillard, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 222, sponsored by Senator Garrett, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 277, sponsored by Senator Mulroe, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 295, sponsored by Senator Maloney, was taken up, read by title a first time and referred to the Committee on Assignments.

[March 14, 2011]

House Bill No. 1096, sponsored by Senator Steans, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1151, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1192, sponsored by Senator Muñoz, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1255, sponsored by Senator Wilhelmi, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1263, sponsored by Senator Noland, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1272, sponsored by Senator Kotowski, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1295, sponsored by Senator Sullivan, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1377, sponsored by Senator Raoul, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1427, sponsored by Senator Raoul, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1445, sponsored by Senator Muñoz, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1471, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1524, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1527, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1528, sponsored by Senator Steans, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1542, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1547, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1553, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1554, sponsored by Senator Garrett, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1605, sponsored by Senator Mulroe, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1610, sponsored by Senator Koehler, was taken up, read by title a first time and referred to the Committee on Assignments.

[March 14, 2011]

House Bill No. 1657, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1683, sponsored by Senator Frerichs, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1698, sponsored by Senator Wilhelmi, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1699, sponsored by Senator Wilhelmi, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1702, sponsored by Senator Luechtefeld, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1724, sponsored by Senator Sullivan, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1864, sponsored by Senator Maloney, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1870, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1882, sponsored by Senator Trotter, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 1929, sponsored by Senator Wilhelmi, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2099, sponsored by Senator Wilhelmi, was taken up, read by title a first time and referred to the Committee on Assignments.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Link, **Senate Bill No. 1122** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1122

AMENDMENT NO. 1. Amend Senate Bill 1122 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Human Rights Act is amended by changing Section 2-102 as follows:
(775 ILCS 5/2-102) (from Ch. 68, par. 2-102)

Sec. 2-102. Civil Rights Violations - Employment. It is a civil rights violation:

(A) Employers. For any employer to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment on the basis of unlawful discrimination or citizenship status.

(A-5) Language. For an employer to impose a restriction that has the effect of prohibiting a language from being spoken by an employee in communications that are unrelated to the employee's duties.

For the purposes of this subdivision (A-5), "language" means a person's native tongue, such as Polish, Spanish, or Chinese. "Language" does not include such things as slang, jargon, profanity, or vulgarity.

(B) Employment Agency. For any employment agency to fail or refuse to classify properly, accept applications and register for employment referral or apprenticeship referral, refer for employment, or refer for apprenticeship on the basis of unlawful discrimination or citizenship status or to accept from

[March 14, 2011]

any person any job order, requisition or request for referral of applicants for employment or apprenticeship which makes or has the effect of making unlawful discrimination or discrimination on the basis of citizenship status a condition of referral.

(C) Labor Organization. For any labor organization to limit, segregate or classify its membership, or to limit employment opportunities, selection and training for apprenticeship in any trade or craft, or otherwise to take, or fail to take, any action which affects adversely any person's status as an employee or as an applicant for employment or as an apprentice, or as an applicant for apprenticeships, or wages, tenure, hours of employment or apprenticeship conditions on the basis of unlawful discrimination or citizenship status.

(D) Sexual Harassment. For any employer, employee, agent of any employer, employment agency or labor organization to engage in sexual harassment; provided, that an employer shall be responsible for sexual harassment of the employer's employees by nonemployees or nonmanagerial and nonsupervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures.

(E) Public Employers. For any public employer to refuse to permit a public employee under its jurisdiction who takes time off from work in order to practice his or her religious beliefs to engage in work, during hours other than such employee's regular working hours, consistent with the operational needs of the employer and in order to compensate for work time lost for such religious reasons. Any employee who elects such deferred work shall be compensated at the wage rate which he or she would have earned during the originally scheduled work period. The employer may require that an employee who plans to take time off from work in order to practice his or her religious beliefs provide the employer with a notice of his or her intention to be absent from work not exceeding 5 days prior to the date of absence.

(F) Training and Apprenticeship Programs. For any employer, employment agency or labor organization to discriminate against a person on the basis of age in the selection, referral for or conduct of apprenticeship or training programs.

(G) Immigration-Related Practices.

(1) for an employer to request for purposes of satisfying the requirements of Section 1324a(b) of Title 8 of the United States Code, as now or hereafter amended, more or different documents than are required under such Section or to refuse to honor documents tendered that on their face reasonably appear to be genuine; or

(2) for an employer participating in the Basic Pilot Program, as authorized by 8 U.S.C. 1324a, Notes, Pilot Programs for Employment Eligibility Confirmation (enacted by PL 104-208, div. C title IV, subtitle A) to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment without following the procedures under the Basic Pilot Program.

(H) Pregnancy; peace officers and fire fighters. For a public employer to refuse to temporarily transfer a pregnant female peace officer or pregnant female fire fighter to a less strenuous or hazardous position for the duration of her pregnancy if she so requests, with the advice of her physician, where that transfer can be reasonably accommodated. For the purposes of this subdivision (H), "peace officer" and "fire fighter" have the meanings ascribed to those terms in Section 3 of the Illinois Public Labor Relations Act.

It is not a civil rights violation for an employer to take any action that is required by Section 1324a of Title 8 of the United States Code, as now or hereafter amended.

(I) Pregnancy. For any employer to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment on the basis of pregnancy, childbirth, or related medical conditions.

(Source: P.A. 95-25, eff. 1-1-08; 95-137, eff. 1-1-08; 95-876, eff. 8-21-08.)

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

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 Frerichs, **Senate Bill No. 1316**, having been printed, was taken up, read by title a second time and ordered to a third reading.

[March 14, 2011]

On motion of Senator Koehler, **Senate Bill No. 1330**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **Senate Bill No. 1669** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1669

AMENDMENT NO. 1. Amend Senate Bill 1669 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 6-106.1, 6-106.11, 12-707.01, 13-101, and 13-109 and by adding Section 6-106.12 as follows:

(625 ILCS 5/6-106.1)

Sec. 6-106.1. School bus driver permit.

