



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SEVENTH GENERAL ASSEMBLY

44TH LEGISLATIVE DAY

MONDAY, MAY 16, 2011

4:05 O'CLOCK P.M.

SENATE
Daily Journal Index
44th Legislative Day

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The Senate met pursuant to adjournment.
Senator John M. Sullivan, Rushville, Illinois, presiding.
Prayer by Pastor Andrew Fitzgibbon, West Side Christian Church, Springfield, Illinois.
Senator Hunter led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Friday, May 13, 2011, be postponed, pending arrival of the printed Journal.
The motion prevailed.

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 1 to House Bill 180
Senate Floor Amendment No. 2 to House Bill 277
Senate Floor Amendment No. 1 to House Bill 1193
Senate Floor Amendment No. 2 to House Bill 1670
Senate Floor Amendment No. 2 to House Bill 2555
Senate Floor Amendment No. 2 to House Bill 2955
Senate Floor Amendment No. 1 to House Bill 3025

MESSAGES FROM THE PRESIDENT

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

JOHN J. CULLERTON
SENATE PRESIDENT

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

May 13, 2011

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

Dear Madam Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish May 31, 2011 as the 3rd Reading deadline for HB 3474.

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

cc: Senate Republican Leader Christine Radogno

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

JOHN J. CULLERTON
SENATE PRESIDENT

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

[May 16, 2011]

May 13, 2011

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

Dear Madam Secretary:

Pursuant Rule 3-2(c), I hereby appoint Senator Terry Link to temporarily replace Senator Ira Silverstein to serve as a member of the Senate Executive Committee. This appointment will automatically expire upon adjournment of the Senate Executive Committee.

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

cc: Senate Minority Leader Christine Radogno

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 236

Offered by Senator Wilhelmi and all Senators:
Mourns the death of the Reverend Dr. Isaac Singleton of Joliet.

SENATE RESOLUTION NO. 237

Offered by Senator Dillard and all Senators:
Mourns the death of Donald Gray Schmidt of Hinsdale.

SENATE RESOLUTION NO. 238

Offered by Senator Dillard and all Senators:
Mourns the death of Ruth Thompson Law.

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

MESSAGES FROM THE HOUSE

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

HOUSE BILL NO. 3717

A bill for AN ACT making appropriations.
Passed the House, May 13, 2011.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 3717** was 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 concurred with the Senate in the passage of a bill of the following title, to-wit:

[May 16, 2011]

SENATE BILL NO. 2040

A bill for AN ACT concerning criminal law.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2040

Passed the House, as amended, May 16, 2011.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2040

AMENDMENT NO. 1. Amend Senate Bill 2040 on page 5, lines 13 and 14, by replacing "from the sound track of" with "accompanying".

Under the rules, the foregoing **Senate Bill No. 2040**, with House Amendment No. 1, was referred to the Secretary's Desk.

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

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

SENATE BILL NO. 86

A bill for AN ACT concerning State government.

SENATE BILL NO. 1952

A bill for AN ACT concerning employment.

SENATE BILL NO. 2034

A bill for AN ACT concerning transportation.

SENATE BILL NO. 2037

A bill for AN ACT concerning regulation.

Passed the House, May 16, 2011.

MARK MAHONEY, Clerk of the House

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

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

SENATE BILL NO. 2004

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 2096

A bill for AN ACT concerning education.

Passed the House, May 16, 2011.

MARK MAHONEY, Clerk of the House

APPOINTMENT MESSAGES

APPOINTMENT MESSAGE NO. 103

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

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

Title of Office: Member

Agency or Other Body: Southwestern Illinois Development Authority

[May 16, 2011]

Start Date: May 9, 2011

End Date: January 21, 2013

Name: Kevin C. Kaufhold

Residence: 21 Berrywood Dr., Belleville, IL 62226

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator James F. Clayborne, Jr.

