



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-SEVENTH GENERAL ASSEMBLY**

**86TH LEGISLATIVE DAY**

**MONDAY, FEBRUARY 27, 2012**

**4:11 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**86th Legislative Day**

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The Senate met pursuant to adjournment.  
 Senator Donne Trotter, Chicago, Illinois, presiding.  
 Prayer by Pastor Shaun Lewis, Capitol Commission, Springfield, Illinois.  
 Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Friday, February 17, 2012, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator Hunter moved that reading and approval of the Journal of Friday, February 24, 2012, be postponed, pending arrival of the printed Journal.  
 The motion prevailed.

### **REPORTS RECEIVED**

The Secretary placed before the Senate the following reports:

Personal Information Protection Act Report, submitted by the Department of Human Services.

2011 Educational Mandates Report, submitted by the Illinois State Board of Education.

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

### **LEGISLATIVE MEASURES FILED**

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

Senate Committee Amendment No. 1 to Senate Bill 1351  
 Senate Committee Amendment No. 1 to Senate Bill 2124  
 Senate Committee Amendment No. 1 to Senate Bill 2545  
 Senate Committee Amendment No. 2 to Senate Bill 2569  
 Senate Committee Amendment No. 1 to Senate Bill 2849  
 Senate Committee Amendment No. 1 to Senate Bill 2934  
 Senate Committee Amendment No. 1 to Senate Bill 2947  
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 Senate Committee Amendment No. 1 to Senate Bill 3426  
 Senate Committee Amendment No. 1 to Senate Bill 3452  
 Senate Committee Amendment No. 1 to Senate Bill 3633  
 Senate Committee Amendment No. 1 to Senate Bill 3638  
 Senate Committee Amendment No. 1 to Senate Bill 3655  
 Senate Committee Amendment No. 1 to Senate Bill 3712  
 Senate Committee Amendment No. 1 to Senate Bill 3789

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

[February 27, 2012]

Senate Floor Amendment No. 1 to Senate Bill 3410

**MESSAGE FROM THE SECRETARY OF STATE**

OFFICE OF THE SECRETARY OF STATE  
JESSE WHITE • Secretary of State

February 27, 2012

Honorable Tim Anderson  
Secretary of the Senate  
Room 401  
Capitol Building  
Springfield, IL 62706

Dear Mr. Anderson:

This office is forwarding herewith a copy of a Notification of Vacancy from the Legislative Committee of the Democratic Party for the 43<sup>rd</sup> Legislative District, declaring the existence of a vacancy in the Office of State Senator in the 97<sup>th</sup> General Assembly for the 43<sup>rd</sup> Legislative District, as a result of the resignation of **Senator Arthur "A.J." Wilhelmi**.

Also enclosed is the copy of the Legislative Committee's Certificate of Appointment for **Patrick McGuire, 1210 Glenwood Avenue, Joliet, Illinois 60435**, who was appointed to fill the vacancy in the Office of State Senator in the 43<sup>rd</sup> Legislative District for the 97<sup>th</sup> General Assembly.

Yours truly,  
s/Jesse White  
JESSE WHITE  
Secretary of State

NOTICE

Changes in the Ninety-Seventh General Assembly

SENATE

Appointment

Patrick McGuire  
1210 Glenwood Avenue  
Joliet, Illinois 60435  
43<sup>rd</sup> Legislative District  
Appointed: February 25, 2012  
Filed: February 27, 2012

Vacancy

Arthur "A.J." Wilhelmi  
43<sup>rd</sup> Legislative District  
Resigned: Effective 02-25-2012  
Filed: February 22, 2012

cc: Communications Department  
House Speaker Madigan  
House Republican Leader Cross  
Legal Department  
Legislative Affairs  
Office of the Governor  
Secretary of State  
Senate President Cullerton  
Senate Republican Leader Radogno  
State Board of Elections

**CERTIFICATE OF LEGISLATIVE COMMITTEE ORGANIZATION**

[February 27, 2012]

43rd LEGISLATIVE DISTRICT

STATE OF ILLINOIS  
COUNTY OF WILL

This is to certify that, in accordance with 10 ILCS 5/8-5, the Legislative Committee of the Democratic Party of the 43<sup>rd</sup> Legislative District of the State of Illinois met on February 28, 2012, within the 43<sup>rd</sup> Legislative District, in the City of Joliet, County of Will, and organized by electing the following officers in conformity with the Election Laws of the State of Illinois.

