



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-SEVENTH GENERAL ASSEMBLY**

**24TH LEGISLATIVE DAY**

**THURSDAY, MARCH 31, 2011**

**11:38 O'CLOCK A.M.**

**SENATE**  
**Daily Journal Index**  
**24th Legislative Day**

<b>Action</b>	<b>Page(s)</b>
EXECUTIVE SESSION .....	37
Legislative Measure(s) Filed .....	4, 51
Message from the House .....	7
Presentation of Senate Joint Resolution No. 32 .....	53
Presentation of Senate Resolution No. 156 .....	6
Presentation of Senate Resolutions No'd. 147 - 155 .....	5
Report from Assignments Committee .....	12
Report from Standing Committee(s) .....	4
Report(s) Received .....	4
Resolutions Consent Calendar .....	51

<b>Bill Number</b>	<b>Legislative Action</b>	<b>Page(s)</b>
SB 0019	Third Reading .....	13
SB 1149	Recalled - Amendment(s) .....	14
SB 1221	Third Reading .....	23
SB 1230	Third Reading .....	24
SB 1241	Third Reading .....	24
SB 1245	Third Reading .....	25
SB 1248	Third Reading .....	25
SB 1253	Third Reading .....	26
SB 1282	Third Reading .....	26
SB 1291	Third Reading .....	27
SB 1293	Third Reading .....	28
SB 1294	Recalled - Amendment(s) .....	28
SB 1295	Third Reading .....	31
SB 1321	Third Reading .....	32
SB 1335	Third Reading .....	32
SB 1336	Third Reading .....	33
SB 1350	Third Reading .....	33
SB 1355	Third Reading .....	34
SB 1364	Third Reading .....	34
SB 1379	Third Reading .....	35
SB 1386	Third Reading .....	35
SB 1553	Third Reading .....	36
SB 1584	Third Reading .....	36
SB 1617	Third Reading .....	39
SB 1633	Third Reading .....	39
SB 1643	Third Reading .....	40
SB 1648	Third Reading .....	40
SB 1668	Third Reading .....	41
SB 1669	Third Reading .....	42
SB 1670	Third Reading .....	42
SB 1673	Third Reading .....	43
SB 1681	Recalled - Amendment(s) .....	43
SB 1684	Third Reading .....	43
SB 1691	Third Reading .....	44
SB 1692	Third Reading .....	44
SB 1699	Third Reading .....	45
SB 1700	Third Reading .....	46
SB 1708	Third Reading .....	46
SB 1709	Third Reading .....	47

[March 31, 2011]

SB 1712	Third Reading .....	47
SB 1724	Third Reading .....	48
SB 1753	Third Reading .....	48
SB 1754	Third Reading .....	49
SB 1806	Third Reading .....	49
SB 1807	Third Reading .....	50
SB 1828	Third Reading .....	50
SB 1830	Third Reading .....	51
SJR 0032	Adopted .....	53
SJRCA 0013	Constitutional Amendment - Third Reading .....	14
SR 0052	Adopted .....	12
SR 0058	Adopted .....	12
SR 0063	Adopted .....	12
SR 0070	Adopted .....	13
SR 0093	Adopted .....	13
SR 0109	Adopted .....	13
SR 0118	Adopted .....	13
SR 0120	Adopted .....	13
SR 0127	Adopted .....	13
SR 0149	Committee on Assignments .....	5
SR 0156	Committee on Assignments .....	6
HB 0141	First Reading .....	10
HB 0144	First Reading .....	10
HB 0197	First Reading .....	10
HB 0237	First Reading .....	11
HB 1215	First Reading .....	11
HB 1375	First Reading .....	11
HB 1485	First Reading .....	11
HB 1577	First Reading .....	11
HB 1689	First Reading .....	11
HB 1708	First Reading .....	11
HB 1761	First Reading .....	11
HB 1825	First Reading .....	11
HB 1831	First Reading .....	11
HB 1852	First Reading .....	11
HB 2089	First Reading .....	11
HB 3010	First Reading .....	11
HB 3041	First Reading .....	11
HB 3050	First Reading .....	11
HB 3091	First Reading .....	11
HB 3139	First Reading .....	11
HB 3179	First Reading .....	11
HB 3186	First Reading .....	11
HB 3256	First Reading .....	12

The Senate met pursuant to adjournment.  
 Senator James F. Clayborne, Belleville, Illinois, presiding.  
 Prayer by Pastor Paul Olson, St. John's Lutheran Church, Springfield, Illinois.  
 Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Mulroe moved that reading and approval of the Journal of Wednesday, March 30, 2011, be postponed, pending arrival of the printed Journal.

The motion prevailed.

### REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Staffing Level of Bilingual Employees, submitted by the Department of Central Management Services.

Report 2 Pursuant to the Taxpayer Accountability and Budget Stabilization Act, submitted by the Office of the Auditor General.

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

### LEGISLATIVE MEASURES FILED

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

Senate Committee Amendment No. 1 to Senate Bill 1859

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 1511

Senate Floor Amendment No. 1 to Senate Bill 1567

Senate Floor Amendment No. 1 to Senate Bill 1741

### REPORTS FROM STANDING COMMITTEES

Senator Kotowski, Chairperson of the Committee on Appropriations II, to which was referred **Senate Bills Numbered 2315, 2319, 2324, 2332, 2333, 2334, 2335, 2336, 2337, 2390, 2392 and 2394**, 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 Resolutions numbered 93, 109, 120 and 127**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Resolutions numbered 93, 109, 120 and 127** were placed on the Secretary's Desk.

Senator Holmes, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Bill 1270

Senate Amendment No. 2 to Senate Bill 1853

[March 31, 2011]

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

**PRESENTATION OF RESOLUTIONS**

**SENATE RESOLUTION NO. 147**

Offered by Senator Brady and all Senators:  
Mourns the death of Robert Gillis of Bloomington.

**SENATE RESOLUTION NO. 148**

Offered by Senator Luechtefeld and all Senators:  
Mourns the death of U.S. Army Specialist William Templeton.

**SENATE RESOLUTION NO. 150**

Offered by Senator Murphy and all Senators:  
Mourns the death of Katharine W. Hoffman of Arlington Heights.

**SENATE RESOLUTION NO. 151**

Offered by Senator Murphy and all Senators:  
Mourns the death of Reba J. Chaplinsky.

**SENATE RESOLUTION NO. 152**

Offered by Senator Link and all Senators:  
Mourns the death of Mary Alice Mullery of Gurnee.

**SENATE RESOLUTION NO. 153**

Offered by Senator Link and all Senators:  
Mourns the death of Zelma Marble Sims Parker of Waukegan.

**SENATE RESOLUTION NO. 154**

Offered by Senator Link and all Senators:  
Mourns the death of Frances Hrovatin Troha of Waukegan.

**SENATE RESOLUTION NO. 155**

Offered by Senator Koehler and all Senators:  
Mourns the death of William L. Sandlin of Pekin.

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

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

**SENATE RESOLUTION NO. 149**

WHEREAS, A unique opportunity exists in this State for secondary schools to be designated as Illinois Democracy Schools; these schools provide students with authentic experiences in the rights, responsibilities, and tensions inherent in living in a constitutional democracy; and

WHEREAS, Illinois Democracy Schools consciously promote civic engagement by all students, have an intentional focus on fostering participatory citizenship, and place an emphasis on helping students understand how the fundamental ideals and principles of our democratic society relate to important current problems, opportunities, and controversies; and

WHEREAS, Illinois Democracy Schools collaborate with parents, students, and their communities in developing a civic mission and in providing curricular and extra-curricular civic learning experiences for all students; and

[March 31, 2011]

WHEREAS, Illinois Democracy Schools engage all of their students in a continual process of improving and increasing civic learning and engagement; and

WHEREAS, Nine high schools in this State are currently designated as Illinois Democracy Schools, and thus have expanded their students' opportunities for civic education and engagement; and

WHEREAS, Quality civic educational opportunities are vital for all students in this State and should be included in every student's school experience; and

WHEREAS, The original intent of public schools was to prepare children to participate constructively as adult citizens in our democracy, while recent school reform efforts emphasized improving student achievement in reading, mathematics, and science only; and

WHEREAS, Like millions of their peers across the country, many secondary school students in this State lack sufficient formal instruction and opportunities for the development of civic engagement; and

WHEREAS, Civic education in schools can play a vital role in encouraging today's youth to become the active and informed citizens our democracy requires; and

WHEREAS, The strength of our communities, this State, and our nation depends on future generations understanding, appreciating, and actively engaging in civic responsibility; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we commend the efforts of those 9 schools that have already taken the necessary steps to become Illinois Democracy Schools; and be it further

RESOLVED, That we encourage all secondary schools in this State to take the necessary steps to become Illinois Democracy Schools; and be it further

RESOLVED, That each school district's school report card shall designate which of the district's secondary schools, if any, are Illinois Democracy Schools and which are not; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Illinois P-20 Council, the State Board of Education, the State Superintendent of Education, and all regional superintendents of schools.

Senator J. Collins offered the following Senate Resolution, which was referred to the Committee on Assignments:

**SENATE RESOLUTION NO. 156**

WHEREAS, On April 1, 1854, Augustus Tolton, a man who would become the nation's first African-American priest, was born into slavery to Martha Jane Chisley and Peter Paul Tolton, who were both kept in slavery in Brush Creek, Missouri; and

WHEREAS, When the nation was headed toward a civil war, Peter Paul Tolton escaped slavery to join the Union Army, dreaming of freedom and education for his children; unfortunately, he died in St. Louis shortly after his escape; and

WHEREAS, In 1862, Augustus Tolton's mother, determined by the sight of him and his brother doing field work at ages 7 and 8 and worried that any of her three children would be sold to other slave-owners, planned and carried out the family's harrowing escape to Quincy; and

WHEREAS, In Quincy, Martha Tolton sent Augustus Tolton to get an education with the Notre Dame Sisters in St. Boniface Parish in Quincy, which caused an uproar that eventually forced Augustus to withdraw from school until Father Peter McGirr of nearby St. Lawrence School (later St. Peter's) prepared the way for his school to accept its first black student; and

[March 31, 2011]

WHEREAS, Father McGirr, recognizing Augustus Tolton as a devout young man who served Mass daily before going to work, saw in Augustus a possible vocation in the priesthood; realizing that no seminary or religious order in the United States would accept Augustus due to his race, Father McGirr began with local priests to assist in Augustus' formal education in 1873; and

WHEREAS, In 1878, the Franciscans at St. Francis College (now known as Quincy University) took Augustus Tolton in as a student; while at St. Francis, he excelled academically, helped influence the temperance movement, started a Sunday school, and urged families to see to the religious instruction of their children; and

WHEREAS, In 1880, while in search of a seminary to pursue his priestly vocation, Augustus Tolton left Quincy for Rome, Italy to become a seminarian at the Propaganda Seminary (Urban College), which trains priests for work in mission countries; and

WHEREAS, On the day before his priestly ordination, Cardinal Simeoni told Augustus Tolton that a committee had agreed that he should be sent to Africa, but that the Cardinal overruled the decision, announcing that "America has been called the most enlightened nation in the world. We shall see whether it deserves that honor. If the United States has never before seen a black priest, it must see one now"; and

WHEREAS, On April 24, 1886, Augustus Tolton was ordained to the priesthood at the Basilica of St. John Lateran in Rome; and

WHEREAS, Father Tolton subsequently returned to Quincy and became pastor of St. Joseph's Church on July 25, 1886; he worked tirelessly for the welfare of his parish, travelling great distances for numerous speaking engagements around the country to raise money to maintain the church and school; and

WHEREAS, In 1889, Father Tolton came to Chicago and was placed in charge of a fledgling group of black Catholics under the title of the St. Augustine Society out of St. Mary Church in downtown Chicago; and

WHEREAS, In 1891, after moving to St. Monica's store-front chapel, Father Tolton assisted in garnering support for the construction of a grand St. Monica's Church; by the time the church opened, Father Tolton was ministering directly to 600 African-American Catholics and tirelessly aiding many others who were afflicted by poverty; and

WHEREAS, Father Tolton's unceasing dedication to work and to serving those in his community kept him constantly busy, leading to much noticeable fatigue and exhaustion; and

WHEREAS, On July 9, 1897, upon returning to Chicago from an annual gathering of priests in Bourbonnais, Father Tolton passed away at the young age of 43 of heat stroke; he was laid to rest in St. Peter's Cemetery in Quincy; and

WHEREAS, On February 24, 2011, in consideration of Father Tolton's priestly dedication, particularly to African-American Catholics, the Cause for the beatification and canonization of Father Augustus Tolton was officially opened; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we commemorate the 125th anniversary of the ordination of Father Augustus Tolton on April 24, 2011, as the first African-American priest in the United States and commend his unyielding commitment and ministry to African-American Catholics in Quincy, Chicago and across the nation.