Most Recent Holder of Office: Robert Hasley

Superseded Appointment Message: Appointment Message 98 of the 97th General Assembly

APPOINTMENT MESSAGE NO. 104

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

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

Title of Office: Member

Agency or Other Body: Human Rights Commission

Start Date: May 14, 2011

End Date: January 19, 2015

Name: Munir Muhammad

Residence: 35 E. Grandview Dr., South Holland, IL 60473

Annual Compensation: \$46,960

Per diem: Not Applicable

Nominee's Senator: Senator James T. Meeks

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

APPOINTMENT MESSAGE NO. 105

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

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

Title of Office: Member

[May 16, 2011]

Agency or Other Body: Human Rights Commission

Start Date: June 1, 2011

End Date: January 21, 2013

Name: Patricia Bakalis Yadgir

Residence: 5916 Jackson Drive, Woodridge, IL 60517

Annual Compensation: \$46,960

Per diem: Not Applicable

Nominee's Senator: Senator Kirk W. Dillard

Most Recent Holder of Office: Robert Enriquez

Superseded Appointment Message: Not Applicable

APPOINTMENT MESSAGE NO. 106

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

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

Title of Office: Member

Agency or Other Body: Human Rights Commission

Start Date: May 14, 2011

End Date: January 19, 2015

Name: Marti Baricevic

Residence: 27 Marilyn Cir., Fairview Heights, IL 62208

Annual Compensation: \$46,960

Per diem: Not Applicable

Nominee's Senator: Senator William R. Haine

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

APPOINTMENT MESSAGE NO. 107

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

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

[May 16, 2011]

this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Human Rights Commission

Start Date: May 14, 2011

End Date: January 19, 2015

Name: Rozanne Ronen

Residence: 28596 W. Main St., Barrington, IL 60010

Annual Compensation: \$46,960

Per diem: Not Applicable

Nominee's Senator: Senator Dan Duffy

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

APPOINTMENT MESSAGE NO. 108

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

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

Title of Office: Chairperson and Member

Agency or Other Body: Human Rights Commission

Start Date: May 14, 2011

End Date: January 19, 2015

Name: Martin R. Castro

Residence: 740 Ashland Ave., River Forest, IL 60305

Annual Compensation: \$52,179

Per diem: Not Applicable

Nominee's Senator: Senator Kimberly A. Lightford

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

APPOINTMENT MESSAGE NO. 109

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

[May 16, 2011]

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

Title of Office: Member

Agency or Other Body: Human Rights Commission

Start Date: May 14, 2011

End Date: January 19, 2015

Name: Nabi R. Fakroddin

Residence: 1909 Cambridge Dr., St. Charles, IL 60174

Annual Compensation: \$46,960

Per diem: Not Applicable

Nominee's Senator: Senator John J. Millner

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

APPOINTMENT MESSAGE NO. 110

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

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

Title of Office: Member

Agency or Other Body: Human Rights Commission

Start Date: May 14, 2011

End Date: January 21, 2013

Name: Spencer Leak, Sr.

Residence: 9157 S. Constance Ave., Chicago, IL 60617

Annual Compensation: \$46,960

Per diem: Not Applicable

Nominee's Senator: Senator Donne E. Trotter

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

[May 16, 2011]

APPOINTMENT MESSAGE NO. 111

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

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

Title of Office: Member

Agency or Other Body: Illinois Housing Development Authority

Start Date: May 14, 2011

End Date: January 12, 2015

Name: Deborah H. Telman

Residence: 4845 South Ellis Ave., Chicago, IL 60615

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Kwame Raoul

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

APPOINTMENT MESSAGE NO. 112

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

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

Title of Office: Member

Agency or Other Body: Illinois Housing Development Authority

Start Date: May 14, 2011

End Date: January 14, 2013

Name: Karen A. Davis

Residence: 6825 Kensington Dr., Maryville, IL 62062

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator William R. Haine

Most Recent Holder of Office: Reappointment

[May 16, 2011]