(a) The Secretary of State shall issue a school bus driver permit to those applicants who have met all the requirements of the application and screening process under this Section to insure the welfare and safety of children who are transported on school buses throughout the State of Illinois. Applicants shall obtain the proper application required by the Secretary of State from their prospective or current employer and submit the completed application to the prospective or current employer along with the necessary fingerprint submission as required by the Department of State Police to conduct fingerprint based criminal background checks on current and future information available in the state system and current information available through the Federal Bureau of Investigation's system. Applicants who have completed the fingerprinting requirements shall not be subjected to the fingerprinting process when applying for subsequent permits or submitting proof of successful completion of the annual refresher course. Individuals who on the effective date of this Act possess a valid school bus driver permit that has been previously issued by the appropriate Regional School Superintendent are not subject to the fingerprinting provisions of this Section as long as the permit remains valid and does not lapse. The applicant shall be required to pay all related application and fingerprinting fees as established by rule including, but not limited to, the amounts established by the Department of State Police and the Federal Bureau of Investigation to process fingerprint based criminal background investigations. All fees paid for fingerprint processing services under this Section shall be deposited into the State Police Services Fund for the cost incurred in processing the fingerprint based criminal background investigations. All other fees paid under this Section shall be deposited into the Road Fund for the purpose of defraying the costs of the Secretary of State in administering this Section. All applicants must:

1. be 21 years of age or older;
2. possess a valid and properly classified driver's license issued by the Secretary of State;
3. possess a valid driver's license, which has not been revoked, suspended, or canceled for 3 years immediately prior to the date of application, or have not had his or her commercial motor vehicle driving privileges disqualified within the 3 years immediately prior to the date of application;
4. successfully pass a written test, administered by the Secretary of State, on school bus operation, school bus safety, and special traffic laws relating to school buses and submit to a review of the applicant's driving habits by the Secretary of State at the time the written test is given;
5. demonstrate ability to exercise reasonable care in the operation of school buses in accordance with rules promulgated by the Secretary of State;
6. demonstrate physical fitness to operate school buses by submitting the results of a medical examination, including tests for drug use for each applicant not subject to such testing pursuant to federal law, conducted by a licensed physician, an advanced practice nurse who has a written collaborative agreement with a collaborating physician which authorizes him or her to perform medical examinations, or a physician assistant who has been delegated the performance of medical examinations by his or her supervising physician within 90 days of the date of application according to standards promulgated by the Secretary of State;
7. affirm under penalties of perjury that he or she has not made a false statement or knowingly concealed a material fact in any application for permit;
8. have completed an initial classroom course, including first aid procedures, in school bus driver safety as promulgated by the Secretary of State; and after satisfactory completion of said initial course an annual refresher course; such courses and the agency or organization conducting such

[March 14, 2011]

courses shall be approved by the Secretary of State; failure to complete the annual refresher course, shall result in cancellation of the permit until such course is completed;

9. not have been under an order of court supervision for or convicted of 2 or more serious traffic offenses, as defined by rule,

while within one year prior to the date of application that may endanger the life or safety of any of the driver's passengers within the duration of the permit period;

10. not have been under an order of court supervision for or convicted of reckless driving, aggravated reckless driving, driving

while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, or reckless homicide resulting from the operation of a motor vehicle within 3 years of the date of application;

11. not have been convicted of committing or attempting to commit any one or more of the following offenses: (i) those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of Section 8-1, and in subsection (a) and subsection (b), clause (1), of Section 12-4, and in subsection (A), clauses (a) and (b), of Section 24-3, and those offenses contained in Article 29D of the Criminal Code of 1961; (ii) those offenses defined in the Cannabis Control Act except those offenses defined in subsections (a) and (b) of Section 4, and subsection (a) of Section 5 of the Cannabis Control Act; (iii) those offenses defined in the Illinois Controlled Substances Act; (iv) those offenses defined in the Methamphetamine Control and Community Protection Act; (v) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State would be punishable as one or more of the foregoing offenses; (vi) the offenses defined in Section 4.1 and 5.1 of the Wrongs to Children Act; (vii) those offenses defined in Section 6-16 of the Liquor Control Act of 1934; and (viii) those offenses defined in the Methamphetamine Precursor Control Act; -

12. not have been repeatedly involved as a driver in motor vehicle collisions or been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree which indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

13. not have, through the unlawful operation of a motor vehicle, caused an accident resulting in the death of any person; and

14. not have, within the last 5 years, been adjudged to be afflicted with or suffering from any mental disability or disease.

(b) A school bus driver permit shall be valid for a period specified by the Secretary of State as set forth by rule. It shall be renewable upon compliance with subsection (a) of this Section.

(c) A school bus driver permit shall contain the holder's driver's license number, legal name, residence address, zip code, social security number and date of birth, a brief description of the holder and a space for signature. The Secretary of State may require a suitable photograph of the holder.

(d) The employer shall be responsible for conducting a pre-employment interview with prospective school bus driver candidates, distributing school bus driver applications and medical forms to be completed by the applicant, and submitting the applicant's fingerprint cards to the Department of State Police that are required for the criminal background investigations. The employer shall certify in writing to the Secretary of State that all pre-employment conditions have been successfully completed including the successful completion of an Illinois specific criminal background investigation through the Department of State Police and the submission of necessary fingerprints to the Federal Bureau of Investigation for criminal history information available through the Federal Bureau of Investigation system. The applicant shall present the certification to the Secretary of State at the time of submitting the school bus driver permit application.