#### MESSAGES FROM THE HOUSE

A message from the House by

[March 31, 2011]

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. 141  
A bill for AN ACT concerning civil law.  
HOUSE BILL NO. 234  
A bill for AN ACT concerning revenue.  
HOUSE BILL NO. 1215  
A bill for AN ACT concerning local government.  
HOUSE BILL NO. 1228  
A bill for AN ACT concerning regulation.  
HOUSE BILL NO. 1825  
A bill for AN ACT concerning insurance.  
HOUSE BILL NO. 3091  
A bill for AN ACT concerning business.  
Passed the House, March 30, 2011.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 141, 234, 1215, 1228, 1825 and 3091** 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. 144  
A bill for AN ACT concerning public employee benefits.  
HOUSE BILL NO. 1233  
A bill for AN ACT concerning civil law.  
HOUSE BILL NO. 1689  
A bill for AN ACT concerning criminal law.  
HOUSE BILL NO. 3041  
A bill for AN ACT concerning government.  
HOUSE BILL NO. 3050  
A bill for AN ACT concerning regulation.  
HOUSE BILL NO. 3115  
A bill for AN ACT concerning education.  
Passed the House, March 30, 2011.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 144, 1233, 1689, 3041, 3050 and 3115** 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. 197  
A bill for AN ACT concerning State government.  
HOUSE BILL NO. 1157  
A bill for AN ACT concerning State government.  
HOUSE BILL NO. 1670  
A bill for AN ACT concerning government.  
HOUSE BILL NO. 3179

[March 31, 2011]



A bill for AN ACT concerning education.  
Passed the House, March 30, 2011.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 197, 1157, 1670 and 3179** 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. 237

A bill for AN ACT concerning State government.

HOUSE BILL NO. 1101

A bill for AN ACT concerning State government.

HOUSE BILL NO. 1662

A bill for AN ACT concerning public aid.

HOUSE BILL NO. 1708

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 2053

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 3222

A bill for AN ACT concerning education.

Passed the House, March 30, 2011.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 237, 1101, 1662, 1708, 2053 and 3222** 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. 1256

A bill for AN ACT concerning State government.

HOUSE BILL NO. 1375

A bill for AN ACT concerning finance.

HOUSE BILL NO. 1425

A bill for AN ACT concerning public aid.

HOUSE BILL NO. 1876

A bill for AN ACT concerning education.

HOUSE BILL NO. 3022

A bill for AN ACT concerning education.

HOUSE BILL NO. 3186

A bill for AN ACT concerning State government.

Passed the House, March 30, 2011.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1256, 1375, 1425, 1876, 3022 and 3186** were taken up, ordered printed and placed on first reading.

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

[March 31, 2011]

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. 1485  
A bill for AN ACT concerning State government.  
HOUSE BILL NO. 1560  
A bill for AN ACT concerning civil law.  
HOUSE BILL NO. 1761  
A bill for AN ACT concerning State government.  
HOUSE BILL NO. 1831  
A bill for AN ACT concerning education.  
HOUSE BILL NO. 3314  
A bill for AN ACT concerning local government.  
HOUSE BILL NO. 3334  
A bill for AN ACT concerning public employee benefits.  
HOUSE BILL NO. 3411  
A bill for AN ACT concerning government.  
Passed the House, March 30, 2011.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1485, 1560, 1761, 1831, 3314, 3334 and 3411** 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. 1526  
A bill for AN ACT concerning local government.  
HOUSE BILL NO. 1577  
A bill for AN ACT concerning health.  
HOUSE BILL NO. 2089  
A bill for AN ACT concerning criminal law.  
HOUSE BILL NO. 3152  
A bill for AN ACT concerning local government.  
HOUSE BILL NO. 3155  
A bill for AN ACT concerning public health.  
HOUSE BILL NO. 3256  
A bill for AN ACT concerning transportation.  
Passed the House, March 30, 2011.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1526, 1577, 2089, 3152, 3155 and 3256** were taken up, ordered printed and placed on first reading.

#### **READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME**

**House Bill No. 141**, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 144**, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 197**, sponsored by Senator Schmidt, was taken up, read by title a first time and referred to the Committee on Assignments.

[March 31, 2011]

**House Bill No. 237**, sponsored by Senator Holmes, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1215**, sponsored by Senator Crotty, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1375**, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1485**, sponsored by Senator Frerichs, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1577**, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1689**, sponsored by Senator Hutchinson, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1708**, sponsored by Senator Murphy, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1761**, sponsored by Senator Wilhelmi, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1825**, sponsored by Senator Steans, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1831**, sponsored by Senator Garrett, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 1852**, sponsored by Senator Brady, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 2089**, sponsored by Senator McCann, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3010**, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3041**, sponsored by Senator Kotowski, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3050**, sponsored by Senator Koehler, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3091**, sponsored by Senators Jones, E. III, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3139**, sponsored by Senator Righter, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3179**, sponsored by Senator J. Jones, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3186**, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3256**, sponsored by Senator LaHood, was taken up, read by title a first time and referred to the Committee on Assignments.

At the hour of 11:54 o'clock a.m., the Chair announced that the Senate stand at ease.

**AT EASE**

At the hour of 12:03 o'clock p.m. the Senate resumed consideration of business.  
Senator Clayborne, presiding.

**REPORT FROM COMMITTEE ON ASSIGNMENTS**

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 31, 2011 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Commerce: **Senate Floor Amendment No. 1 to Senate Bill 54.**

Education: **Senate Floor Amendment No. 2 to Senate Bill 79; Senate Floor Amendment No. 2 to Senate Bill 2135.**

Executive: **Senate Floor Amendment No. 1 to Senate Bill 172; Senate Floor Amendment No. 1 to Senate Bill 1449; Senate Committee Amendment No. 1 to Senate Bill 1569.**

Human Services: **Senate Floor Amendment No. 2 to Senate Bill 1622.**

Judiciary: **Senate Floor Amendment No. 4 to Senate Bill 1259; Senate Floor Amendment No. 2 to Senate Bill 1694; Senate Floor Amendment No. 2 to Senate Bill 1877.**

Labor: **Senate Floor Amendment No. 1 to Senate Bill 2070.**

Revenue: **Senate Floor Amendment No. 1 to Senate Bill 1286.**

**CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK**

Senator Muñoz moved that **Senate Resolution No. 52**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Muñoz moved that Senate Resolution No. 52 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Koehler moved that **Senate Resolution No. 58**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Koehler moved that Senate Resolution No. 58 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator McCarter moved that **Senate Resolution No. 63**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator McCarter moved that Senate Resolution No. 63 be adopted.

The motion prevailed.

And the resolution was adopted.

[March 31, 2011]

Senator Kotowski moved that **Senate Resolution No. 70**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Kotowski moved that Senate Resolution No. 70 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Harmon moved that **Senate Resolution No. 118**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Harmon moved that Senate Resolution No. 118 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Radogno moved that **Senate Resolution No. 93**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Radogno moved that Senate Resolution No. 93 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Holmes moved that **Senate Resolution No. 109**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Holmes moved that Senate Resolution No. 109 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Schoenberg moved that **Senate Resolution No. 120**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Schoenberg moved that Senate Resolution No. 120 be adopted.

The motion prevailed.

And the resolution was adopted.

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

The motion prevailed.

Senator Harmon moved that Senate Resolution No. 127 be adopted.

The motion prevailed.

And the resolution was adopted.

### READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Mulroe, **Senate Bill No. 19**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Link	Rezin
Bivins	Harmon	Luechtefeld	Righter
Bomke	Holmes	Maloney	Sandack
Brady	Hutchinson	Martinez	Sandoval
Clayborne	Johnson, C.	McCann	Schmidt

[March 31, 2011]

Collins, A.	Johnson, T.	McCarter	Schoenberg
Collins, J.	Jones, E.	Millner	Silverstein
Crotty	Jones, J.	Mulroe	Steans
Cultra	Koehler	Muñoz	Sullivan
Dillard	Kotowski	Murphy	Syverson
Duffy	LaHood	Noland	Wilhelmi
Forby	Landek	Pankau	Mr. President
Frerichs	Lauzen	Radogno	
Garrett	Lightford	Raoul	

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

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

### READING CONSTITUTIONAL AMENDMENT A THIRD TIME

On motion of Senator Raoul, Senate Joint Resolution Constitutional Amendment No. 13, having been printed, was taken up, read in full a third time.

Senator Raoul moved that Senate Joint Resolution Constitutional Amendment No. 13, be adopted.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Lightford	Raoul
Bivins	Haine	Link	Rezin
Bomke	Harmon	Luechtefeld	Righter
Brady	Holmes	Maloney	Sandack
Clayborne	Hutchinson	Martinez	Sandoval
Collins, A.	Johnson, C.	McCann	Schmidt
Collins, J.	Johnson, T.	McCarter	Schoenberg
Crotty	Jones, E.	Millner	Silverstein
Cultra	Jones, J.	Mulroe	Steans
Delgado	Koehler	Muñoz	Sullivan
Dillard	Kotowski	Murphy	Syverson
Duffy	LaHood	Noland	Wilhelmi
Forby	Landek	Pankau	Mr. President
Frerichs	Lauzen	Radogno	

The motion prevailed.

And the resolution was adopted by a three-fifths vote.

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

### SENATE BILL RECALLED

On motion of Senator Link, **Senate Bill No. 1149** was recalled from the order of third reading to the order of second reading.

Senator Link offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO SENATE BILL 1149

AMENDMENT NO. 1. Amend Senate Bill 1149 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Quality Jobs Act.

[March 31, 2011]

Section 5. Definitions. As used in this Act:

- (1) "Approval" means a document submitted by the Department to the qualified company that states the benefits that may be provided by this program.
- (2) "Average wage" means the new payroll divided by the number of new jobs.
- (3) "Commencement of operations" means the starting date for the qualified company's first new employee, which must be no later than 12 months from the date of the approval.
- (4) "County average wage" means the average wage in each county as determined by the Department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The Department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this Act to the contrary, for any qualified company that in conjunction with its project is relocating employees from an Illinois county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for its project shall be the county average wage for the county from which the employees are being relocated.
- (5) "Department" means the Department of Commerce and Economic Opportunity.
- (6) "Director" means the Director of Commerce and Economic Opportunity.
- (7) "Employee" means a person employed by a qualified company.
- (8) "Full-time employee" means an employee of the qualified company who is scheduled to work an average of at least 35 hours per week for a 12-month period, and one for which the qualified company offers health insurance and pays at least 50% of such insurance premiums.
- (9) "High-impact project" means a qualified company that, within 2 years from commencement of operations, creates 100 or more new jobs.
- (10) "Local incentives" means the present value of the dollar amount of direct benefit received by a qualified company for a project facility from one or more units of local government, but does not include loans or other funds provided to the qualified company that must be repaid by the qualified company to the unit of local government.
- (11) "NAICS" means the 1997 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in subsequent federal industry classification systems.
- (12) "New direct local revenue" means the present value of the dollar amount of direct net new tax revenues of the local political subdivisions likely to be produced by the project over a 10-year period, as calculated by the Department, excluding net new utility revenues, provided the local incentives include a discount or other direct incentives from utilities owned or operated by the political subdivision.
- (13) "New investment" means the purchase or leasing of new tangible assets to be placed in operation at the project facility, which will be directly related to the new jobs.
- (14) "New job" means the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job. An employee that spends less than 50% of the employee's work time at the facility is still considered to be located at a facility if the employee receives his or her directions and control from that facility, the employee is on the facility's payroll, 100% of the employee's income from such employment is Illinois income, and the employee is paid at or above the State average wage.
- (15) "New payroll" means the amount of taxable wages of full-time employees, excluding owners, located at the project facility that exceeds the project facility base payroll. If full-time employment at related facilities is below the related facility base employment, any decrease in payroll for full-time employees at the related facilities below that related facility base payroll shall also be subtracted to determine new payroll.
- (16) "Notice of intent" means a form developed by the Department, completed by the qualified company, and submitted to the Department which states the qualified company's intent to hire new jobs and request benefits under this program.
- (17) "Percent of local incentives" means the amount of local incentives divided by the amount of new direct local revenue.
- (18) "Program" means the Illinois quality jobs program provided for in this Act.
- (19) "Project facility" means the building used by a qualified company at which the new jobs and new

[March 31, 2011]

investment will be located. A project facility may include separate buildings that are located within 15 miles of each other or within the same county such that their purpose and operations are interrelated.