Dennis Grosskopf  
1654 Fieldstone Dr. N. Shorewood, IL 60404

Ruby Lofton  
456 Bradford Pl. Bolingbrook, IL 60491

SIGNED: s/Dennis E. Grosskopf  
CHAIRMAN

ATTEST: s/Ruby Lofton  
SECRETARY

DATE: February 8, 2012

Illinois State Board of Elections  
2329 S. MacArthur Blvd.  
Springfield, IL 62704

Secretary Tim Anderson  
Secretary of the Senate  
Room 401 Capitol Building  
Springfield, IL 62706

Hon. Jesse White  
Secretary of State  
Index Division  
111 East Monroe Street  
Springfield, IL 62701

**Notice of Declaration of Vacancy in the Office of State Senator for the 43rd Legislative District of the State of Illinois**

Pursuant to Section 25-6 of the Illinois Election Code, please be advised that the Legislative committee of the Democratic Party for the 43<sup>rd</sup> Legislative District declared on February 25, 2012 that a vacancy exists in the office of State Senator in the 97<sup>th</sup> General Assembly for the 43<sup>rd</sup> Legislative District of the State of Illinois as a result of the resignation of Senator Arthur "A.J." Wilhelmi.

You are hereby notified of the vacancy in the office of State Senator in the General Assembly for the 43<sup>rd</sup> Legislative District as a result of the resignation of Senator Arthur "A.J." Wilhelmi.

Date: February 25, 2012

s/Dennis E. Grosskopf  
Dennis Grosskopf, Chairman  
Legislative Committee of the Democratic Party  
for the 43<sup>rd</sup> Legislative District

s/Ruby Lofton  
Ruby Lofton, Secretary  
Legislative Committee of the Democratic  
Party for the 43<sup>rd</sup> Legislative District

s/Daniel Maher  
Daniel Maher, Member  
Legislative Committee of the Democratic  
Party for the 43<sup>rd</sup> Legislative District

State of Illinois )  
                          )  
County of Will    )

[February 27, 2012]

Subscribed and sworn to before me on this  
25<sup>th</sup> day of February, 2012.  
s/Karen Gonzalez  
Notary Public

Illinois State Board of Elections  
2329 S. MacArthur Blvd.  
Springfield, IL 62704

Secretary Tim Anderson  
Secretary of the Senate  
Room 401 Capitol Building  
Springfield, IL 62706

Hon. Jesse White  
Secretary of State  
Index Division  
111 East Monroe Street  
Springfield, IL 62701

Pursuant to Section 25-6 of the Illinois Election Code, please be advised that the attached is a duly executed Certificate of Appointment to fill the vacancy in the office of State Senator in the 43<sup>rd</sup> Legislative District for the 97<sup>th</sup> General Assembly which certifies the appointment of Patrick McGuire, who resides at 1210 Glenwood Avenue, Joliet, IL 60435, to fill the vacancy in the office of State Senator in the 97<sup>th</sup> General Assembly for the 43<sup>rd</sup> Legislative District by the resignation of Senator Arthur "A.J." Wilhelmi.

Dated: February 25, 2012

s/Dennis E. Grosskopf  
Dennis E. Grosskopf, Chairman  
Legislative Committee of the Democratic Party  
for the 43<sup>rd</sup> Legislative District

s/Ruby Lofton  
Ruby Lofton, Secretary  
Legislative Committee of the Democratic  
Party for the 43<sup>rd</sup> Legislative District

s/Daniel Maher  
Daniel Maher, Member  
Legislative Committee of the Democratic  
Party for the 43<sup>rd</sup> Legislative District

State of Illinois     )  
                                  )  
County of Will     )

Subscribed and sworn to before me on this  
25<sup>th</sup> day of February, 2012.  
s/Karen Gonzalez  
Notary Public

**CERTIFICATE OF APPOINTMENT TO FILL VACANCY IN THE OFFICE OF STATE  
SENATOR IN THE GENERAL ASSEMBLY**

WHEREAS, a vacancy currently exists in the office of State Senator in the General Assembly for the 43<sup>rd</sup> Legislative District by reason of the resignation of Arthur "A.J." Wilhelmi, who was duly elected State Senator from the 43<sup>rd</sup> Legislative District, as a candidate of the Democratic Party, in the General Election held on November 2, 2010; and

WHEREAS, the Legislative committee of the Democratic Party for the 43<sup>rd</sup> Legislative District has declared the existence of the vacancy in said office and has voted to fill the vacancy in said office as required by Section 25-6 of the Election Code; and

WHEREAS, at a meeting of the Legislative Committee on the Democratic Party for the 43<sup>rd</sup> Legislative District on February 25, 2012, Patrick McGuire, who resides at 1210 Glenwood Avenue, Joliet, Illinois, 60435, received the required number of votes to fill the vacancy of said office pursuant to Section 25-6 of the Election Code; therefore,

[February 27, 2012]

BE IT RESOLVED, that the Legislative Committee of the Democratic Party for the 43<sup>rd</sup> Legislative District hereby appoints Patrick McGuire, a member of the Democratic Party, to the office of State Senator in the General Assembly for the 43<sup>rd</sup> Legislative District of Illinois.