(e) Permits shall initially be provisional upon receiving certification from the employer that all pre-employment conditions have been successfully completed, and upon successful completion of all training and examination requirements for the classification of the vehicle to be operated, the Secretary of State shall provisionally issue a School Bus Driver Permit. The permit shall remain in a provisional status pending the completion of the Federal Bureau of Investigation's criminal background investigation

[March 14, 2011]

based upon fingerprinting specimens submitted to the Federal Bureau of Investigation by the Department of State Police. The Federal Bureau of Investigation shall report the findings directly to the Secretary of State. The Secretary of State shall remove the bus driver permit from provisional status upon the applicant's successful completion of the Federal Bureau of Investigation's criminal background investigation.

(f) A school bus driver permit holder shall notify the employer and the Secretary of State if he or she is issued an order of court supervision for or convicted in another state of an offense that would make him or her ineligible for a permit under subsection (a) of this Section. The written notification shall be made within 5 days of the entry of the order of court supervision or conviction. Failure of the permit holder to provide the notification is punishable as a petty offense for a first violation and a Class B misdemeanor for a second or subsequent violation.

(g) Cancellation; suspension; notice and procedure.

(1) The Secretary of State shall cancel a school bus driver permit of an applicant whose criminal background investigation discloses that he or she is not in compliance with the provisions of subsection (a) of this Section.

(2) The Secretary of State shall cancel a school bus driver permit when he or she receives notice that the permit holder fails to comply with any provision of this Section or any rule promulgated for the administration of this Section.

(3) The Secretary of State shall cancel a school bus driver permit if the permit holder's restricted commercial or commercial driving privileges are withdrawn or otherwise invalidated.

(4) The Secretary of State may not issue a school bus driver permit for a period of 3 years to an applicant who fails to obtain a negative result on a drug test as required in item 6 of subsection (a) of this Section or under federal law.

(5) The Secretary of State shall forthwith suspend a school bus driver permit for a period of 3 years upon receiving notice that the holder has failed to obtain a negative result on a drug test as required in item 6 of subsection (a) of this Section or under federal law.

(6) The Secretary of State shall suspend a school bus driver permit for a period of 3 years upon receiving notice from the employer that the holder failed to perform the inspection procedure set forth in subsection (a) or (b) of Section 12-816 of this Code.

The Secretary of State shall notify the State Superintendent of Education and the permit holder's prospective or current employer that the applicant has (1) failed a criminal background investigation or (2) is no longer eligible for a school bus driver permit; and of the related cancellation of the applicant's provisional school bus driver permit. The cancellation shall remain in effect pending the outcome of a hearing pursuant to Section 2-118 of this Code. The scope of the hearing shall be limited to the issuance criteria contained in subsection (a) of this Section. A petition requesting a hearing shall be submitted to the Secretary of State and shall contain the reason the individual feels he or she is entitled to a school bus driver permit. The permit holder's employer shall notify in writing to the Secretary of State that the employer has certified the removal of the offending school bus driver from service prior to the start of that school bus driver's next workshift. An employing school board that fails to remove the offending school bus driver from service is subject to the penalties defined in Section 3-14.23 of the School Code. A school bus contractor who violates a provision of this Section is subject to the penalties defined in Section 6-106.11.

All valid school bus driver permits issued under this Section prior to January 1, 1995, shall remain effective until their expiration date unless otherwise invalidated.

(h) When a school bus driver permit holder who is a service member is called to active duty, the employer of the permit holder shall notify the Secretary of State, within 30 days of notification from the permit holder, that the permit holder has been called to active duty. Upon notification pursuant to this subsection, (i) the Secretary of State shall characterize the permit as inactive until a permit holder renews the permit as provided in subsection (i) of this Section, and (ii) if a permit holder fails to comply with the requirements of this Section while called to active duty, the Secretary of State shall not characterize the permit as invalid.

(i) A school bus driver permit holder who is a service member returning from active duty must, within 90 days, renew a permit characterized as inactive pursuant to subsection (h) of this Section by complying with the renewal requirements of subsection (b) of this Section.

(j) For purposes of subsections (h) and (i) of this Section:

"Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

"Service member" means a member of the Armed Services or reserve forces of the United States or a

member of the Illinois National Guard.

(Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09; 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff. 7-22-10; revised 9-2-10.)

(625 ILCS 5/6-106.11) (from Ch. 95 1/2, par. 6-106.11)

Sec. 6-106.11. (a) Any individual, corporation, partnership or association, who through contractual arrangements with a school district transports students, teachers or other personnel of that district for compensation, shall not permit any person to operate a school bus or any first division vehicle including taxi when used for a purpose that requires a school bus driver permit pursuant to that contract if the driver has not complied with the provisions of Sections 6-106.1 of this Code or such other rules or regulations that the Secretary of State may prescribe for the classification, restriction or licensing of school bus driver permit holders ~~drivers~~.

(a-5) Any individual, corporation, partnership, association, or entity that has a contractual arrangement referred to in subsection (a) of this Section must provide the school district with (i) the names of all drivers who will be operating a vehicle requiring a school bus driver permit pursuant to the contract with the school district; and (ii) a copy of each driver's school bus driver permit. Upon notification by the Secretary of State to the employer of the school bus driver permit holder that an employee's school bus driver permit has been suspended or cancelled, the employer must notify the school district of the suspension or cancellation within 2 business days.

(a-10) An individual, corporation, partnership, association, or entity that has a contractual arrangement referred to in a subsection (a) of this Section may not:

(i) utilize a vehicle in the performance of the contract that has previously been in salvage or junk status; or

(ii) allow smoking in a vehicle while the vehicle is in the performance of the contract.

(b) A violation of this Section is a business offense and shall subject the offender to a fine of no less than \$1,000 nor more than \$10,000 for a first offense, no less than \$1,500 nor more than \$15,000 for a second offense, and no less than \$2,000 nor more than \$20,000 for a third or subsequent offense. In addition to any fines imposed under this subsection, any offender who has been convicted three times under the provisions of subsection (a) shall, upon a fourth or subsequent conviction be prohibited from transporting or contracting to transport students, teachers or other personnel of a school district for a period of five years beginning with the date of conviction of such fourth or subsequent conviction.