Superseded Appointment Message: Not Applicable

APPOINTMENT MESSAGE NO. 113

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

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

Title of Office: Member

Agency or Other Body: Illinois Housing Development Authority

Start Date: May 14, 2011

End Date: January 14, 2013

Name: Mary Kane

Residence: 5210 Old Carpenter Rd., Edwardsville, IL 62025

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator William R. Haine

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

APPOINTMENT MESSAGE NO. 114

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

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

Title of Office: Member

Agency or Other Body: Illinois Housing Development Authority

Start Date: May 14, 2011

End Date: January 14, 2013

Name: Terry Newman

Residence: 180 Pearson St., Apt. 4003, Chicago, IL 60611

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Kwame Raoul

[May 16, 2011]

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

APPOINTMENT MESSAGE NO. 115

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

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

Title of Office: Member

Agency or Other Body: Illinois Workforce Investment Board

Start Date: May 14, 2011

End Date: July 1, 2013

Name: Michael J. Williams

Residence: 1202 Kent Street, Rockford, IL 61102

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Dave Syverson

Most Recent Holder of Office: Blanche Shoup

Superseded Appointment Message: Not Applicable

APPOINTMENT MESSAGE NO. 116

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

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

Title of Office: Member

Agency or Other Body: Illinois Workforce Investment Board

Start Date: May 14, 2011

End Date: July 1, 2013

Name: Shelley Stern Grach

Residence: 1306 North Sutton Place, Chicago, IL 60610

Annual Compensation: Expenses

[May 16, 2011]

Per diem: Not Applicable

Nominee's Senator: Senator John J. Cullerton

Most Recent Holder of Office: Ron Whitley

Superseded Appointment Message: Not Applicable

APPOINTMENT MESSAGE NO. 117

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

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

Title of Office: Member

Agency or Other Body: Illinois Workforce Investment Board

Start Date: May 14, 2011

End Date: July 1, 2013

Name: Elizabeth A. Dickson

Residence: 6418 28th Street, Berwyn, IL 60402

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Martin A. Sandoval

Most Recent Holder of Office: Lauren Sugarman

Superseded Appointment Message: Not Applicable

APPOINTMENT MESSAGE NO. 118

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

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

Title of Office: Member

Agency or Other Body: Illinois Workforce Investment Board

Start Date: May 14, 2011

End Date: July 1, 2013

Name: Donald DeDobbelaeere

Residence: 32 Lake of the Hills, Orion, IL 61273

[May 16, 2011]

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Mike Jacobs

Most Recent Holder of Office: Chris Glynn

Superseded Appointment Message: Not Applicable

APPOINTMENT MESSAGE NO. 119

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

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

Title of Office: Member

Agency or Other Body: Illinois Workforce Investment Board

Start Date: May 14, 2011

End Date: July 1, 2013

Name: John T. Coliton III

Residence: 13015 Silverleaf Court, Plainfield, IL 60585

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Linda Holmes

Most Recent Holder of Office: Michael A. Johl

Superseded Appointment Message: Not Applicable

APPOINTMENT MESSAGE NO. 120

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

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

Title of Office: Member

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

Start Date: May 14, 2011

End Date: January 16, 2017

[May 16, 2011]

Name: Michael P. McCuskey

Residence: 2310 Mullikin Drive, Champaign, IL 61822

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Shane Cultra

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

APPOINTMENT MESSAGE NO. 121

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

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

Title of Office: Member

Agency or Other Body: Illinois Board of Higher Education

Start Date: May 14, 2011

End Date: January 31, 2015

Name: Allan Karnes

Residence: 187 Bonnie Brae Rd., Carbondale, IL 62901

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator David S. Luechtefeld

Most Recent Holder of Office: Santos Rivera

Superseded Appointment Message: Not Applicable

APPOINTMENT MESSAGE NO. 122

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

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

Title of Office: Member

Agency or Other Body: Illinois Board of Higher Education

Start Date: May 14, 2011

[May 16, 2011]

End Date: January 31, 2013

Name: Frances G. Carroll, Ed.D.