(20) "Project facility base employment" means the greater of the number of full-time employees located at the project facility on the date of the notice of intent or for the 12 month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. If the project facility has not been in operation for a full 12 month period, "project facility base employment" means the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent.

(21) "Project facility base payroll" means the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at the project facility in the 12 months prior to the notice of intent, not including the payroll of the owners of the qualified company unless the qualified company is participating in an employee stock ownership plan. For purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the Department.

(22) "Project period" means the time period that the benefits are provided to a qualified company.

(23) "Qualified company" means a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Illinois that is the owner or operator of a project facility that offers health insurance to all full-time employees of all facilities located in this State and pays at least 50% of such insurance premiums. "Qualified company", however, does not include:

(A) gambling establishments (NAICS industry group 7132);

(B) retail trade establishments (NAICS sectors 44 and 45);

(C) food and drinking places (NAICS subsector 722);

(D) public utilities (NAICS 221 including water and sewer services);

(E) any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the State or federal government or any other political subdivision of this State;

(F) any company that has filed for or has publicly announced its intention to file for bankruptcy protection; however, a company that has filed for or has publicly announced its intention to file for bankruptcy between January 1, 2009, and December 31, 2009, may be a qualified company provided that the company:

(i) Certifies to the Department that it plans to reorganize and not to liquidate; and

(ii) After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the Department, that it is not delinquent in filing any tax returns or making any payment due to the State of Illinois, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization; any taxpayer who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code shall immediately notify the Department and shall forfeit the benefits and shall repay the State an amount equal to any State tax credits already redeemed and any withholding taxes already retained;

(G) educational services (NAICS sector 61);

(H) religious organizations (NAICS industry group 8131);

(I) public administration (NAICS sector 92);

(J) ethanol distillation or production; or

(K) biodiesel production.

Notwithstanding any provision of this Section to the contrary, the headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this Section if the other requirements are satisfied.

(24) "Qualified renewable energy sources" shall not be construed to include ethanol distillation or production or biodiesel production; however, it shall include:

(A) open-looped biomass;

(B) close-looped biomass;

(C) solar;

(D) wind;

(E) geothermal; and

(F) hydropower.

(25) "Related company" means:

(A) a corporation, partnership, trust, or association controlled by the qualified



- company;
- (B) an individual, corporation, partnership, trust, or association in control of the qualified company; or
- (C) corporations, partnerships, trusts, or associations controlled by an individual, corporation, partnership, trust or association in control of the qualified company. As used in this item (C), "control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least 50% of the total combined voting power of all classes of stock entitled to vote, "control of a partnership or association" shall mean ownership of at least 50% of the capital or profits interest in such partnership or association, "control of a trust" shall mean ownership, directly or indirectly, of at least 50% of the beneficial interest in the principal or income of such trust, and ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended.
- (26) "Related facility" means a facility operated by the qualified company or a related company located in this State that is directly related to the operations of the project facility.
- (27) "Related facility base employment" means the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or for the 12 month period prior to the date of the notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this State.
- (28) "Related facility base payroll" means the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at a related facility in the 12 months prior to the filing of the notice of intent, not including the payroll of the owners of the qualified company unless the qualified company is participating in an employee stock ownership plan. For purposes of calculating the benefits under this program, the amount of related facility base payroll shall increase each year based on an appropriate measure, as determined by the Department.
- (29) "Rural area" means a county in Illinois with a population less than 75,000 or that does not contain an individual city with a population greater than 50,000 according to the most recent federal decennial census.
- (30) "Small and expanding business project" means a qualified company that within 2 years of the date of the approval creates a minimum of 20 new jobs if the project facility is located in a rural area or a minimum of 40 new jobs if the project facility is not located in a rural area and creates fewer than 100 new jobs regardless of the location of the project facility.
- (31) "Tax credits" means tax credits issued by the Department to offset the State income taxes imposed by the Illinois Income Tax Act, or which may be refunded as provided for in this program.
- (32) "Technology business project" means a qualified company that within 2 years of the date of the approval creates a minimum of 10 new jobs involved in the operations of a company that:
- (A) is a technology company, as determined by a rule adopted by the Department under the provisions of Section 15 or classified by NAICS codes;
  - (B) owns or leases a facility which produces electricity derived from qualified renewable energy sources, or produces fuel for the generation of electricity from qualified renewable energy sources, but does not include any company that has received the alcohol mixture credit, alcohol credit, or small ethanol producer credit pursuant to Section 40 of the Internal Revenue Code of 1986 in the previous tax year;
  - (C) researches, develops, or manufactures power system technology for: aerospace; space; defense; hybrid vehicles; or implantable or wearable medical devices; or
  - (D) is a clinical molecular diagnostic laboratory focused on detecting and monitoring infections in immunocompromised patient populations.
- (33) "Withholding tax" means the State tax imposed by Article 7 of the Illinois Income Tax Act. For purposes of this program, the withholding tax shall be computed using a schedule as determined by the Department based on average wages.

#### Section 10. Notice of intent; benefits.

(a) The Department shall respond within 30 days to a company that provides a notice of intent with either an approval or a rejection of the notice of intent. The Department shall give preference to qualified companies and projects targeted at an area of the State which has recently been classified as a disaster area by the federal government. Failure to respond on behalf of the Department shall result in the notice of intent being deemed an approval for the purposes of this Section. A qualified company that is provided an approval for a project shall be allowed a benefit as provided in this program in the amount and duration provided in this Section. A qualified company may receive additional periods for

subsequent new jobs at the same facility after the full initial period if the minimum thresholds are met as set forth in this Act. There is no limit on the number of periods a qualified company may participate in the program, as long as the minimum thresholds are achieved and the qualified company provides the Department with the required reporting and is in proper compliance for this program or other State programs. A qualified company may elect to file a notice of intent to start a new project period concurrently with an existing project period if the minimum thresholds are achieved and the qualified company provides the Department with the required reporting and is in proper compliance for this program and other State programs; however, the qualified company may not receive any further benefit under the original approval for jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent may not be included as new jobs for the purpose of benefit calculation in relation to the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the Department shall apply the definition of project facility under subdivision (19) of Section 5 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

(b) Notwithstanding any provision of law to the contrary, any qualified company that is awarded benefits under this program may not simultaneously receive tax credits or exemptions under the Economic Development for a Growing Economy Tax Credit Act, the Business Location Efficiency Incentive Act, and the Small Business Job Creation Tax Credit Act. Any taxpayer who is awarded benefits under this program who knowingly hires individuals who are not allowed to work legally in the United States shall immediately forfeit those benefits and shall repay the State an amount equal to any State tax credits already redeemed and any withholding taxes already retained.

(c) The types of projects and the amount of benefits to be provided are:

(1) Small and expanding business projects. In exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company engaged in a small and expanding business project may retain from the amounts required to be withheld and remitted under Article 7 of the Illinois Income Tax Act an amount equal to the withholding tax, as calculated under item (33) of Section 5, attributable to the new jobs created by the program. Those amounts may be retained for a period of 3 years from the date the required number of new jobs were created if the average wage of the new payroll equals or exceeds the county average wage or for a period of 5 years from the date the required number of new jobs were created if the average wage of the new payroll equals or exceeds 120% of the county average wage.

(2) Technology business projects. In exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company engaged in a technology business project may retain an amount equal to a maximum of 5% of new payroll for a period of 5 years from the date the required number of jobs were created from the withholding tax of the new jobs that would otherwise be required to be withheld and remitted by the qualified company under the provisions of Article 7 of the Illinois Income Tax Act if the average wage of the new payroll equals or exceeds the county average wage. An additional one-half percent of new payroll may be added to the 5% maximum if the average wage of the new payroll in any year exceeds 120% of the county average wage in the county in which the project facility is located, plus an additional one-half percent of new payroll may be added if the average wage of the new payroll in any year exceeds 140% of the average wage in the county in which the project facility is located. The Department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this item and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subdivision.

(3) High impact projects. In exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created by the program, a qualified company engaged in a high impact project may retain, from the withholding tax of the new jobs that would otherwise be required to be withheld and remitted by the qualified company under the provisions of Article 7 of the Illinois Income Tax Act, an amount equal to 3% of new payroll for a period of 5 years from the date the required number of jobs were created if the average wage of the new payroll equals or exceeds the county average wage of the county in which the project facility is located. For high-impact projects in a facility located within 2 adjacent counties, the new payroll shall equal or exceed the higher county average wage of the adjacent counties. The percentage of payroll allowed under this subdivision shall be 3.5% of new payroll if the average wage of the new payroll in any year exceeds 120% of the county average wage in the county in which the project facility is

located. The percentage of payroll allowed under this subdivision shall be 4% of new payroll if the average wage of the new payroll in any year exceeds 140% of the county average wage in the county in which the project facility is located. An additional 1% of new payroll may be added to these percentages if local incentives equal between 10% and 24% of the new direct local revenue; an additional 2% of new payroll is added to these percentages if the local incentives equal between 25% and 49% of the new direct local revenue; and an additional 3% of payroll is added to these percentages if the local incentives equal 50% or more of the new direct local revenue. The Department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this item and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subdivision.

(4) Job retention projects. A qualified company may receive a tax credit for the retention of jobs in this State, provided that the qualified company and the project meets all of the following conditions:

(A) for each of the 24 months preceding the year in which application for the program is made the qualified company must have maintained at least 1,000 full-time employees at the employer's site in the State at which the jobs are based, and the average wage of such employees must meet or exceed the county average wage;

(B) the qualified company retained at the project facility the level of full-time employees that existed in the taxable year immediately preceding the year in which application for the program is made;

(C) the qualified company is considered to have a significant statewide effect on the economy, and has been determined to represent a substantial risk of relocation from the State by the Quality Jobs Advisory Task Force established in Section 20; provided, however, that until such time as the initial at-large members of the Quality Jobs Advisory Task Force are appointed, this determination shall be made by the Director;

(D) the qualified company in the project facility shall cause to be invested a minimum of \$70,000,000 in new investment prior to the end of 2 years or shall cause to be invested a minimum of \$30,000,000 in new investment prior to the end of 2 years and maintain an annual payroll of at least \$70,000,000 during each of the years for which a credit is claimed; and

(E) the local taxing entities shall provide local incentives of at least 50% of the new direct local revenues created by the project over a 10-year period. The Quality Jobs Advisory Task Force may recommend to the Department that appropriate penalties be applied to the company for violating the agreement. The amount of the job retention credit granted may be equal to up to 50% of the amount of withholding tax generated by the full-time jobs at the project facility for a period of 5 years. The calendar year annual maximum amount of tax credit that may be issued to any qualified company for a job retention project or combination of job retention projects shall be \$750,000 per year, but the maximum amount may be increased up to \$1,000,000 if the increase is proposed by the Department and approved by the Quality Jobs Advisory Task Force established in Section 20; until such time as the initial at-large members of the Quality Jobs Advisory Task Force are appointed, this determination shall be made by the Director; in considering such a request, the Task Force shall rely on economic modeling and other information supplied by the Department when requesting the increased limit on behalf of the job retention project; in no event shall the total amount of all tax credits issued for the entire job retention program under this item exceed \$3,000,000 annually; no tax credits shall be issued for job retention projects approved by the Department after August 30, 2014.

(5) Small business job retention and flood survivor relief. A qualified company may receive a tax credit under this Act for the retention of jobs and flood survivor relief in this State for each job retained over a 3 year period, provided that:

(A) the qualified company did not receive any State or federal benefits, incentives, or tax relief or abatement in locating its facility in a flood plain;

(B) the qualified company and related companies have fewer than 100 employees at the time an application for the program is made;

(C) the average wage of the qualified company's and related companies' employees must meet or exceed the county average wage;

(D) all of the qualified company's and related companies' facilities are located in this State;

(E) the facilities at the primary business site in this State have been directly damaged by floodwater rising above the level of a 500-year flood at least 2 years, but fewer than 8

years, prior to the time application is made;

(F) the qualified company made significant efforts to protect the facilities prior to any impending danger from rising floodwaters;

(G) for each year it receives tax credits under this Act, the qualified company and related companies retained, at the company's facilities in this State, at least the level of full-time, year-round employees that existed in the taxable year immediately preceding the year in which application for the program is made; and

(H) in the years it receives tax credits under this Act, the company cumulatively invests at least \$2,000,000 in capital improvements in facilities and equipment located at those facilities that are not located within a 500 year flood plain as designated by the Federal Emergency Management Agency, and amended from time to time. The amount of the small business job retention and flood survivor relief credit granted may be equal to up to 100% of the amount of withholding tax generated by the full-time jobs at the project facility for a period of 3 years; the calendar year annual maximum amount of tax credit that may be issued to any qualified company for a small business job retention and survivor relief project shall be \$250,000 per year, but the maximum amount may be increased up to \$500,000 if the increase is proposed by the Department and approved by the Quality Jobs Advisory Task Force established in Section 20; in considering such a request, the Task Force shall rely on economic modeling and other information supplied by the Department when requesting an increase in the limit on behalf of the small business job retention and flood survivor relief project; in no event shall the total amount of all tax credits issued for the entire small business job retention and flood survivor relief program under this item exceed \$500,000 annually; notwithstanding the provisions of this item to the contrary, no tax credits shall be issued for small business job retention and flood survivor relief projects approved by the Department after August 30, 2014.