(Source: P.A. 83-1286.)

(625 ILCS 5/6-106.12 new)

Sec. 6-106.12. Contracts requiring school bus driver permits.

(a) No school district that contracts with any individual, corporation, partnership, association, or other entity to transport students, teachers, or other personnel of that district for compensation shall permit any person to operate a vehicle that requires a school bus driver permit pursuant to that contract if the driver has not complied with the provisions of Section 6-106.1 of this Code and other administrative rules governing the classification, restriction, or licensing of persons required to hold a school bus driver permit.

(b) A school district that has a contract of the type described in subsection (a) of this Section shall maintain a copy of the school bus driver permit of any person operating a vehicle that requires a school bus driver permit.

(625 ILCS 5/12-707.01) (from Ch. 95 1/2, par. 12-707.01)

Sec. 12-707.01. Liability insurance. No school bus, first division vehicle including a taxi which is used for a purpose that requires a school bus driver permit, commuter van or motor vehicle owned by or used for hire by and in connection with the operation of private or public schools, day camps, summer camps or nursery schools, and no commuter van or passenger car used for a for-profit redsharing arrangement, shall be operated for such purposes unless the owner thereof shall carry a minimum of personal injury liability insurance in the amount of \$1,000,000 ~~\$25,000~~ for any one person in any one accident, and subject to the limit for one person, \$5,000,000 ~~\$100,000~~ for two or more persons injured by reason of the operation of the vehicle in any one accident.

(Source: P.A. 83-1091.)

(625 ILCS 5/13-101) (from Ch. 95 1/2, par. 13-101)

Sec. 13-101. Submission to safety test; Certificate of safety. To promote the safety of the general public, every owner of a second division vehicle, medical transport vehicle, tow truck, first division vehicle including a taxi which is used for a purpose that requires a school bus driver permit, or contract carrier transporting employees in the course of their employment on a highway of this State in a vehicle designed to carry 15 or fewer passengers shall, before operating the vehicle upon the highways of Illinois, submit it to a "safety test" and secure a certificate of safety furnished by the Department as set

forth in Section 13-109. Each second division motor vehicle that pulls or draws a trailer, semitrailer or pole trailer, with a gross weight of more than 8,000 lbs or is registered for a gross weight of more than 8,000 lbs, motor bus, religious organization bus, school bus, senior citizen transportation vehicle, and limousine shall be subject to inspection by the Department and the Department is authorized to establish rules and regulations for the implementation of such inspections.

The owners of each salvage vehicle shall submit it to a "safety test" and secure a certificate of safety furnished by the Department prior to its salvage vehicle inspection pursuant to Section 3-308 of this Code. In implementing and enforcing the provisions of this Section, the Department and other authorized State agencies shall do so in a manner that is not inconsistent with any applicable federal law or regulation so that no federal funding or support is jeopardized by the enactment or application of these provisions.

However, none of the provisions of Chapter 13 requiring safety tests or a certificate of safety shall apply to:

- (a) farm tractors, machinery and implements, wagons, wagon-trailers or like farm vehicles used primarily in agricultural pursuits;
- (b) vehicles other than school buses, tow trucks and medical transport vehicles owned or operated by a municipal corporation or political subdivision having a population of 1,000,000 or more inhabitants and which are subject to safety tests imposed by local ordinance or resolution;
- (c) a semitrailer or trailer having a gross weight of 5,000 pounds or less including vehicle weight and maximum load;
- (d) recreational vehicles;
- (e) vehicles registered as and displaying Illinois antique vehicle plates;
- (f) house trailers equipped and used for living quarters;
- (g) vehicles registered as and displaying Illinois permanently mounted equipment plates or similar vehicles eligible therefor but registered as governmental vehicles provided that if said vehicle is reclassified from a permanently mounted equipment plate so as to lose the exemption of not requiring a certificate of safety, such vehicle must be safety tested within 30 days of the reclassification;
- (h) vehicles owned or operated by a manufacturer, dealer or transporter displaying a special plate or plates as described in Chapter 3 of this Code while such vehicle is being delivered from the manufacturing or assembly plant directly to the purchasing dealership or distributor, or being temporarily road driven for quality control testing, or from one dealer or distributor to another, or are being moved by the most direct route from one location to another for the purpose of installing special bodies or equipment, or driven for purposes of demonstration by a prospective buyer with the dealer or his agent present in the cab of the vehicle during the demonstration;
- (i) pole trailers and auxiliary axles;
- (j) special mobile equipment;
- (k) vehicles properly registered in another State pursuant to law and displaying a valid registration plate, except vehicles of contract carriers transporting employees in the course of their employment on a highway of this State in a vehicle designed to carry 15 or fewer passengers are only exempted to the extent that the safety testing requirements applicable to such vehicles in the state of registration are no less stringent than the safety testing requirements applicable to contract carriers that are lawfully registered in Illinois;
- (l) water-well boring apparatuses or rigs;
- (m) any vehicle which is owned and operated by the federal government and externally displays evidence of such ownership; and
- (n) second division vehicles registered for a gross weight of 8,000 pounds or less,

except when such second division motor vehicles pull or draw a trailer, semi-trailer or pole trailer having a gross weight of or registered for a gross weight of more than 8,000 pounds; motor buses; religious organization buses; school buses; senior citizen transportation vehicles; medical transport vehicles and tow trucks.

The safety test shall include the testing and inspection of brakes, lights, horns, reflectors, rear vision mirrors, mufflers, safety chains, windshields and windshield wipers, warning flags and flares, frame, axle, cab and body, or cab or body, wheels, steering apparatus, and other safety devices and appliances required by this Code and such other safety tests as the Department may by rule or regulation require, for second division vehicles, school buses, medical transport vehicles, tow trucks, first division vehicles including taxis which are used for a purpose that requires a school bus driver permit, vehicles designed to carry 15 or fewer passengers operated by a contract carrier transporting employees in the course of their employment on a highway of this State, trailers, and semitrailers subject to inspection.