Residence: 605 E. 33rd Place, Chicago, IL 60616

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Kwame Raoul

Most Recent Holder of Office: Jay D. Bergman

Superseded Appointment Message: Not Applicable

APPOINTMENT MESSAGE NO. 123

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

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

Title of Office: Member

Agency or Other Body: Illinois Board of Higher Education

Start Date: May 14, 2011

End Date: January 31, 2013

Name: Santos Rivera

Residence: 2828 N. Talman Ave., Unit O, Chicago, IL 60618

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Iris Y. Martinez

Most Recent Holder of Office: Lucy Sloan

Superseded Appointment Message: Not Applicable

Under the rules, the foregoing Appointment Messages were referred to the Committee on Assignments.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Schmidt, **House Bill No. 156** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 248** having been printed, was taken up and read by title a second time.

[May 16, 2011]

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

AMENDMENT NO. 1 TO HOUSE BILL 248

AMENDMENT NO. 1. Amend House Bill 248 on page 5, by replacing line 15 with the following:

"within or outside of the boundaries of the sanitary district. Any use of treated wastewater by any public or private entity shall be subject to the orders of the Pollution Control Board."

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

On motion of Senator Lightford, **House Bill No. 298** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 1218** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 1218

AMENDMENT NO. 1. Amend House Bill 1218 on page 1, line 5, by deleting "21-115,"; and

on page 2, by replacing lines 4 through 6 with the following:

"The advertisement may include the street address on file with the county collector, if available, and shall include the PIN number of each delinquent property. Except as provided below, the advertisement shall be"; and

by deleting everything from line 25 on page 2 through line 6 on page 4; and

on page 4, by replacing lines 7 through 15 with the following:

"(35 ILCS 200/21-118 new)

Sec. 21-118. Tax sale; online database. At least 10 days prior to any tax sale authorized under this Article 21, the county collector may post on his or her website a list of all properties that are eligible to be sold at the sale. The list shall include the street address on file with the county collector, if available, and shall include the PIN number assigned to the property. The list may not include the name of the property owner."; and

on page 4, line 23, by replacing "calendar" with "business"; and

on page 6, by replacing lines 7 through 25 with the following:

"Until the effective date of this amendatory Act of the 97th General Assembly, in ~~the~~ every sale of property pursuant to the provisions of this Code, the collector may employ any automated means that the collector deems appropriate. Beginning on the effective date of this amendatory Act of the 97th General Assembly, either (i) the collector shall employ an automated bidding system that is programmed to accept the lowest redemption price bid by an eligible tax purchaser, subject to the penalty percentage limitation set forth in Section 21-215, or (ii) all tax sales shall be digitally recorded with video and audio. All ~~provided that~~ bidders are required to personally attend the sale and, if automated means are used, all hardware and software used with respect to those automated means must be certified by the Department and re-certified by the Department every 5 years. If the tax sales are digitally recorded and no automated bidding system is used, then the recordings shall be maintained by the collector for a period of at least 3 years from the date of the tax sale. The changes made by this amendatory Act of the"; and

on page 19, line 16, by replacing "5:00 p.m." with "4:00 p.m."; and

on page 19, line 17, by replacing "the day" with "the business day"; and

on page 20, by replacing lines 1 and 2 with the following:

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

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

On motion of Senator Bomke, **House Bill No. 1311** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 1368** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **House Bill No. 1700** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 1928** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandack, **House Bill No. 2550** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bivins, **House Bill No. 2581** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **House Bill No. 2974** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Johnson, **House Bill No. 3223** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **House Bill No. 3289** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 3335** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 3335

AMENDMENT NO. 1. Amend House Bill 3335 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Civil Procedure is amended by changing Sections 15-1503 and 15-1508 as follows:

(735 ILCS 5/15-1503) (from Ch. 110, par. 15-1503)

Sec. 15-1503. Notice of Foreclosure.