(d) The qualified company shall provide an annual report of the number of jobs and such other information as may be required by the Department to document the basis for the benefits of this program. The Department may withhold the approval of any benefits until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or new payroll. Upon approval by the Department, the qualified company may begin the retention of the withholding taxes when it reaches the minimum number of new jobs and the average wage exceeds the county average wage. Tax credits, if any, may be issued upon satisfaction by the Department that the qualified company has exceeded the county average wage and the minimum number of new jobs. In such annual report, if the average wage is below the county average wage, the qualified company has not maintained the employee insurance as required, or if the number of new jobs is below the minimum, the qualified company shall not receive tax credits or retain the withholding tax for the balance of the benefit period. In the case of a qualified company that initially filed a notice of intent and received an approval from the Department for high-impact benefits and the minimum number of new jobs in an annual report is below the minimum for high-impact projects, the company shall not receive tax credits for the balance of the benefit period but may continue to retain the withholding taxes if it otherwise meets the requirements of a small and expanding business under this program.

(e) The maximum calendar year annual tax credits issued for the entire program shall not exceed \$80,000,000. There shall be no limit on the amount of withholding taxes that may be retained by approved companies under this program.

(f) The Department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the Department's best estimate of new jobs and new payroll of the project, and the other factors in the determination of benefits of this program. However, the annual issuance of tax credits is subject to the annual verification of the actual new payroll. The allocation of tax credits for the period assigned to a project shall expire if, within 2 years from the date of commencement of operations, or approval if applicable, the minimum thresholds have not been achieved. The qualified company may retain authorized amounts from the withholding tax under this Section once the minimum new jobs thresholds are met for the duration of the project period. No benefits shall be provided under this program until the qualified company meets the minimum new jobs thresholds. In the event the qualified company does not meet the minimum new job threshold, the qualified company may submit a new notice of intent or the Department may provide a new approval for a new project of the qualified company at the project facility or other facilities.

(g) For a qualified company with flow-through tax treatment to its members, partners, or shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the qualified company's tax period.

(h) Tax credits may be claimed against taxes otherwise imposed by the Illinois Income Tax Act, and may not be carried forward but shall be claimed within one year of the close of the taxable year for which they were issued, except as provided under item (4) of subsection (c) of this Section.

(i) Prior to the issuance of tax credits, the Department shall verify through the Department of Revenue, or any other State agency, that the tax credit applicant does not owe any delinquent income, sales, or use tax, or interest or penalties on such taxes, or any delinquent fees or assessments levied by any State agency. Such delinquency shall not affect the authorization of the application for such tax credits, except that at issuance credits shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the Department of Revenue or any other State agency, concludes that a taxpayer is delinquent after June 15 but before July 1 of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted 30 days to satisfy the deficiency, during which time interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate agency and that agency shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

(j) Except as provided under subdivision (4) of subsection (c) of this Section, the Department of Revenue shall issue a refund to the qualified company to the extent that the amount of credits allowed in this Section exceeds the amount of the qualified company's income tax.

(k) An employee of a qualified company shall receive full credit for the amount of tax withheld as provided in Article 7 of the Illinois Income Tax Act.

(l) If any provision of this Act or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of this Act which can be given effect without the invalid provision or application, and to this end, the provisions of this Act are hereby declared severable.

Section 15. Rulemaking authority. The Department may adopt such rules as may be necessary to carry out the provisions of this Act.

Section 20. Quality Jobs Advisory Task Force. There is hereby created a volunteer task force, to be known as the Quality Jobs Advisory Task Force, which shall consist of the Chairperson of the Commerce Committee of the Senate or his or her designee, a member of the Commerce Committee of the Senate appointed by the Minority Leader of the Senate, the Chairperson of the Small Business Empowerment & Workforce Development Committee of the House of Representatives or his or her designee, a member of the Small Business Empowerment & Workforce Development Committee of the House of Representatives appointed by the Minority Leader of the House of Representatives, the Director of the Department of Commerce and Economic Opportunity or his or her designee, and 2 members to be appointed by the Governor with the advice and consent of the Senate.

Section 25. Report to the General Assembly. Prior to March 1 of each year, the Department shall provide a report on the program to the General Assembly including the names of participating companies, location of such companies, the annual amount of benefits provided, the estimated net State fiscal impact (direct and indirect new State taxes derived from the project), the number of new jobs created or jobs retained, the average wages of each project, and the types of qualified companies using the program.

Section 80. The Illinois Income Tax Act is amended by changing Section 704A and by adding Section 221 as follows:

(35 ILCS 5/221 new)

Sec. 221. Illinois Quality Jobs Tax Credit. A taxpayer is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 of this Act as provided in the Illinois Quality Jobs Act.

(35 ILCS 5/704A)

Sec. 704A. Employer's return and payment of tax withheld.

(a) In general, every employer who deducts and withholds or is required to deduct and withhold tax under this Act on or after January 1, 2008 shall make those payments and returns as provided in this Section.

(b) Returns. Every employer shall, in the form and manner required by the Department, make returns

[March 31, 2011]

with respect to taxes withheld or required to be withheld under this Article 7 for each quarter beginning on or after January 1, 2008, on or before the last day of the first month following the close of that quarter.

(c) Payments. With respect to amounts withheld or required to be withheld on or after January 1, 2008:

(1) Semi-weekly payments. For each calendar year, each employer who withheld or was required to withhold more than \$12,000 during the one-year period ending on June 30 of the immediately preceding calendar year, payment must be made:

(A) on or before each Friday of the calendar year, for taxes withheld or required to be withheld on the immediately preceding Saturday, Sunday, Monday, or Tuesday;

(B) on or before each Wednesday of the calendar year, for taxes withheld or required to be withheld on the immediately preceding Wednesday, Thursday, or Friday.

Beginning with calendar year 2011, ~~payments~~ ~~payment~~ made under this paragraph (1) of subsection (c) must

be made by electronic funds transfer.

(2) Semi-weekly payments. Any employer who withholds or is required to withhold more than \$12,000 in any quarter of a calendar year is required to make payments on the dates set forth under item (1) of this subsection (c) for each remaining quarter of that calendar year and for the subsequent calendar year.

(3) Monthly payments. Each employer, other than an employer described in items (1) or (2) of this subsection, shall pay to the Department, on or before the 15th day of each month the taxes withheld or required to be withheld during the immediately preceding month.

(4) Payments with returns. Each employer shall pay to the Department, on or before the due date for each return required to be filed under this Section, any tax withheld or required to be withheld during the period for which the return is due and not previously paid to the Department.

(d) Regulatory authority. The Department may, by rule:

(1) Permit employers, in lieu of the requirements of subsections (b) and (c), to file annual returns due on or before January 31 of the year for taxes withheld or required to be withheld during the previous calendar year and, if the aggregate amounts required to be withheld by the employer under this Article 7 (other than amounts required to be withheld under Section 709.5) do not exceed \$1,000 for the previous calendar year, to pay the taxes required to be shown on each such return no later than the due date for such return.

(2) Provide that any payment required to be made under subsection (c)(1) or (c)(2) is deemed to be timely to the extent paid by electronic funds transfer on or before the due date for deposit of federal income taxes withheld from, or federal employment taxes due with respect to, the wages from which the Illinois taxes were withheld.

(3) Designate one or more depositories to which payment of taxes required to be withheld under this Article 7 must be paid by some or all employers.

(4) Increase the threshold dollar amounts at which employers are required to make semi-weekly payments under subsection (c)(1) or (c)(2).

(e) Annual return and payment. Every employer who deducts and withholds or is required to deduct and withhold tax from a person engaged in domestic service employment, as that term is defined in Section 3510 of the Internal Revenue Code, may comply with the requirements of this Section with respect to such employees by filing an annual return and paying the taxes required to be deducted and withheld on or before the 15th day of the fourth month following the close of the employer's taxable year. The Department may allow the employer's return to be submitted with the employer's individual income tax return or to be submitted with a return due from the employer under Section 1400.2 of the Unemployment Insurance Act.

(f) Magnetic media and electronic filing. Any W-2 Form that, under the Internal Revenue Code and regulations promulgated thereunder, is required to be submitted to the Internal Revenue Service on magnetic media or electronically must also be submitted to the Department on magnetic media or electronically for Illinois purposes, if required by the Department.

(g) For amounts deducted or withheld after December 31, 2009, a taxpayer who makes an election under subsection (f) of Section 5-15 of the Economic Development for a Growing Economy Tax Credit Act for a taxable year shall be allowed a credit against payments due under this Section for amounts withheld during the first calendar year beginning after the end of that taxable year equal to the amount of the credit for the incremental income tax attributable to full-time employees of the taxpayer awarded to the taxpayer by the Department of Commerce and Economic Opportunity under the Economic Development for a Growing Economy Tax Credit Act for the taxable year and credits not previously

claimed and allowed to be carried forward under Section 211(4) of this Act as provided in subsection (f) of Section 5-15 of the Economic Development for a Growing Economy Tax Credit Act. The credit or credits may not reduce the taxpayer's obligation for any payment due under this Section to less than zero. If the amount of the credit or credits exceeds the total payments due under this Section with respect to amounts withheld during the calendar year, the excess may be carried forward and applied against the taxpayer's liability under this Section in the succeeding calendar years as allowed to be carried forward under paragraph (4) of Section 211 of this Act. The credit or credits shall be applied to the earliest year for which there is a tax liability. If there are credits from more than one taxable year that are available to offset a liability, the earlier credit shall be applied first. Each employer who deducts and withholds or is required to deduct and withhold tax under this Act and who retains income tax withholdings under subsection (f) of Section 5-15 of the Economic Development for a Growing Economy Tax Credit Act must make a return with respect to such taxes and retained amounts in the form and manner that the Department, by rule, requires and pay to the Department or to a depository designated by the Department those withheld taxes not retained by the taxpayer. For purposes of this subsection (g), the term taxpayer shall include taxpayer and members of the taxpayer's unitary business group as defined under paragraph (27) of subsection (a) of Section 1501 of this Act. This Section is exempt from the provisions of Section 250 of this Act.

(h) An employer may claim a credit against payments due under this Section for amounts withheld during the first calendar year ending after date on which a tax credit certificate was issued under Section 35 of the Small Business Job Creation Tax Credit Act. The credit shall be equal to the amount shown on the certificate, but may not reduce the taxpayer's obligation for any payment due under this Section to less than zero. If the amount of the credit exceeds the total payments due under this Section with respect to amounts withheld during the calendar year, the excess may be carried forward and applied against the taxpayer's liability under this Section in the 5 succeeding calendar years. The credit shall be applied to the earliest year for which there is a tax liability. If there are credits from more than one calendar year that are available to offset a liability, the earlier credit shall be applied first. This Section is exempt from the provisions of Section 250 of this Act.

(i) An employer may claim a credit against payments due under this Article for the amount of credit awarded under Section 10 of the Illinois Quality Jobs Act. This Section is exempt from the provisions of Section 250 of this Act.

(Source: P.A. 95-8, eff. 6-29-07; 95-707, eff. 1-11-08; 96-834, eff. 12-14-09; 96-888, eff. 4-13-10; 96-905, eff. 6-4-10; 96-1027, eff. 7-12-10; revised 9-16-10.)"

The motion prevailed.

And the amendment was adopted and ordered printed.

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

### READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Sullivan, **Senate Bill No. 1221**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 47; NAYS 5.

The following voted in the affirmative:

Althoff	Holmes	Luechtefeld	Rezin
Bomke	Hutchinson	Maloney	Sandack
Clayborne	Johnson, C.	Martinez	Sandoval
Collins, A.	Johnson, T.	McCann	Schmidt
Collins, J.	Jones, E.	McCarter	Schoenberg
Crotty	Jones, J.	Millner	Silverstein
Cultra	Koehler	Mulroe	Steans
Delgado	Kotowski	Muñoz	Sullivan
Forby	LaHood	Murphy	Syverson

[March 31, 2011]

Garrett	Landek	Noland	Wilhelmi
Haine	Lightford	Pankau	Mr. President
Harmon	Link	Raoul	

The following voted in the negative:

Bivins	Duffy	Radogno
Brady	Lauzen	

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

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

At the hour of 12:58 o'clock p.m., Senator Harmon, presiding.