[March 14, 2011]

For tow trucks, the safety test and inspection shall also include the inspection of winch mountings, body panels, body mounts, wheel lift swivel points, and sling straps, and other tests and inspections the Department by rule requires for tow trucks.

For trucks, truck tractors, trailers, semi-trailers, ~~and~~ buses, and first division vehicles including taxis which are used for a purpose that requires a school bus driver permit, the safety test shall be conducted in accordance with the Minimum Periodic Inspection Standards promulgated by the Federal Highway Administration of the U.S. Department of Transportation and contained in Appendix G to Subchapter B of Chapter III of Title 49 of the Code of Federal Regulations. Those standards, as now in effect, are made a part of this Code, in the same manner as though they were set out in full in this Code.

The passing of the safety test shall not be a bar at any time to prosecution for operating a second division vehicle, medical transport vehicle, or vehicle designed to carry 15 or fewer passengers operated by a contract carrier as provided in this Section which is unsafe as determined by the standards prescribed in this Code.

(Source: P.A. 92-108, eff. 1-1-02; 93-637, eff. 6-1-04.)

(625 ILCS 5/13-109) (from Ch. 95 1/2, par. 13-109)

Sec. 13-109. Safety test prior to application for license - Subsequent tests - Repairs - Retest.

(a) Except as otherwise provided in Chapter 13, each second division vehicle, first division vehicle including a taxi which is used for a purpose that requires a school bus driver permit, and medical transport vehicle, except those vehicles other than school buses or medical transport vehicles owned or operated by a municipal corporation or political subdivision having a population of 1,000,000 or more inhabitants which are subjected to safety tests imposed by local ordinance or resolution, operated in whole or in part over the highways of this State, and each vehicle designed to carry 15 or fewer passengers operated by a contract carrier transporting employees in the course of their employment on a highway of this State, shall be subjected to the safety test provided for in Chapter 13 of this Code. Tests shall be conducted at an official testing station within 6 months prior to the application for registration as provided for in this Code. Subsequently each vehicle shall be subject to tests at least every 6 months, and in the case of school buses and first division vehicles including taxis which are used for a purpose that requires a school bus driver permit, at least every 6 months or 10,000 miles whichever occurs first, and according to schedules established by rules and regulations promulgated by the Department. Any component subject to regular inspection which is damaged in a reportable accident must be reinspected before the bus or first division vehicle including a taxi which is used for a purpose that requires a school bus driver permit is returned to service.

(b) The Department shall also conduct periodic nonscheduled inspections of school buses, of buses registered as charitable vehicles and of religious organization buses. If such inspection reveals that a vehicle is not in substantial compliance with the rules promulgated by the Department, the Department shall remove the Certificate of Safety from the vehicle, and shall place the vehicle out-of-service. A bright orange, triangular decal shall be placed on an out-of-service vehicle where the Certificate of Safety has been removed. The vehicle must pass a safety test at an official testing station before it is again placed in service.

(c) If the violation is not substantial a bright yellow, triangular sticker shall be placed next to the Certificate of Safety at the time the nonscheduled inspection is made. The Department shall reinspect the vehicle after 3 working days to determine that the violation has been corrected and remove the yellow, triangular decal. If the violation is not corrected within 3 working days, the Department shall place the vehicle out-of-service in accordance with procedures in subsection (b).

(d) If a violation is not substantial and does not directly affect the safe operation of the vehicle, the Department shall issue a warning notice requiring correction of the violation. Such correction shall be accomplished as soon as practicable and a report of the correction shall be made to the Department within 30 days in a manner established by the Department. If the Department has not been advised that the corrections have been made, and the violations still exist, the Department shall place the vehicle out-of-service in accordance with procedures in subsection (b).

(e) The Department is authorized to promulgate regulations to implement its program of nonscheduled inspections. Causing or allowing the operation of an out-of-service vehicle with passengers or unauthorized removal of an out-of-service sticker is a Class 3 felony. Causing or allowing the operation of a vehicle with a 3-day sticker for longer than 3 days with the sticker attached or the unauthorized removal of a 3-day sticker is a Class C misdemeanor.

(f) If a second division vehicle, first division vehicle including a taxi which is used for a purpose that requires a school bus driver permit, medical transport vehicle, or vehicle operated by a contract carrier as provided in subsection (a) of this Section is in safe mechanical condition, as determined pursuant to Chapter 13, the operator of the official testing station must at once issue to the second division vehicle,

first division vehicle including a taxi which is used for a purpose that requires a school bus driver permit, or medical transport vehicle a certificate of safety, in the form and manner prescribed by the Department, which shall be affixed to the vehicle by the certified safety tester who performed the safety tests. The owner of the second division vehicle, first division vehicle including a taxi which is used for a purpose that requires a school bus driver permit, or medical transport vehicle or the contract carrier shall at all times display the Certificate of Safety on the second division vehicle, first division vehicle including a taxi which is used for a purpose that requires a school bus driver permit, medical transport vehicle, or vehicle operated by a contract carrier in the manner prescribed by the Department.

(g) If a test shows that a second division vehicle, first division vehicle including a taxi which is used for a purpose that requires a school bus driver permit, medical transport vehicle, or vehicle operated by a contract carrier is not in safe mechanical condition as provided in this Section, it shall not be operated on the highways until it has been repaired and submitted to a retest at an official testing station. If the owner or contract carrier submits the vehicle to a retest at a different official testing station from that where it failed to pass the first test, he or she shall present to the operator of the second station the report of the original test, and shall notify the Department in writing, giving the name and address of the original testing station and the defects which prevented the issuance of a Certificate of Safety, and the name and address of the second official testing station making the retest.
(Source: P.A. 92-108, eff. 1-1-02.)