(a) A notice of foreclosure, whether the foreclosure is initiated by complaint or counterclaim, made in accordance with this Section and recorded in the county in which the mortgaged real estate is located shall be constructive notice of the pendency of the foreclosure to every person claiming an interest in or lien on the mortgaged real estate, whose interest or lien has not been recorded prior to the recording of such notice of foreclosure. Such notice of foreclosure must be executed by any party or any party's attorney and shall include (i) the names of all plaintiffs and the case number, (ii) the court in which the action was brought, (iii) the names of title holders of record, (iv) a legal description of the real estate sufficient to identify it with reasonable certainty, (v) a common address or description of the location of the real estate and (vi) identification of the mortgage sought to be foreclosed. An incorrect common address or description of the location, or an immaterial error in the identification of a plaintiff or title holder of record, shall not invalidate the lis pendens effect of the notice under this Section. A notice which complies with this Section shall be deemed to comply with Section 2-1901 of the Code of Civil Procedure and shall have the same effect as a notice filed pursuant to that Section; however, a notice which complies with Section 2-1901 shall not be constructive notice unless it also complies with the requirements of this Section.

[May 16, 2011]

(b) With respect to residential real estate, a copy of the notice of foreclosure described in subsection (a) of Section 15-1503 shall be sent by first class mail, postage prepaid, to the municipality within the boundary of which the mortgaged real estate is located, or to the county within the boundary of which the mortgaged real estate is located if the mortgaged real estate is located in an unincorporated territory. A municipality or county must clearly publish on its website a single address to which such notice shall be sent. If a municipality or county does not maintain a website, then the municipality or county must publicly post in its main office a single address to which such notice shall be sent. In the event that a municipality or county has not complied with the publication requirement in this subsection (b), then the copy of the ~~such~~ notice to the municipality or county shall be sent by first class mail to the chairperson of the county board or county clerk in the case of a county, to the mayor or city clerk in the case of a city and in the case of a city with a population of more than 2,000,000 also to the alderman for the ward in which the property is located, to the president of the board of trustees or village clerk in the case of a village, or to the president or town clerk in the case of a town provided pursuant to Section 2-211 of the Code of Civil Procedure. Failure to send or receive a copy of the notice shall not impair or abrogate in any way the rights of the mortgagee or affect the status of the foreclosure proceedings.

(Source: P.A. 96-856, eff. 3-1-10.)

(735 ILCS 5/15-1508) (from Ch. 110, par. 15-1508)

Sec. 15-1508. Report of Sale and Confirmation of Sale.

(a) Report. The person conducting the sale shall promptly make a report to the court, which report shall include a copy of all receipts and, if any, certificate of sale.

(b) Hearing. Upon motion and notice in accordance with court rules applicable to motions generally, which motion shall not be made prior to sale, the court shall conduct a hearing to confirm the sale. Unless the court finds that (i) a notice required in accordance with subsection (c) of Section 15-1507 was not given, (ii) the terms of sale were unconscionable, (iii) the sale was conducted fraudulently, or (iv) ~~that~~ justice was otherwise not done, the court shall then enter an order confirming the sale. The confirmation order shall include a name, address, and telephone number of the holder of the certificate of sale or deed issued pursuant to that certificate or, if no certificate or deed was issued, the purchaser, whom a municipality or county may contact with concerns about the real estate. The confirmation order may also:

(1) approve the mortgagee's fees and costs arising between the entry of the judgment of foreclosure and the confirmation hearing, those costs and fees to be allowable to the same extent as provided in the note and mortgage and in Section 15-1504;

(2) provide for a personal judgment against any party for a deficiency; and

(3) determine the priority of the judgments of parties who deferred proving the priority pursuant to subsection (h) of Section 15-1506, but the court shall not defer confirming the sale pending the determination of such priority.

(b-5) Notice with respect to residential real estate. With respect to residential real estate, the notice required under subsection (b) of this Section shall be sent to the mortgagor even if the mortgagor has previously been held in default. In the event the mortgagor has filed an appearance, the notice shall be sent to the address indicated on the appearance. In all other cases, the notice shall be sent to the mortgagor at the common address of the foreclosed property. The notice shall be sent by first class mail. Unless the right to possession has been previously terminated by the court, the notice shall include the following language in 12-point boldface capitalized type:

IF YOU ARE THE MORTGAGOR (HOMEOWNER), YOU HAVE THE RIGHT TO REMAIN IN POSSESSION FOR 30 DAYS AFTER ENTRY OF AN ORDER OF POSSESSION, IN ACCORDANCE WITH SECTION 15-1701(c) OF THE ILLINOIS MORTGAGE FORECLOSURE LAW.