On motion of Senator Lauzen, **Senate Bill No. 1230**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Lightford	Raoul
Bivins	Haine	Link	Rezin
Bomke	Harmon	Luechtefeld	Righter
Brady	Holmes	Maloney	Sandack
Clayborne	Hutchinson	Martinez	Schmidt
Collins, A.	Johnson, C.	McCann	Schoenberg
Collins, J.	Johnson, T.	McCarter	Silverstein
Crotty	Jones, E.	Millner	Steans
Cultra	Jones, J.	Mulroe	Sullivan
Delgado	Koehler	Muñoz	Syverson
Dillard	Kotowski	Murphy	Wilhelmi
Duffy	LaHood	Noland	Mr. President
Forby	Landek	Pankau	
Frerichs	Lauzen	Radogno	

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

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

On motion of Senator J. Jones, **Senate Bill No. 1241**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Lightford	Raoul
Bivins	Haine	Link	Rezin

[March 31, 2011]



Bomke	Harmon	Luechtefeld	Righter
Brady	Holmes	Maloney	Sandack
Clayborne	Hutchinson	Martinez	Sandoval
Collins, A.	Johnson, C.	McCann	Schmidt
Collins, J.	Johnson, T.	McCarter	Schoenberg
Crotty	Jones, E.	Millner	Silverstein
Cultra	Jones, J.	Mulroe	Steans
Delgado	Koehler	Muñoz	Sullivan
Dillard	Kotowski	Murphy	Syverson
Duffy	LaHood	Noland	Wilhelmi
Forby	Landek	Pankau	Mr. President
Frerichs	Lauzen	Radogno	

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

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

On motion of Senator Garrett, **Senate Bill No. 1245**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 50; NAYS 2.

The following voted in the affirmative:

Althoff	Garrett	Lightford	Raoul
Bivins	Haine	Link	Rezin
Bomke	Harmon	Luechtefeld	Sandack
Brady	Holmes	Maloney	Sandoval
Clayborne	Hutchinson	Martinez	Schmidt
Collins, A.	Johnson, C.	McCann	Schoenberg
Collins, J.	Johnson, T.	McCarter	Silverstein
Crotty	Jones, E.	Millner	Steans
Cultra	Jones, J.	Mulroe	Sullivan
Delgado	Koehler	Muñoz	Wilhelmi
Dillard	Kotowski	Murphy	Mr. President
Forby	Landek	Noland	
Frerichs	Lauzen	Pankau	

The following voted in the negative:

Duffy  
Radogno

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

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

On motion of Senator Frerichs, **Senate Bill No. 1248**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

[March 31, 2011]

The following voted in the affirmative:

Althoff	Garrett	Lightford	Raoul
Bivins	Haine	Link	Rezin
Bomke	Harmon	Luechtefeld	Righter
Brady	Holmes	Maloney	Sandack
Clayborne	Hutchinson	Martinez	Sandoval
Collins, A.	Johnson, C.	McCann	Schmidt
Collins, J.	Johnson, T.	McCarter	Schoenberg
Crotty	Jones, E.	Millner	Silverstein
Cultra	Jones, J.	Mulroe	Steans
Delgado	Koehler	Muñoz	Sullivan
Dillard	Kotowski	Murphy	Syverson
Duffy	LaHood	Noland	Wilhelmi
Forby	Landek	Pankau	Mr. President
Frerichs	Lauzen	Radogno	

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

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

On motion of Senator Forby, **Senate Bill No. 1253**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

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

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

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

On motion of Senator Steans, **Senate Bill No. 1282**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

[March 31, 2011]

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Lightford	Raoul
Bivins	Haine	Link	Rezin
Bomke	Harmon	Luechtefeld	Righter
Brady	Holmes	Maloney	Sandack
Clayborne	Hutchinson	Martinez	Sandoval
Collins, A.	Johnson, C.	McCann	Schmidt
Collins, J.	Johnson, T.	McCarter	Schoenberg
Crotty	Jones, E.	Millner	Silverstein
Cultra	Jones, J.	Mulroe	Steans
Delgado	Koehler	Muñoz	Sullivan
Dillard	Kotowski	Murphy	Syverson
Duffy	LaHood	Noland	Wilhelmi
Forby	Landek	Pankau	Mr. President
Frerichs	Lauzen	Radogno	

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

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

On motion of Senator Bomke, **Senate Bill No. 1291**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAY 1.

The following voted in the affirmative:

Althoff	Garrett	Lightford	Sandack
Bivins	Haine	Link	Sandoval
Bomke	Harmon	Luechtefeld	Schmidt
Brady	Holmes	Martinez	Schoenberg
Clayborne	Hutchinson	McCann	Silverstein
Collins, A.	Johnson, C.	McCarter	Steans
Collins, J.	Johnson, T.	Millner	Sullivan
Crotty	Jones, E.	Mulroe	Syverson
Cultra	Jones, J.	Muñoz	Wilhelmi
Delgado	Koehler	Murphy	Mr. President
Dillard	Kotowski	Noland	
Duffy	LaHood	Pankau	
Forby	Landek	Raoul	
Frerichs	Lauzen	Rezin	

The following voted in the negative:

Radogno

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

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

[March 31, 2011]

On motion of Senator Steans, **Senate Bill No. 1293**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 45; NAYS 8.

The following voted in the affirmative:

Althoff	Haine	Martinez	Sandoval
Bomke	Harmon	Millner	Schmidt
Brady	Holmes	Mulroe	Schoenberg
Clayborne	Hutchinson	Muñoz	Silverstein
Collins, A.	Johnson, T.	Murphy	Steans
Crotty	Jones, E.	Noland	Sullivan
Delgado	Koehler	Pankau	Syverson
Dillard	Kotowski	Radogno	Wilhelmi
Duffy	Landek	Raoul	Mr. President
Forby	Lightford	Rezin	
Frerichs	Link	Righter	
Garrett	Maloney	Sandack	

The following voted in the negative:

Bivins	LaHood	McCann
Cultra	Lauzen	McCarter
Johnson, C.	Luechtefeld	

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

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

### SENATE BILL RECALLED

On motion of Senator Dillard, **Senate Bill No. 1294** was recalled from the order of third reading to the order of second reading.

Senator Dillard offered the following amendment and moved its adoption:

#### AMENDMENT NO. 3 TO SENATE BILL 1294

AMENDMENT NO. 3. Amend Senate Bill 1294 by replacing everything after the enacting clause with the following:

"Section 5. The Trusts and Trustees Act is amended by adding Sections 16.3 and 16.7 as follows:

(760 ILCS 5/16.3 new)

Sec. 16.3. Directed trusts.

(a) Definitions. In this Section:

(1) "Directing party" means any investment trust advisor, distribution trust advisor, or trust protector as provided in this Section.

(2) "Distribution trust advisor" means any one or more persons given authority by the governing instrument to direct, consent to, veto, or otherwise exercise all or any portion of the distribution powers and discretions of the trust, including but not limited to authority to make discretionary distribution of income or principal.

(3) "Excluded fiduciary" means any fiduciary that by the governing instrument is directed to act in accordance with the exercise of specified powers by a directing party, in which case such specified powers shall be deemed granted not to the fiduciary but to the directing party and such fiduciary shall be deemed excluded from exercising such specified powers. If a governing instrument provides that a fiduciary as to one or more specified matters is to act, omit action, or make decisions only with the

[March 31, 2011]

consent of a directing party, then such fiduciary is an excluded fiduciary with respect to such matters.

(4) "Fiduciary" means any person expressly given one or more fiduciary duties by the governing instrument, including but not limited to a trustee.

(5) "Governing instrument" refers to the instrument stating the terms of a trust, including but not limited to any court order or nonjudicial settlement agreement establishing, construing, or modifying the terms of the trust in accordance with Section 16.1, 16.4, or 16.6 or other applicable law.

(6) "Investment trust advisor" means any one or more persons given authority by the governing instrument to direct, consent to, veto, or otherwise exercise all or any portion of the investment powers of the trust.

(7) "Power" means authority to take or withhold an action or decision, including but not limited to an expressly specified power, the implied power necessary to exercise a specified power, and authority inherent in a general grant of discretion.

(8) "Trust protector" means any one or more persons given any one or more of the powers specified in subsection (d), whether or not designated with the title of trust protector by the governing instrument.

(b) Powers of investment trust advisor. An investment trust advisor may be designated in the governing instrument of a trust. The powers of an investment trust advisor may be exercised or not exercised in the sole and absolute discretion of the investment trust advisor, and are binding on all other persons, including but not limited to each beneficiary, fiduciary, excluded fiduciary, and any other party having an interest in the trust. The governing instrument may use the title "investment trust advisor" or any similar name or description demonstrating the intent to provide for the office and function of an investment trust advisor. Unless the terms of the governing instrument provide otherwise, the investment trust advisor has the authority to:

(1) direct the trustee with respect to the retention, purchase, transfer, assignment, sale, or encumbrance of trust property and the investment and reinvestment of principal and income of the trust;

(2) direct the trustee with respect to all management, control, and voting powers related directly or indirectly to trust assets, including but not limited to voting proxies for securities held in trust;

(3) select and determine reasonable compensation of one or more advisors, managers, consultants, or counselors, including the trustee, and to delegate to them any of the powers of the investment trust advisor in accordance with subsection (b) of Section 5.1; and

(4) determine the frequency and methodology for valuing any asset for which there is no readily available market value.

(c) Powers of distribution trust advisor. A distribution trust advisor may be designated in the governing instrument of a trust. The powers of a distribution trust advisor may be exercised or not exercised in the sole and absolute discretion of the distribution trust advisor, and are binding on all other persons, including but not limited to each beneficiary, fiduciary, excluded fiduciary, and any other party having an interest in the trust. The governing instrument may use the title "distribution trust advisor" or any similar name or description demonstrating the intent to provide for the office and function of a distribution trust advisor. Unless the terms of the governing instrument provide otherwise, the distribution trust advisor has authority to direct the trustee with regard to all decisions relating directly or indirectly to discretionary distributions to or for one or more beneficiaries.

(d) Powers of trust protector. A trust protector may be designated in the governing instrument of a trust. The powers of a trust protector may be exercised or not exercised in the sole and absolute discretion of the trust protector, and are binding on all other persons, including but not limited to each beneficiary, investment trust advisor, distribution trust advisor, fiduciary, excluded fiduciary, and any other party having an interest in the trust. The governing instrument may use the title "trust protector" or any similar name or description demonstrating the intent to provide for the office and function of a trust protector. The powers granted to a trust protector by the governing instrument may include but are not limited to authority to do any one or more of the following:

(1) modify or amend the trust instrument to achieve favorable tax status or respond to changes in the Internal Revenue Code, federal laws, State law, or the rulings and regulations under such laws;

(2) increase, decrease, or modify the interests of any beneficiary or beneficiaries of the trust;

(3) modify the terms of any power of appointment granted by the trust; provided, however, such modification or amendment may not grant a beneficial interest to any individual, class of individuals, or other parties not specifically provided for under the trust instrument;

(4) remove, appoint, or remove and appoint, a trustee, investment trust advisor, distribution trust advisor, another directing party, investment committee member, or distribution committee member, including designation of a plan of succession for future holders of any such office;

(5) terminate the trust, including determination of how the trustee shall distribute the trust property to be consistent with the purposes of the trust;

(6) change the situs of the trust, the governing law of the trust, or both;

(7) appoint one or more successor trust protectors, including designation of a plan of succession for future trust protectors;

(8) interpret terms of the trust instrument at the request of the trustee;

(9) advise the trustee on matters concerning a beneficiary; or

(10) amend or modify the trust instrument to take advantage of laws governing restraints on alienation, distribution of trust property, or to improve the administration of the trust.

(e) Duty and liability of directing party. Each directing party is a fiduciary of the trust unless the governing instrument provides otherwise; provided, however, the governing instrument may not exonerate a directing party from the duty to act or withhold acting as the directing party in good faith reasonably believes is in the best interests of the trust. A directing party who the governing instrument specifies is a fiduciary is subject to the same duties and standards that are applicable to a trustee of a trust as provided by applicable law, except to the extent the governing instrument provides otherwise.