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

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 Jacobs, **Senate Bill No. 1735** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1735

AMENDMENT NO. 1. Amend Senate Bill 1735 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by changing Section 2705-215 as follows:

(20 ILCS 2705/2705-215) (was 20 ILCS 2705/49.27)

Sec. 2705-215. Cooperative utilization of equipment and services of governmental entities and not-for-profit organizations for the transportation needs in public service programs.

(a) The Department is directed to encourage and assist governmental entities, not-for-profit corporations, and nonprofit community service associations, between or among themselves, in the development of reasonable utilization of transportation equipment and operational service in satisfying the general and specialized public transportation needs.

The Department shall develop and encourage cooperative development, among all entities, of programs promoting efficient service and conservation of capital investment and energy and shall assist all entities in achieving their goals and in their applications for transportation grants under appropriate State or federal programs.

(b) Implementation of cooperative programs is to be developed within the meaning of the provisions of the Intergovernmental Cooperation Act. In the circumstances of nongovernmental entities, the Department shall be guided by that Act and any other State law in encouraging the cooperative programs between those entities.

(c) The Department shall report to the members of the General Assembly, by March 1 of each year, its successes, failures and progress in achieving the intent of this Section. The report shall also include identification of problems as well as the Department's recommendations.

(d) The Department shall certify United States Department of Labor apprenticeship programs which have joint labor management boards regulated under the Labor Management Relations Act, 29 U.S.C. 141 et seq., as able to teach and train their own members for any quality assurance and quality control certifications required by the Department.

The Department shall make available, without charge, all course curricula, teaching aides, syllabi, and other materials necessary for instruction of courses described by this subsection (d).

The Department and the apprenticeship program shall mutually agree upon a third party to administer

[March 14, 2011]

testing. The third party shall provide testers upon being given 10 days notice.

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

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

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 Jacobs, **Senate Bill No. 1755**, having been printed, was taken up, read by title a second time.

Senate Committee Amendment No. 1 and Senate Floor Amendment No. 2 were held in the Committee on Assignments.

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

On motion of Senator Noland, **Senate Bill No. 1808**, 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. 1827**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Forby, **Senate Bill No. 1830**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Johnson, **Senate Bill No. 1837**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Pankau, **Senate Bill No. 1869**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **Senate Bill No. 1894**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **Senate Bill No. 1933**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1968**, 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. 2009**, 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. 2012**, 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. 2018**, 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. 2025**, 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. 2062** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2062

AMENDMENT NO. 1. Amend Senate Bill 2062 as follows:

on page 1, line 6, by replacing "Sections 15-5 and 45-55" with "Section 15-5"; and

[March 14, 2011]

by deleting line 24 on page 2 through line 23 on page 3.

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 Link, **Senate Bill No. 2073**, 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. 2138** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2138

AMENDMENT NO. 1. Amend Senate Bill 2138 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Electric Vehicle Act.

Section 5. Findings. The General Assembly finds that the adoption and use of electric vehicles would benefit the State of Illinois by (i) improving the health and environmental quality of the residents of Illinois through reduced pollution, (ii) reducing the operating costs of vehicle transportation, and (iii) shifting the demand for imported petroleum to locally produced electricity.

Section 10. Definitions.

"Coordinator" means the Electric Vehicle Coordinator created in Section 15.

"Council" means the Electric Vehicle Advisory Council created in Section 20.

"Electric vehicle" means (i) a battery-powered electric vehicle operated solely by electricity or (ii) a plug-in hybrid electric vehicle that operates on electricity and gasoline and has a battery that can be recharged from an external source.

Section 15. Electric Vehicle Coordinator. The Governor shall appoint a person within the Department of Commerce and Economic Opportunity to serve as the Electric Vehicle Coordinator for the State of Illinois. This person may be an existing employee with other duties. The Coordinator shall act as a point person for electric vehicle related policies and activities in Illinois.

Section 20. Electric vehicle advisory council.

(a) There is created the Illinois Electric Vehicle Advisory Council. The Council shall investigate and recommend strategies that the Governor and the General Assembly may implement to promote the use of electric vehicles, including, but not limited to, potential infrastructure improvements, State and local regulatory streamlining, and changes to electric utility rates and tariffs.

(b) The Council shall include all of the following members:

(1) The Electric Vehicle Coordinator to serve as chairperson.

(2) Four members of the General Assembly, one appointed by the Speaker of the House of Representatives, one appointed by the Minority Leader of the House of Representatives, one appointed by the President of the Senate, and one appointed by the Minority Leader of the Senate.

(3) The Director of Commerce and Economic Opportunity or his or her designee.

(4) The Director of the Environmental Protection Agency or his or her designee.

(5) The Executive Director of the Illinois Commerce Commission or his or her designee.

(6) Nine at-large members appointed by the Governor as follows:

(A) two representatives of statewide environmental organizations;

(B) two representatives of national or regional environmental organizations;

(C) one representative of a nonprofit car-sharing organization;

(D) two representatives of automobile manufacturers;

(E) one representative of the City of Chicago; and

(F) one representative of an electric utility.

(c) The Council shall report its findings to the Governor and General Assembly by December 31,

[March 14, 2011]

2011.

(d) The Department of Commerce and Economic Opportunity shall provide administrative and other support to the Council.

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

Senate Floor Amendment Nos. 2 and 3 were held in the Committee on Assignments.

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 Jacobs, **Senate Bill No. 2145**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 2172**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **Senate Bill No. 2188**, 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. 2232**, having been printed, was taken up, read by title a second time and ordered to a third reading.

SENATE BILL TABLED

Senator Steans moved that **Senate Bill No. 1283** be ordered to lie on the table.

The motion to table prevailed.