(b-10) Notice of confirmation order sent to municipality or county. With respect to residential real estate, a ~~A~~ copy of the

confirmation order required under subsection (b) shall be sent by first class mail, postage prepaid, to the municipality in which the foreclosed property is located, or to the county within the boundary of which the foreclosed property is located if the foreclosed property is located in an unincorporated territory. A municipality or county must clearly publish on its website a single address to which such ~~order notice~~ shall be sent. If a municipality or county does not maintain a website, then the municipality or county must publicly post in its main office a single address to which such ~~order notice~~ shall be sent. In the event that a municipality or county has not complied with the publication requirement in this subsection (b-10), then the copy of the order ~~such notice~~ to the municipality or county shall be sent by first class mail to the chairperson of the county board or county clerk in the case of a county, to the mayor or city clerk in the case of a city and in the case of a city with a

population of more than 2,000,000 also to the alderman for the ward in which the property is located, to the president of the board of trustees or village clerk in the case of a village, or to the president or town clerk in the case of a town provided pursuant to Section 2-211 of the Code of Civil Procedure. Failure to send or receive a copy of the order shall not impair or abrogate in any way the rights of the mortgagee or purchaser or affect the status of the foreclosure proceedings.

(b-15) Notice of confirmation order sent to known insurers. With respect to residential real estate, a copy of the confirmation order required under subsection (b) shall be sent by first class mail, postage prepaid, to the last-known property insurer of the foreclosed property. Failure to send or receive a copy of the order shall not impair or abrogate in any way the rights of the mortgagee or purchaser or affect the status of the foreclosure proceedings.

(c) Failure to Give Notice. If any sale is held without compliance with subsection (c) of Section 15-1507 of this Article, any party entitled to the notice provided for in paragraph (3) of that subsection (c) who was not so notified may, by motion supported by affidavit made prior to confirmation of such sale, ask the court which entered the judgment to set aside the sale. Any such party shall guarantee or secure by bond a bid equal to the successful bid at the prior sale, unless the party seeking to set aside the sale is the mortgagor, the real estate sold at the sale is residential real estate, and the mortgagor occupies the residential real estate at the time the motion is filed. In that event, no guarantee or bond shall be required of the mortgagor. Any subsequent sale is subject to the same notice requirement as the original sale.

(d) Validity of Sale. Except as provided in subsection (c) of Section 15-1508, no sale under this Article shall be held invalid or be set aside because of any defect in the notice thereof or in the publication of the same, or in the proceedings of the officer conducting the sale, except upon good cause shown in a hearing pursuant to subsection (b) of Section 15-1508. At any time after a sale has occurred, any party entitled to notice under paragraph (3) of subsection (c) of Section 15-1507 may recover from the mortgagee any damages caused by the mortgagee's failure to comply with such paragraph (3). Any party who recovers damages in a judicial proceeding brought under this subsection may also recover from the mortgagee the reasonable expenses of litigation, including reasonable attorney's fees.

(d-5) Making Home Affordable Program. The court that entered the judgment shall set aside a sale held pursuant to Section 15-1507, upon motion of the mortgagor at any time prior to the confirmation of the sale, if the mortgagor proves by a preponderance of the evidence that (i) the mortgagor has applied for assistance under the Making Home Affordable Program established by the United States Department of the Treasury pursuant to the Emergency Economic Stabilization Act of 2008, as amended by the American Recovery and Reinvestment Act of 2009, and (ii) the mortgaged real estate was sold in material violation of the program's requirements for proceeding to a judicial sale. The provisions of this subsection (d-5), except for this sentence, shall become inoperative on January 1, 2013 for all actions filed under this Article after December 31, 2012, in which the mortgagor did not apply for assistance under the Making Home Affordable Program on or before December 31, 2012.