(f) Duty and liability of excluded fiduciary. The excluded fiduciary shall act in accordance with the governing instrument and comply with the directing party's exercise of the powers granted to the directing party by the governing instrument. Unless otherwise provided in the governing instrument, an excluded fiduciary has no duty to monitor, review, inquire, investigate, recommend, evaluate, or warn with respect to a directing party's exercise or failure to exercise any power granted to the directing party by the governing instrument, including but not limited to any power related to the acquisition, disposition, retention, management, or valuation of any asset or investment. Except as otherwise provided in this Section or the governing instrument, an excluded fiduciary is not liable, either individually or as a fiduciary, for any action, inaction, consent, or failure to consent by a directing party, including but not limited to any of the following:

(1) if a governing instrument provides that an excluded fiduciary is to follow the direction of a directing party, and such excluded fiduciary acts in accordance with such a direction, then except in cases of willful misconduct on the part of the excluded fiduciary in complying with the direction of the directing party, the excluded fiduciary is not liable for any loss resulting directly or indirectly from following any such direction, including but not limited to compliance regarding the valuation of assets for which there is no readily available market value;

(2) if a governing instrument provides that an excluded fiduciary is to act or omit to act only with the consent of a directing party, then except in cases of willful misconduct on the part of the excluded fiduciary, the excluded fiduciary is not liable for any loss resulting directly or indirectly from any act taken or omitted as a result of such directing party's failure to provide such consent after having been asked to do so by the excluded fiduciary; or

(3) if a governing instrument provides that, or for any other reason, an excluded fiduciary is required to assume the role or responsibilities of a directing party, then except in cases of willful misconduct, the excluded fiduciary is not liable for any loss resulting directly or indirectly from any act taken or omitted in complying with that requirement.

(g) Submission to court jurisdiction; effect on directing party. By accepting an appointment to serve as a directing party of a trust that is subject to the laws of this State, the directing party submits to the jurisdiction of the courts of this State even if investment advisory agreements or other related agreements provide otherwise, and the directing party may be made a party to any action or proceeding if issues relate to a decision or action of the directing party.

(h) Duty to inform excluded fiduciary. Each directing party shall keep the excluded fiduciary and any other directing party reasonably informed regarding the administration of the trust with respect to any specific duty or function being performed by the directing party to the extent that the duty or function would normally be performed by the excluded fiduciary or to the extent that providing such information to the excluded fiduciary or other directing party is reasonably necessary for the excluded fiduciary or other directing party to perform its duties, and the directing party shall provide such information as reasonably requested by the excluded fiduciary or other directing party. Neither the performance nor the failure to perform of a directing party's duty to inform as provided in this subsection affects whatsoever the limitation on the liability of the excluded fiduciary as provided in this Section.

(i) Reliance on counsel. An excluded fiduciary may, but is not required to, obtain and rely upon an opinion of counsel on any matter relevant to this Section.

(j) Applicability. On and after its effective date, this Section applies to:

(1) all existing and future trusts that appoint or provide for a directing party, including but not limited to a party granted power or authority effectively comparable in substance to that of a directing party as provided in this Section; or

(2) any existing or future trust that:

(A) is modified in accordance with applicable law or the terms of the governing instrument to appoint or provide for a directing party; or

(B) is modified to appoint or provide for a directing party, including but not limited to a party granted power or authority effectively comparable in substance to that of a directing party, in accordance with (i) a court order, or (ii) a nonjudicial settlement agreement made in accordance with Section 16.1, whether or not such order or agreement specifies that this Section governs the responsibilities, actions, and liabilities of persons designated as a directing party or excluded fiduciary.

(760 ILCS 5/16.7 new)

Sec. 16.7. Application. Section 16.3 applies to all trusts in existence on the effective date of this amendatory Act of the 97th General Assembly or created after that date. Section 16.3 shall be construed as pertaining to the administration of a trust and shall be available to any trust that is administered in Illinois under Illinois law or that is governed by Illinois law with respect to the meaning and effect of its terms, except to the extent the governing instrument expressly prohibits that Section by specific reference to that Section. A provision in the governing instrument in the form: "The provisions of Section 16.3 of the Trusts and Trustees Act and any corresponding provision of future law may not be used in the administration of this trust." or a similar provision demonstrating that intent is sufficient to preclude the use of Section 16.3.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

### READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Dillard, **Senate Bill No. 1295**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Lightford	Raoul
Bivins	Haine	Link	Rezin
Bomke	Harmon	Luechtefeld	Righter
Brady	Holmes	Maloney	Sandack
Clayborne	Hutchinson	Martinez	Sandoval
Collins, A.	Johnson, C.	McCann	Schmidt
Collins, J.	Johnson, T.	McCarter	Schoenberg
Crotty	Jones, E.	Millner	Silverstein
Cultra	Jones, J.	Mulroe	Steans
Delgado	Koehler	Muñoz	Sullivan
Dillard	Kotowski	Murphy	Syversen
Duffy	LaHood	Noland	Wilhelmi
Forby	Landek	Pankau	Mr. President
Frerichs	Lauzen	Radogno	

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

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

[March 31, 2011]

On motion of Senator Maloney, **Senate Bill No. 1321**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Link	Rezin
Bivins	Haine	Luechtefeld	Righter
Bomke	Harmon	Maloney	Sandack
Brady	Holmes	Martinez	Sandoval
Clayborne	Hutchinson	McCann	Schmidt
Collins, A.	Johnson, C.	McCarter	Schoenberg
Collins, J.	Johnson, T.	Millner	Silverstein
Crotty	Jones, E.	Mulroe	Steans
Cultra	Koehler	Muñoz	Sullivan
Delgado	Kotowski	Murphy	Syverson
Dillard	LaHood	Noland	Wilhelmi
Duffy	Landek	Pankau	Mr. President
Forby	Lauzen	Radogno	
Frerichs	Lightford	Raoul	

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

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

On motion of Senator Koehler, **Senate Bill No. 1335**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Lightford	Rezin
Bivins	Haine	Link	Righter
Bomke	Harmon	Luechtefeld	Sandack
Brady	Holmes	Maloney	Sandoval
Clayborne	Hutchinson	Martinez	Schmidt
Collins, A.	Johnson, C.	McCann	Schoenberg
Collins, J.	Johnson, T.	McCarter	Silverstein
Crotty	Jones, E.	Millner	Steans
Cultra	Jones, J.	Mulroe	Sullivan
Delgado	Koehler	Muñoz	Syverson
Dillard	Kotowski	Noland	Wilhelmi
Duffy	LaHood	Pankau	Mr. President
Forby	Landek	Radogno	
Frerichs	Lauzen	Raoul	

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

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

[March 31, 2011]



On motion of Senator Crotty, **Senate Bill No. 1336**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Link	Rezin
Bivins	Haine	Luechtefeld	Righter
Brady	Harmon	Maloney	Sandack
Clayborne	Holmes	Martinez	Sandoval
Collins, A.	Hutchinson	McCann	Schmidt
Collins, J.	Johnson, C.	McCarter	Schoenberg
Crotty	Johnson, T.	Millner	Silverstein
Cultra	Jones, E.	Mulroe	Steans
Delgado	Jones, J.	Muñoz	Sullivan
Dillard	Koehler	Noland	Syverson
Duffy	Kotowski	Pankau	Wilhelmi
Forby	Landek	Radogno	Mr. President
Ferichs	Lightford	Raoul	

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

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

On motion of Senator McCarter, **Senate Bill No. 1350**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Link	Righter
Bivins	Haine	Luechtefeld	Sandack
Bomke	Harmon	Maloney	Sandoval
Brady	Holmes	Martinez	Schmidt
Clayborne	Hutchinson	McCann	Schoenberg
Collins, A.	Johnson, C.	McCarter	Silverstein
Collins, J.	Johnson, T.	Millner	Steans
Crotty	Jones, E.	Mulroe	Sullivan
Cultra	Jones, J.	Muñoz	Wilhelmi
Delgado	Koehler	Noland	Mr. President
Dillard	Kotowski	Pankau	
Duffy	LaHood	Radogno	
Forby	Landek	Raoul	
Ferichs	Lightford	Rezin	

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

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

[March 31, 2011]

On motion of Senator Wilhelmi, **Senate Bill No. 1355**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Lightford	Rezin
Bivins	Haine	Link	Righter
Bomke	Harmon	Luechtefeld	Sandack
Brady	Holmes	Maloney	Sandoval
Clayborne	Hutchinson	Martinez	Schmidt
Collins, A.	Johnson, C.	McCann	Schoenberg
Collins, J.	Johnson, T.	McCarter	Silverstein
Crotty	Jones, E.	Millner	Steans
Cultra	Jones, J.	Mulroe	Sullivan
Delgado	Koehler	Muñoz	Syverson
Dillard	Kotowski	Noland	Wilhelmi
Duffy	LaHood	Pankau	Mr. President
Forby	Landek	Radogno	
Frerichs	Lauzen	Raoul	

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

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

On motion of Senator Bivins, **Senate Bill No. 1364**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Lightford	Rezin
Bivins	Haine	Link	Righter
Bomke	Harmon	Luechtefeld	Sandack
Brady	Holmes	Maloney	Sandoval
Clayborne	Hutchinson	Martinez	Schmidt
Collins, A.	Johnson, C.	McCann	Schoenberg
Collins, J.	Johnson, T.	McCarter	Silverstein
Crotty	Jones, E.	Millner	Steans
Cultra	Jones, J.	Mulroe	Sullivan
Delgado	Koehler	Muñoz	Syverson
Dillard	Kotowski	Noland	Wilhelmi
Duffy	LaHood	Pankau	Mr. President
Forby	Landek	Radogno	
Frerichs	Lauzen	Raoul	

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

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

[March 31, 2011]

On motion of Senator Syverson, **Senate Bill No. 1379**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Lightford	Rezin
Bivins	Haine	Link	Righter
Bomke	Harmon	Luechtefeld	Sandack
Brady	Holmes	Maloney	Sandoval
Clayborne	Hutchinson	Martinez	Schmidt
Collins, A.	Johnson, C.	McCann	Schoenberg
Collins, J.	Johnson, T.	McCarter	Silverstein
Crotty	Jones, E.	Millner	Steans
Cultra	Jones, J.	Mulroe	Sullivan
Delgado	Koehler	Muñoz	Syverson
Dillard	Kotowski	Noland	Wilhelmi
Duffy	LaHood	Pankau	Mr. President
Forby	Landek	Radogno	
Frerichs	Lauzen	Raoul	

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

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

On motion of Senator Jones, E. III, **Senate Bill No. 1386**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAY 1.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Sandack
Bivins	Harmon	Maloney	Sandoval
Bomke	Holmes	Martinez	Schmidt
Brady	Hutchinson	McCann	Schoenberg
Clayborne	Johnson, C.	McCarter	Silverstein
Collins, A.	Johnson, T.	Millner	Steans
Collins, J.	Jones, E.	Mulroe	Sullivan
Crotty	Jones, J.	Muñoz	Syverson
Delgado	Koehler	Noland	Wilhelmi
Dillard	Kotowski	Pankau	Mr. President
Duffy	LaHood	Radogno	
Forby	Landek	Raoul	
Frerichs	Lightford	Rezin	
Garrett	Link	Righter	

The following voted in the negative:

Cultra

[March 31, 2011]

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

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

Senator Lauzen asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **Senate Bill No. 1386**.

On motion of Senator Haine, **Senate Bill No. 1553**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Lightford	Rezin
Bivins	Haine	Link	Righter
Bomke	Harmon	Luechtefeld	Sandack
Brady	Holmes	Maloney	Sandoval
Clayborne	Hutchinson	Martinez	Schmidt
Collins, A.	Johnson, C.	McCann	Schoenberg
Collins, J.	Johnson, T.	McCarter	Silverstein
Crotty	Jones, E.	Millner	Steans
Cultra	Jones, J.	Mulroe	Sullivan
Delgado	Koehler	Muñoz	Syverson
Dillard	Kotowski	Noland	Wilhelmi
Duffy	LaHood	Pankau	Mr. President
Forby	Landek	Radogno	
Frerichs	Lauzen	Raoul	

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

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

On motion of Senator Crotty, **Senate Bill No. 1584**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Lightford	Righter
Bivins	Haine	Luechtefeld	Sandack
Bomke	Harmon	Maloney	Sandoval
Brady	Holmes	Martinez	Schmidt
Clayborne	Hutchinson	McCann	Schoenberg
Collins, A.	Johnson, C.	McCarter	Silverstein
Collins, J.	Johnson, T.	Millner	Steans
Crotty	Jones, E.	Mulroe	Sullivan
Cultra	Jones, J.	Muñoz	Syverson
Delgado	Koehler	Noland	Wilhelmi
Dillard	Kotowski	Pankau	Mr. President

[March 31, 2011]

Duffy	LaHood	Radogno
Forby	Landek	Raoul
Frerichs	Lauzen	Rezin

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

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

### REPORT FROM STANDING COMMITTEE

Senator Muñoz, Chairperson of the Committee on Executive Appointments, moved that the Senate resolve itself into Executive Session to consider the report of that Committee relative to the appointment messages.