At the hour of 2:55 o'clock p.m., Senator Trotter, presiding.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Crotty, **Senate Bill No. 90**, 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. 1336** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1336

AMENDMENT NO. 1. Amend Senate Bill 1336 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by changing Section 2705-575 as follows:

(20 ILCS 2705/2705-575) (was 20 ILCS 2705/49.28)

Sec. 2705-575. Sale of used vehicles. Whenever the Department ~~has deemed a~~ ~~shall replace any used~~ vehicle ~~shall be replaced~~, it shall notify ~~the Division of Property Control of the Department of Central Management Services and the Division of Vehicles of the Department of Central Management Services for potential reallocation of the vehicle to another State agency through inter-agency transfer per standard fleet vehicle allocation procedures. If the vehicle is not re-allocated for use into the State fleet or agencies by the Division of Property Control or the Division of Vehicles of the Department of Central Management Services, the~~ ~~and give units of local government in this State and the Department of Natural Resources the first opportunity to purchase the vehicle. The Department shall make the vehicle available to be required to notify only the Department of Natural Resources and~~ those units of local

[March 14, 2011]

government that have previously requested the notification and provide them the opportunity to purchase the vehicle through a sealed bid sale. Any proceeds from the sale of the vehicles to units of local government shall be deposited in the Road Fund. The term "vehicle" as used in this Section is defined to include passenger automobiles, light duty trucks, and heavy duty trucks, ~~and other self propelled motorized equipment (in excess of 25 horse power) and attachments.~~
(Source: P.A. 91-239, eff. 1-1-00.)

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.

At the hour of 2:58 o'clock p.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 3:10 o'clock p.m., the Senate resumed consideration of business.
Senator Trotter, presiding.

REPORTS FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 14, 2011 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: Senate Committee Amendment No. 2 to Senate Bill 664; Senate Committee Amendment No. 1 to Senate Bill 1387; Senate Committee Amendment No. 1 to Senate Bill 1840.

Education: Senate Committee Amendment No. 1 to Senate Bill 79; Senate Committee Amendment No. 1 to Senate Bill 1578; Senate Committee Amendment No. 1 to Senate Bill 1795; Senate Committee Amendment No. 1 to Senate Bill 2094; Senate Committee Amendment No. 1 to Senate Bill 2134; Senate Committee Amendment No. 1 to Senate Bill 2135; Senate Committee Amendment No. 1 to Senate Bill 2250.

Environment: Senate Committee Amendment No. 1 to Senate Bill 102; Senate Committee Amendment No. 2 to Senate Bill 1213; Senate Committee Amendment No. 3 to Senate Bill 1213; Senate Committee Amendment No. 1 to Senate Bill 1543; Senate Committee Amendment No. 1 to Senate Bill 1682; Senate Committee Amendment No. 2 to Senate Bill 2106; Senate Floor Amendment No. 2 to Senate Bill 2138; Senate Floor Amendment No. 3 to Senate Bill 2138; Senate Committee Amendment No. 1 to Senate Bill 2193; Senate Committee Amendment No. 1 to Senate Bill 2288.

Executive: Senate Committee Amendment No. 1 to Senate Bill 36; Senate Committee Amendment No. 1 to Senate Bill 98; Senate Committee Amendment No. 3 to Senate Bill 665; Senate Committee Amendment No. 1 to Senate Bill 1147; Senate Committee Amendment No. 1 to Senate Bill 1711; Senate Committee Amendment No. 1 to Senate Bill 2203; Senate Committee Amendment No. 1 to Senate Bill 2215; Senate Committee Amendment No. 1 to Senate Bill 2221.

Financial Institutions: Senate Committee Amendment No. 1 to Senate Bill 87.

Human Services: Senate Committee Amendment No. 1 to Senate Bill 104; Senate Floor Amendment No. 1 to Senate Bill 106; Senate Committee Amendment No. 1 to Senate Bill 769; Senate Committee Amendment No. 1 to Senate Bill 839; Senate Committee Amendment No. 2 to Senate Bill 839; Senate Committee Amendment No. 1 to Senate Bill 1614; Senate Committee Amendment No. 1 to Senate Bill 1622; Senate Committee Amendment No. 1 to Senate Bill 1623; Senate Committee Amendment No. 1 to Senate Bill 1656; Senate Committee Amendment No. 1 to

[March 14, 2011]

Senate Bill 1833; Senate Committee Amendment No. 2 to Senate Bill 1948; Senate Committee Amendment No. 1 to Senate Bill 1993.

Judiciary: **Senate Committee Amendment No. 2 to Senate Bill 1259; Senate Committee Amendment No. 1 to Senate Bill 1294; Senate Committee Amendment No. 1 to Senate Bill 1388; Senate Committee Amendment No. 1 to Senate Bill 1877.**

Labor: **Senate Committee Amendment No. 1 to Senate Bill 2242; Senate Committee Amendment No. 1 to Senate Bill 2243.**

Licensed Activities: **Senate Committee Amendment No. 1 to Senate Bill 1305; Senate Committee Amendment No. 1 to Senate Bill 2236; Senate Committee Amendment No. 1 to Senate Bill 2255.**

Local Government: **Senate Committee Amendment No. 1 to Senate Bill 539; Senate Committee Amendment No. 1 to Senate Bill 540; Senate Committee Amendment No. 1 to Senate Bill 1632; Senate Floor Amendment No. 2 to Senate Bill 1755.**

Pensions and Investments: **Senate Committee Amendment No. 1 to Senate Bill 1826.**

Public Health: **Senate Committee Amendment No. 1 to Senate Bill 40; Senate Committee Amendment No. 1 to Senate Bill 1282; Senate Committee Amendment No. 1 to Senate Bill 1619; Senate Committee Amendment No. 1 to Senate Bill 1667; Senate Committee Amendment No. 1 to Senate Bill 1881.**

Revenue: **Committee Amendment No. 1 to Senate Bill 97; Committee Amendment No. 1 to Senate Bill 108; Committee Amendment No. 1 to Senate Bill 1620; Committee Amendment No. 1 to Senate Bill 2245.**