(e) Deficiency Judgment. In any order confirming a sale pursuant to the judgment of foreclosure, the court shall also enter a personal judgment for deficiency against any party (i) if otherwise authorized and (ii) to the extent requested in the complaint and proven upon presentation of the report of sale in accordance with Section 15-1508. Except as otherwise provided in this Article, a judgment may be entered for any balance of money that may be found due to the plaintiff, over and above the proceeds of the sale or sales, and enforcement may be had for the collection of such balance, the same as when the judgment is solely for the payment of money. Such judgment may be entered, or enforcement had, only in cases where personal service has been had upon the persons personally liable for the mortgage indebtedness, unless they have entered their appearance in the foreclosure action.

(f) Satisfaction. Upon confirmation of the sale, the judgment stands satisfied to the extent of the sale price less expenses and costs. If the order confirming the sale includes a deficiency judgment, the judgment shall become a lien in the manner of any other judgment for the payment of money.

(g) The order confirming the sale shall include, notwithstanding any previous orders awarding possession during the pendency of the foreclosure, an award to the purchaser of possession of the mortgaged real estate, as of the date 30 days after the entry of the order, against the parties to the foreclosure whose interests have been terminated.

An order of possession authorizing the removal of a person from possession of the mortgaged real estate shall be entered and enforced only against those persons personally named as individuals in the complaint or the petition under subsection (h) of Section 15-1701 and in the order of possession and shall not be entered and enforced against any person who is only generically described as an unknown owner or nonrecord claimant or by another generic designation in the complaint.

Notwithstanding the preceding paragraph, the failure to personally name, include, or seek an award of

possession of the mortgaged real estate against a person in the confirmation order shall not abrogate any right that the purchaser may have to possession of the mortgaged real estate and to maintain a proceeding against that person for possession under Article 9 of this Code or subsection (h) of Section 15-1701; and possession against a person who (1) has not been personally named as a party to the foreclosure and (2) has not been provided an opportunity to be heard in the foreclosure proceeding may be sought only by maintaining a proceeding under Article 9 of this Code or subsection (h) of Section 15-1701.

(Source: P.A. 95-826, eff. 8-14-08; 96-265, eff. 8-11-09; 96-856, eff. 3-1-10; 96-1245, eff. 7-23-10; revised 9-16-10.)".

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

At the hour of 4:50 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 6:04 o'clock p.m., the Senate resumed consideration of business.
Senator Muñoz, presiding.

REPORTS FROM STANDING COMMITTEES

Senator Martinez, Chairperson of the Committee on Licensed Activities, to which was referred **House Bills Numbered 1228, 1476, 1490 and 1723**, reported the same back with the recommendation that the bills do pass.

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

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

Senate Amendment No. 2 to Senate Bill 1305
Senate Amendment No. 2 to House Bill 220
Senate Amendment No. 1 to House Bill 3255

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

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

Senate Amendment No. 4 to Senate Bill 260
Senate Amendment No. 1 to Senate Bill 1436

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

Senator Holmes, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **House Bills Numbered 1298, 1484, 2095, 2858, 3244 and 3411**, 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 **House Bills Numbered 237, 1195, 1547 and 3188**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Holmes, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Resolutions numbered 169 and 204**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Resolutions numbered 169 and 204** were placed on the Secretary's Desk.

Senator Holmes, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Resolution No. 199**, reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, **Senate Resolution No. 199** was placed on the Secretary's Desk.

Senator Haine, Chairperson of the Committee on Insurance, to which was referred **House Bills Numbered 224, 1149, 1284 and 2249**, reported the same back with the recommendation that the bills do pass.

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

Senator Haine, Chairperson of the Committee on Insurance, to which was referred **House Bills Numbered 1129 and 1870**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

MESSAGE FROM THE HOUSE

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 2123

A bill for AN ACT concerning State government.

SENATE BILL NO. 2134

A bill for AN ACT concerning education.

SENATE BILL NO. 2267

A bill for AN ACT concerning criminal law.

Passed the House, May 16, 2011.

MARK MAHONEY, Clerk of the House

At the hour of 6:05 o'clock p.m., the Chair announced the Senate stand adjourned until Tuesday, May 17, 2011, at 10:00 o'clock a.m.