The motion prevailed.

### EXECUTIVE SESSION

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred the Appointment Message 27, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Title of Office: Director

Agency or Other Body: Division of Banking within the Illinois Department of Financial and Professional Regulation

Start Date: February 28, 2011

End Date: January 21, 2013

Name: Manuel Flores

Residence: 1449 Wicker Park Ave., Apt. 401, Chicago, IL 60622

Annual Compensation: \$136,217

Per diem: Not Applicable

Nominee's Senator: Senator William Delgado

Most Recent Holder of Office: Jorge A. Solis

Superseded Appointment Message: This Appointment Message is to supersede an Appointment Message filed during the 96th General Assembly, dated January 4, 2010 (Chair, Illinois Commerce Commission).

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

YEAS 30; NAYS 12; Present 6.

The following voted in the affirmative:

Brady	Harmon	Link	Sandoval
Clayborne	Hutchinson	Maloney	Schoenberg
Collins, A.	Johnson, T.	Martinez	Silverstein
Collins, J.	Jones, E.	Millner	Sullivan
Crotty	Koehler	Mulroe	Wilhelmi

[March 31, 2011]

Delgado	Kotowski	Muñoz	Mr. President
Frerichs	Landek	Raoul	
Garrett	Lightford	Sandack	

The following voted in the negative:

Bivins	Jones, J.	McCarter
Duffy	LaHood	Rezin
Haine	Lauzen	Righter
Johnson, C.	McCann	Schmidt

The following voted present:

Bomke	Luechtefeld	Pankau
Cultra	Noland	Steans

The motion prevailed.

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

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred the Appointment Message 28, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

Title of Office: Commissioner and Chairman

Agency or Other Body: Illinois Commerce Commission

Start Date: March 3, 2011

End Date: January 20, 2014

Name: Douglas Scott

Residence: 15630 Oakview Lane, South Beloit, IL 61080

Annual Compensation: \$134,022

Per diem: Not Applicable

Nominee's Senator: Senator Christine J. Johnson

Most Recent Holder of Office: Manuel Flores

Superseded Appointment Message: Not Applicable

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

YEAS 51; NAYS None; Present 2.

The following voted in the affirmative:

Althoff	Garrett	Lightford	Rezin
Bivins	Haine	Link	Righter
Bomke	Harmon	Luechtefeld	Sandack
Brady	Holmes	Maloney	Sandoval
Clayborne	Hutchinson	Martinez	Schmidt
Collins, A.	Johnson, C.	McCann	Schoenberg

[March 31, 2011]

Collins, J.	Johnson, T.	Millner	Silverstein
Crotty	Jones, E.	Mulroe	Steans
Cultra	Jones, J.	Muñoz	Sullivan
Delgado	Koehler	Noland	Syverson
Dillard	Kotowski	Pankau	Wilhelmi
Forby	Landek	Radogno	Mr. President
Frerichs	Lauzen	Raoul	

The following voted present:

Duffy  
LaHood

The motion prevailed.

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

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

Senator Harmon, presiding.

### READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Steans, **Senate Bill No. 1617**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Bivins	Haine	Link	Sandack
Bomke	Harmon	Luechtefeld	Sandoval
Brady	Holmes	Maloney	Schmidt
Clayborne	Hutchinson	McCann	Schoenberg
Collins, A.	Johnson, C.	McCarter	Silverstein
Collins, J.	Johnson, T.	Millner	Steans
Crotty	Jones, E.	Mulroe	Sullivan
Cultra	Jones, J.	Muñoz	Syverson
Delgado	Koehler	Noland	Wilhelmi
Dillard	Kotowski	Pankau	Mr. President
Duffy	LaHood	Radogno	
Forby	Landek	Raoul	
Frerichs	Lauzen	Rezin	
Garrett	Lightford	Righter	

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

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

Senator Martinez asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 1617**.

On motion of Senator Frerichs, **Senate Bill No. 1633**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

[March 31, 2011]

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Link	Righter
Bivins	Haine	Luechtefeld	Sandack
Bomke	Harmon	Maloney	Sandoval
Brady	Holmes	Martinez	Schmidt
Clayborne	Hutchinson	McCann	Schoenberg
Collins, A.	Johnson, C.	McCarter	Silverstein
Collins, J.	Johnson, T.	Millner	Steans
Crotty	Jones, J.	Mulroe	Sullivan
Cultra	Koehler	Muñoz	Syverson
Delgado	Kotowski	Noland	Wilhelmi
Dillard	LaHood	Pankau	Mr. President
Duffy	Landek	Radogno	
Forby	Lauzen	Raoul	
Frerichs	Lightford	Rezin	

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

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

On motion of Senator Sullivan, **Senate Bill No. 1643**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 35; NAYS 10.

The following voted in the affirmative:

Bomke	Haine	Link	Sandack
Clayborne	Harmon	Maloney	Sandoval
Collins, A.	Holmes	McCann	Schoenberg
Collins, J.	Hutchinson	McCarter	Silverstein
Crotty	Johnson, T.	Millner	Steans
Delgado	Koehler	Mulroe	Sullivan
Dillard	Kotowski	Muñoz	Wilhelmi
Forby	Landek	Noland	Mr. President
Frerichs	Lightford	Raoul	

The following voted in the negative:

Bivins	Duffy	Lauzen	Schmidt
Brady	Johnson, C.	Pankau	
Cultra	LaHood	Rezin	

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

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

On motion of Senator Pankau, **Senate Bill No. 1648**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

[March 31, 2011]



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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Sandack
Bivins	Harmon	Maloney	Sandoval
Bomke	Holmes	Martinez	Schmidt
Brady	Hutchinson	McCann	Schoenberg
Clayborne	Johnson, C.	McCarter	Silverstein
Collins, A.	Johnson, T.	Millner	Steans
Collins, J.	Jones, J.	Mulroe	Sullivan
Crotty	Koehler	Muñoz	Syverson
Delgado	Kotowski	Noland	Wilhelmi
Dillard	LaHood	Pankau	Mr. President
Duffy	Landek	Radogno	
Forby	Lauzen	Raoul	
Frerichs	Lightford	Rezin	
Garrett	Link	Righter	

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

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

On motion of Senator Holmes, **Senate Bill No. 1668**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 49; NAYS 2.

The following voted in the affirmative:

Althoff	Haine	Link	Sandack
Bivins	Harmon	Maloney	Sandoval
Bomke	Holmes	Martinez	Schmidt
Brady	Hutchinson	McCarter	Schoenberg
Clayborne	Johnson, C.	Millner	Silverstein
Collins, J.	Johnson, T.	Mulroe	Steans
Crotty	Jones, E.	Muñoz	Sullivan
Delgado	Koehler	Noland	Syverson
Dillard	Kotowski	Pankau	Wilhelmi
Duffy	LaHood	Radogno	Mr. President
Forby	Landek	Raoul	
Frerichs	Lauzen	Rezin	
Garrett	Lightford	Righter	

The following voted in the negative:

Cultra  
McCann

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

[March 31, 2011]

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

On motion of Senator Holmes, **Senate Bill No. 1669**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Lightford	Rezin
Bivins	Haine	Link	Righter
Bomke	Harmon	Luechtefeld	Sandack
Brady	Holmes	Maloney	Sandoval
Clayborne	Hutchinson	Martinez	Schmidt
Collins, J.	Johnson, C.	McCann	Schoenberg
Crotty	Johnson, T.	Millner	Silverstein
Cultra	Jones, J.	Mulroe	Steans
Delgado	Koehler	Muñoz	Sullivan
Dillard	Kotowski	Noland	Syverson
Duffy	LaHood	Pankau	Wilhelmi
Forby	Landek	Radogno	Mr. President
Frerichs	Lauzen	Raoul	

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

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

On motion of Senator Raoul, **Senate Bill No. 1670**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Link	Righter
Bivins	Haine	Luechtefeld	Sandack
Bomke	Harmon	Maloney	Sandoval
Brady	Holmes	Martinez	Schmidt
Clayborne	Hutchinson	McCann	Schoenberg
Collins, A.	Johnson, C.	McCarter	Silverstein
Collins, J.	Johnson, T.	Millner	Steans
Crotty	Jones, J.	Mulroe	Sullivan
Cultra	Koehler	Muñoz	Syverson
Delgado	Kotowski	Noland	Wilhelmi
Dillard	LaHood	Pankau	Mr. President
Duffy	Landek	Radogno	
Forby	Lauzen	Raoul	
Frerichs	Lightford	Rezin	

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

[March 31, 2011]

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

On motion of Senator Raoul, **Senate Bill No. 1673**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 44; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sandoval
Bivins	Haine	McCann	Schmidt
Bomke	Holmes	McCarter	Schoenberg
Brady	Johnson, T.	Millner	Silverstein
Clayborne	Jones, E.	Mulroe	Steans
Collins, A.	Koehler	Muñoz	Sullivan
Collins, J.	Kotowski	Noland	Wilhelmi
Crotty	LaHood	Pankau	Mr. President
Cultra	Landek	Radogno	
Delgado	Lightford	Raoul	
Dillard	Link	Rezin	
Forby	Maloney	Sandack	

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

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

#### SENATE BILL RECALLED

On motion of Senator Link, **Senate Bill No. 1681** was recalled from the order of third reading to the order of second reading.

Senator Link offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO SENATE BILL 1681

AMENDMENT NO. 1. Amend Senate Bill 1681 on page 1, lines 14, 15, and 16, by deleting "recreational vehicles as defined by Section 1-169 of this Code, and boat trailers with a gross trailer weight rating of 10,000 or less pounds".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

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

On motion of Senator Wilhelmi, **Senate Bill No. 1684**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 48; NAY 1.

The following voted in the affirmative:

[March 31, 2011]

Althoff	Haine	Martinez	Sandoval
Bivins	Harmon	McCann	Schmidt
Bomke	Holmes	McCarter	Schoenberg
Clayborne	Johnson, C.	Millner	Silverstein
Collins, A.	Johnson, T.	Mulroe	Steans
Collins, J.	Jones, E.	Muñoz	Sullivan
Crotty	Koehler	Noland	Syverson
Delgado	Kotowski	Pankau	Wilhelmi
Dillard	LaHood	Radogno	Mr. President
Duffy	Landek	Raoul	
Forby	Lightford	Rezin	
Frerichs	Link	Righter	
Garrett	Maloney	Sandack	

The following voted in the negative:

Cultra

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

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

On motion of Senator Wilhelmi, **Senate Bill No. 1691**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Sandack
Bivins	Harmon	Maloney	Sandoval
Bomke	Holmes	Martinez	Schmidt
Clayborne	Johnson, C.	McCann	Schoenberg
Collins, A.	Johnson, T.	McCarter	Silverstein
Collins, J.	Jones, E.	Millner	Steans
Crotty	Jones, J.	Mulroe	Sullivan
Cultra	Koehler	Muñoz	Syverson
Delgado	Kotowski	Noland	Wilhelmi
Dillard	LaHood	Pankau	Mr. President
Duffy	Landek	Radogno	
Forby	Lauzen	Raoul	
Frerichs	Lightford	Rezin	
Garrett	Link	Righter	

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

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

On motion of Senator Wilhelmi, **Senate Bill No. 1692**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

[March 31, 2011]

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Luechtefeld	Sandack
Bivins	Haine	Maloney	Sandoval
Bomke	Holmes	Martinez	Schmidt
Brady	Johnson, C.	McCann	Schoenberg
Clayborne	Johnson, T.	McCarter	Silverstein
Collins, A.	Jones, E.	Millner	Steans
Collins, J.	Jones, J.	Mulroe	Sullivan
Crotty	Koehler	Muñoz	Syverson
Cultra	Kotowski	Noland	Wilhelmi
Delgado	LaHood	Pankau	Mr. President
Dillard	Landek	Radogno	
Duffy	Lauzen	Raoul	
Forby	Lightford	Rezin	
Frerichs	Link	Righter	

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

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

On motion of Senator Millner, **Senate Bill No. 1699**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAY 1.

The following voted in the affirmative:

Althoff	Garrett	Luechtefeld	Sandack
Bivins	Haine	Maloney	Sandoval
Bomke	Harmon	Martinez	Schmidt
Brady	Holmes	McCann	Schoenberg
Clayborne	Johnson, T.	McCarter	Silverstein
Collins, A.	Jones, E.	Millner	Steans
Collins, J.	Jones, J.	Mulroe	Sullivan
Crotty	Koehler	Muñoz	Syverson
Cultra	Kotowski	Noland	Wilhelmi
Delgado	LaHood	Pankau	Mr. President
Dillard	Landek	Radogno	
Duffy	Lauzen	Raoul	
Forby	Lightford	Rezin	
Frerichs	Link	Righter	

The following voted in the negative:

Johnson, C.