State Government and Veterans Affairs: **Senate Committee Amendment No. 1 to Senate Bill 262; Senate Committee Amendment No. 2 to Senate Bill 1270; Senate Floor Amendment No. 2 to Senate Bill 1311; Senate Floor Amendment No. 1 to Senate Bill 1640; Senate Committee Amendment No. 1 to Senate Bill 1750.**

Transportation: **Senate Committee Amendment No. 1 to Senate Bill 953; Senate Committee Amendment No. 1 to Senate Bill 1258; Senate Committee Amendment No. 1 to Senate Bill 1644; Senate Committee Amendment No. 2 to Senate Bill 1644; Senate Committee Amendment No. 1 to Senate Bill 2103; Senate Committee Amendment No. 1 to Senate Bill 2104.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 14, 2011 meeting, reported the following Senate Resolutions have been assigned to the indicated Standing Committee of the Senate:

State Government and Veterans Affairs: **Senate Resolutions Numbered 93 and 109.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 14, 2011 meeting, reported that the Committee recommends that **Senate Bill No. 622** be re-referred from the Committee on Education to the Committee on Executive.

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 14, 2011 meeting, reported that the Committee recommends that **Senate Bill No. 2171** be re-referred from the Committee on Local Government to the Committee on Judiciary.

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 14, 2011 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Executive: **Senate Committee Amendment No. 1 to Senate Bill 622.**

Judiciary: **Senate Committee Amendment No. 1 to Senate Bill 2171.**

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Holmes moved that **Senate Resolution No. 37**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Holmes moved that Senate Resolution No. 37 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Pankau moved that **Senate Joint Resolution No. 15**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

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

AMENDMENT NO. 1 TO SENATE JOINT RESOLUTION 15

AMENDMENT NO. 1. Amend Senate Joint Resolution 15 by replacing everything after the title with the following:

"WHEREAS, The United States Supreme Court in *Olmstead v. L.C. Ex Rel. Zimring*, 119 S. Ct. 2176 (1999), held that under Title II of the Americans with Disabilities Act (ADA), States are required to provide community-based treatment for persons with mental disabilities when the State's treatment professionals determine that such placement is appropriate, the affected persons do not oppose such treatment, and the placement can be reasonably accommodated, taking into account the resources available to the State and the needs of others with mental disabilities; and

WHEREAS, Title II of the ADA further states that a public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of individuals with disabilities, defining that setting as one that enables individuals with disabilities to interact with non-disabled persons to the fullest extent possible; and

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

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

WHEREAS, Funding for home and community-based services does not currently meet the cost of providing those services and supports due to inflationary pressures, increased personnel costs, mandated increases in minimum wage, rising health insurance costs, and the increased cost of doing business with vendors; and

WHEREAS, Wages for community-based direct service professionals are generally at or barely above

[March 14, 2011]

the poverty level for a single person supporting one or more children, leading to excessive turnover and undermining the availability of quality services; and

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

WHEREAS, Illinois has a disproportionate number of Illinois citizens with developmental disabilities who are served in Intermediate Care Facilities for the Developmentally Disabled (ICF/DD) and State-Operated Developmental Centers (SODC); and

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

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

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

WHEREAS, The total budget for all services across all settings for persons with developmental disabilities falls far short of what is needed for a quality service system; and

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

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

RESOLVED, That, taking into account the resources available to the State, the Plan's progress will be measured by how it increasingly and judiciously provides that Illinois citizens with developmental disabilities, including both those currently served and those awaiting services (as determined by Prioritization of Urgency of Need for Services (PUNS)), are served in the most integrated setting consistent with the protections under Olmstead; and be it further

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

RESOLVED, That the number of individuals living in the most integrated settings will achieve parity with the national utilization rates so that more individuals will live in settings of 6 or less; fewer individuals will live in private ICFs/DD; and fewer individuals will live in SODCs; and be it further

RESOLVED, That in order to ensure positive outcomes for all persons, Illinois will work to achieve parity with the average national rate of funding for developmental disability services, in order to achieve the goals set forth by the Division's 7-year Strategic Plan; and be it further

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

[March 14, 2011]

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

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

RESOLVED, That Illinois will seek to provide funding for an annual cost-of-living increase for community-based direct service employees in order to ensure that these workers receive a fair wage that allows them to support their families; and be it further

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

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

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

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

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

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

Senator Pankau moved that Senate Joint Resolution No. 15, as amended, be adopted.
And on that motion a call of the roll was had resulting as follows:

YEAS 48; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Sandack
Bivins	Holmes	Luechtefeld	Sandoval
Bomke	Hunter	Maloney	Schmidt
Brady	Hutchinson	McCann	Steans
Clayborne	Jacobs	McCarter	Sullivan
Collins	Johnson, C.	Millner	Syverson
Crotty	Johnson, T.	Muñoz	Trotter
Cultra	Jones, E.	Murphy	Wilhelmi
Dillard	Jones, J.	Noland	Mr. President
Duffy	Koehler	Pankau	
Forby	Kotowski	Radogno	
Frerichs	LaHood	Raoul	
Garrett	Lightford	Rezin	

The motion prevailed.

And the resolution, as amended, was adopted.

[March 14, 2011]

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

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. 2 to Senate Bill 140
Senate Committee Amendment No. 1 to Senate Bill 1318
Senate Committee Amendment No. 2 to Senate Bill 1318
Senate Committee Amendment No. 1 to Senate Bill 2033
Senate Committee Amendment No. 1 to Senate Bill 2083
Senate Committee Amendment No. 2 to Senate Bill 2171
Senate Committee Amendment No. 1 to Senate Bill 2218

Senator Murphy asked and obtained unanimous consent for a Republican caucus to being immediately upon adjournment.

At the hour of 3:22 o'clock p.m., the Chair announced the Senate stand adjourned until Tuesday, March 15, 2011, at 10:00 o'clock a.m.