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

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

[March 31, 2011]

Senator C. Johnson asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **Senate Bill No. 1699**.

On motion of Senator Millner, **Senate Bill No. 1700**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Link	Righter
Bivins	Haine	Luechtefeld	Sandack
Bomke	Harmon	Maloney	Sandoval
Brady	Holmes	Martinez	Schmidt
Clayborne	Johnson, C.	McCann	Schoenberg
Collins, A.	Johnson, T.	McCarter	Silverstein
Collins, J.	Jones, E.	Millner	Steans
Crotty	Jones, J.	Mulroe	Sullivan
Cultra	Koehler	Muñoz	Syverson
Delgado	Kotowski	Noland	Wilhelmi
Dillard	LaHood	Pankau	Mr. President
Duffy	Landek	Radogno	
Forby	Lauzen	Raoul	
Frerichs	Lightford	Rezin	

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

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

On motion of Senator Silverstein, **Senate Bill No. 1708**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Link	Righter
Bivins	Haine	Luechtefeld	Sandack
Bomke	Harmon	Maloney	Sandoval
Brady	Holmes	Martinez	Schmidt
Clayborne	Johnson, C.	McCann	Schoenberg
Collins, A.	Johnson, T.	McCarter	Silverstein
Collins, J.	Jones, E.	Millner	Steans
Crotty	Jones, J.	Mulroe	Sullivan
Cultra	Koehler	Muñoz	Syverson
Delgado	Kotowski	Noland	Wilhelmi
Dillard	LaHood	Pankau	Mr. President
Duffy	Landek	Radogno	
Forby	Lauzen	Raoul	
Frerichs	Lightford	Rezin	

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

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

On motion of Senator Silverstein, **Senate Bill No. 1709**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Link	Righter
Bivins	Haine	Luechtefeld	Sandack
Bomke	Harmon	Maloney	Sandoval
Brady	Holmes	Martinez	Schmidt
Clayborne	Johnson, C.	McCann	Schoenberg
Collins, A.	Johnson, T.	McCarter	Silverstein
Collins, J.	Jones, E.	Millner	Steans
Crotty	Jones, J.	Mulroe	Sullivan
Cultra	Koehler	Muñoz	Syverson
Delgado	Kotowski	Noland	Wilhelmi
Dillard	LaHood	Pankau	Mr. President
Duffy	Landek	Radogno	
Forby	Laufen	Raoul	
Frerichs	Lightford	Rezin	

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

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

On motion of Senator Haine, **Senate Bill No. 1712**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Link	Rezin
Bivins	Haine	Luechtefeld	Righter
Bomke	Harmon	Maloney	Sandack
Brady	Holmes	Martinez	Sandoval
Clayborne	Johnson, C.	McCann	Schmidt
Collins, A.	Johnson, T.	McCarter	Schoenberg
Collins, J.	Jones, J.	Millner	Silverstein
Crotty	Koehler	Mulroe	Steans
Cultra	Kotowski	Muñoz	Sullivan
Delgado	LaHood	Noland	Wilhelmi
Duffy	Landek	Pankau	Mr. President
Forby	Laufen	Radogno	
Frerichs	Lightford	Raoul	

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

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

On motion of Senator Bomke, **Senate Bill No. 1724**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Lightford	Rezin
Bivins	Haine	Link	Sandack
Bomke	Harmon	Luechtefeld	Sandoval
Brady	Holmes	Maloney	Schmidt
Clayborne	Johnson, C.	Martinez	Schoenberg
Collins, A.	Johnson, T.	McCann	Silverstein
Collins, J.	Jones, E.	McCarter	Steans
Crotty	Jones, J.	Millner	Sullivan
Cultra	Koehler	Mulroe	Syverson
Delgado	Kotowski	Muñoz	Wilhelmi
Dillard	LaHood	Noland	Mr. President
Forby	Landek	Pankau	
Frerichs	Lauzen	Raoul	

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

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

On motion of Senator Mulroe, **Senate Bill No. 1753**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Link	Righter
Bivins	Haine	Luechtefeld	Sandack
Bomke	Harmon	Maloney	Sandoval
Brady	Holmes	Martinez	Schmidt
Clayborne	Johnson, C.	McCann	Schoenberg
Collins, A.	Johnson, T.	McCarter	Silverstein
Collins, J.	Jones, E.	Millner	Steans
Crotty	Jones, J.	Mulroe	Sullivan
Cultra	Koehler	Muñoz	Syverson
Delgado	Kotowski	Noland	Wilhelmi
Dillard	LaHood	Pankau	Mr. President
Duffy	Landek	Radogno	
Forby	Lauzen	Raoul	
Frerichs	Lightford	Rezin	



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

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

On motion of Senator Mulroe, **Senate Bill No. 1754**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Link	Righter
Bivins	Haine	Luechtefeld	Sandack
Bomke	Harmon	Maloney	Sandoval
Brady	Holmes	Martinez	Schmidt
Clayborne	Johnson, C.	McCann	Schoenberg
Collins, A.	Johnson, T.	McCarter	Silverstein
Collins, J.	Jones, E.	Millner	Steans
Crotty	Jones, J.	Mulroe	Sullivan
Cultra	Koehler	Muñoz	Syverson
Delgado	Kotowski	Noland	Wilhelmi
Dillard	LaHood	Pankau	Mr. President
Duffy	Landek	Radogno	
Forby	Lauzen	Raoul	
Frerichs	Lightford	Rezin	

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

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

On motion of Senator Althoff, **Senate Bill No. 1806**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Link	Righter
Bivins	Haine	Luechtefeld	Sandack
Bomke	Harmon	Maloney	Sandoval
Brady	Holmes	Martinez	Schmidt
Clayborne	Johnson, C.	McCann	Schoenberg
Collins, A.	Johnson, T.	McCarter	Silverstein
Collins, J.	Jones, E.	Millner	Steans
Crotty	Jones, J.	Mulroe	Sullivan
Cultra	Koehler	Muñoz	Syverson
Delgado	Kotowski	Noland	Wilhelmi
Dillard	LaHood	Pankau	Mr. President
Duffy	Landek	Radogno	
Forby	Lauzen	Raoul	
Frerichs	Lightford	Rezin	

[March 31, 2011]

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

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

On motion of Senator Noland, **Senate Bill No. 1807**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Sandack
Bivins	Harmon	Maloney	Sandoval
Bomke	Holmes	Martinez	Schmidt
Clayborne	Johnson, C.	McCann	Schoenberg
Collins, A.	Johnson, T.	McCarter	Silverstein
Collins, J.	Jones, E.	Millner	Steans
Crotty	Jones, J.	Mulroe	Sullivan
Cultra	Koehler	Muñoz	Syverson
Delgado	Kotowski	Noland	Wilhelmi
Dillard	LaHood	Pankau	Mr. President
Duffy	Landek	Radogno	
Forby	Lauzen	Raoul	
Frerichs	Lightford	Rezin	
Garrett	Link	Righter	

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

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

On motion of Senator Kotowski, **Senate Bill No. 1828**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Luechtefeld	Sandack
Bivins	Haine	Maloney	Sandoval
Bomke	Harmon	Martinez	Schmidt
Brady	Holmes	McCann	Schoenberg
Clayborne	Johnson, C.	McCarter	Silverstein
Collins, A.	Johnson, T.	Millner	Steans
Collins, J.	Jones, E.	Mulroe	Sullivan
Crotty	Jones, J.	Muñoz	Syverson
Cultra	Koehler	Noland	Wilhelmi
Delgado	Kotowski	Pankau	Mr. President
Dillard	LaHood	Radogno	
Duffy	Landek	Raoul	
Forby	Lightford	Rezin	

[March 31, 2011]

Frerichs

Link

Righter

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

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

On motion of Senator Forby, **Senate Bill No. 1830**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Luechtefeld	Sandack
Bivins	Haine	Maloney	Sandoval
Bomke	Harmon	Martinez	Schmidt
Brady	Holmes	McCann	Schoenberg
Clayborne	Johnson, C.	McCarter	Silverstein
Collins, A.	Jones, E.	Millner	Steans
Collins, J.	Jones, J.	Mulroe	Sullivan
Crotty	Koehler	Muñoz	Syverson
Cultra	Kotowski	Noland	Wilhelmi
Delgado	LaHood	Pankau	Mr. President
Dillard	Landek	Radogno	
Duffy	Lauzen	Raoul	
Forby	Lightford	Rezin	
Frerichs	Link	Righter	

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

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

#### LEGISLATIVE MEASURE FILED

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

Senate Floor Amendment No. 3 to Senate Bill 1762

#### RESOLUTIONS CONSENT CALENDAR

##### SENATE RESOLUTION NO. 130

Offered by Senator Brady and all Senators:  
Mourns the death of L. Eugene Striegel of Normal.

##### SENATE RESOLUTION NO. 131

Offered by Senator Koehler and all Senators:  
Mourns the death of Glenn Roberson of Peoria.

##### SENATE RESOLUTION NO. 132

Offered by Senator Raoul and all Senators:  
Mourns the death of James Tyree.

[March 31, 2011]

**SENATE RESOLUTION NO. 134**

Offered by Senator Link and all Senators:  
Mourns the death of Joyce E. Johnson of Waukegan.

**SENATE RESOLUTION NO. 135**

Offered by Senator Radogno and all Senators:  
Mourns the death of Patricia Feigh, nee Craig, of Downers Grove.

**SENATE RESOLUTION NO. 136**

Offered by Senator Haine and all Senators:  
Mourns the death of Robert H. Schoeneweis of Wood River.

**SENATE RESOLUTION NO. 137**

Offered by Senator Haine and all Senators:  
Mourns the death of Deborah Lynn Fox of Alton.

**SENATE RESOLUTION NO. 138**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Anthony C. Aiello of Wayne.

**SENATE RESOLUTION NO. 139**

Offered by Senator Wilhelmi and all Senators:  
Mourns the death of Gregory Ellis Brooks of Jacksonville, Florida.

**SENATE RESOLUTION NO. 140**

Offered by Senator Wilhelmi and all Senators:  
Mourns the death of Frank Kodiak of Wilmington.

**SENATE RESOLUTION NO. 141**

Offered by Senator Wilhelmi and all Senators:  
Mourns the death of Martha Sarah Sehring.

**SENATE RESOLUTION NO. 143**

Offered by Senators Koehler - Holmes and all Senators:  
Mourns the death of Margaret M. Ugo of Wilsonville.

**SENATE RESOLUTION NO. 144**

Offered by Senator Frerichs and all Senators:  
Mourns the death of John W. Harper of Gifford.

**SENATE RESOLUTION NO. 145**

Offered by Senator Link and all Senators:  
Mourns the death of Robert C. Whitehead, Jr., of North Chicago.

**SENATE RESOLUTION NO. 146**

Offered by Senator Link and all Senators:  
Mourns the death of Gertrude Ronzani of Highwood.

**SENATE RESOLUTION NO. 147**

Offered by Senator Brady and all Senators:  
Mourns the death of Robert Gillis of Bloomington.

**SENATE RESOLUTION NO. 148**

Offered by Senator Luechtefeld and all Senators:  
Mourns the death of U.S. Army Specialist William Templeton.

**SENATE RESOLUTION NO. 150**

Offered by Senator Murphy and all Senators:

Mourns the death of Katharine W. Hoffman of Arlington Heights.

**SENATE RESOLUTION NO. 151**

Offered by Senator Murphy and all Senators:  
Mourns the death of Reba J. Chaplinsky.

**SENATE RESOLUTION NO. 152**

Offered by Senator Link and all Senators:  
Mourns the death of Mary Alice Mullery of Gurnee.

**SENATE RESOLUTION NO. 153**

Offered by Senator Link and all Senators:  
Mourns the death of Zelma Marble Sims Parker of Waukegan.

**SENATE RESOLUTION NO. 154**

Offered by Senator Link and all Senators:  
Mourns the death of Frances Hrovatin Troha of Waukegan.

**SENATE RESOLUTION NO. 155**

Offered by Senator Koehler and all Senators:  
Mourns the death of William L. Sandlin of Pekin.

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

**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. 32**

**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 31, 2011, the Senate stands adjourned until Wednesday, April 06, 2011 at 12:00 o'clock noon, or until the call of the President; and the House of Representatives stands adjourned until Friday, April 01, 2011 at 10:00 a.m., and when it adjourns on that day, it stands adjourned until Tuesday, April 05, 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.

At the hour of 2:32 o'clock p.m., pursuant to **Senate Joint Resolution No. 32**, the Chair announced the Senate stand adjourned until Wednesday, April 6, 2011, at 12:00 o'clock noon.