Date: February 25, 2012

s/Dennis E. Grosskopf  
Dennis E. Grosskopf, Chairman  
Legislative Committee of the Democratic Party  
for the 43<sup>rd</sup> Legislative District

s/Ruby Lofton  
Ruby Lofton, Secretary  
Legislative Committee of the Democratic  
Party for the 43<sup>rd</sup> Legislative District

s/Daniel Maher  
Daniel Maher, Member  
Legislative Committee of the Democratic  
Party for the 43<sup>rd</sup> Legislative District

State of Illinois )  
                                  )  
County of Will    )

Subscribed and sworn to before me on this  
25<sup>th</sup> day of February, 2012.  
s/Karen Gonzalez  
Notary Public

State of Illinois    )  
                                  )     ss.  
County of Will     )

**OATH OF OFFICE**

I, Patrick McGuire, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of State Senator in the 97<sup>th</sup> General Assembly for the 43<sup>rd</sup> Legislative District of the State of Illinois to the best of my ability.

s/Patrick McGuire  
Patrick McGuire

Subscribed and sworn to before me this 25<sup>th</sup> day of February, 2012.

s/Kathleen Glenney Kallan  
Kathleen Glenney Kallan  
Associate Judge retired

**COMMUNICATIONS**

**IRA I. SILVERSTEIN**  
**STATE SENATOR · 8TH DISTRICT**

February 27, 2012

Mr. Tim Anderson  
Secretary of the Senate  
Room 403, State House

[February 27, 2012]

Springfield, Illinois 62706

Dear Mr. Secretary:

Pursuant to Senate Rule 3-3(d), effective immediately, I am resigning from my appointed position on the Senate Committee on Environment.

Thank you for your attention to this matter.

Sincerely,  
s/Ira I. Silverstein  
Ira I. Silverstein  
State Senator

SUSAN GARRETT  
STATE SENATOR  
29TH DISTRICT

February 27, 2012

Mr. Tim Anderson  
Secretary of the Senate  
Room 403, State House  
Springfield, Illinois 62706

Dear Mr. Secretary:

Pursuant to Senate Rule 3-3(d), effective immediately, I am resigning from my appointed position on the Senate Committee on Local Government. In addition, I am resigning as the appointed Chairman of the Senate Committee on Commerce, but I will remain an appointed member of the Committee.

Thank you for your attention to this matter.

Sincerely,  
s/Susan Garrett  
Senator Susan Garrett  
Majority Caucus Whip

Illinois State Senate  
**James T. Meeks**  
Senator  
15<sup>th</sup> Legislative District

February 27, 2012

Mr. Tim Anderson  
Secretary of the Senate  
Room 403, State House  
Springfield, Illinois 62706

Dear Mr. Secretary:

Pursuant to Senate Rule 3-3(d), effective immediately, I am resigning from my appointed position and as the Vice Chairman of the Senate Committee on Revenue. I will remain an appointed member of the Committee.

Thank you for your attention to this matter.

[February 27, 2012]



Sincerely,  
s/James T. Meeks  
James T. Meeks  
Illinois State Senator

ILLINOIS STATE SENATE  
**TOI W. HUTCHINSON**  
STATE SENATOR  
40<sup>TH</sup> DISTRICT

February 27, 2012

Mr. Tim Anderson  
Secretary of the Senate  
Room 403, State House  
Springfield, Illinois 62706

Dear Mr. Secretary:

Pursuant to Senate Rule 3-3(d), effective immediately, I am resigning from my appointed position on the Senate Committee on Higher Education.

Thank you for your attention to this matter.

Sincerely,  
s/Toi W. Hutchinson  
Toi W. Hutchinson

ILLINOIS STATE SENATE  
**EMIL JONES, III**  
STATE SENATOR - 14<sup>TH</sup> DISTRICT

February 27, 2012

Mr. Tim Anderson  
Secretary of the Senate  
Room 403, State House  
Springfield, Illinois 62706

Dear Mr. Secretary:

Pursuant to Senate Rule 3-3(d), effective immediately, I am resigning from my appointed position on the Senate Committee on State Government & Veterans' Affairs.

Thank you for your attention to this matter.

Sincerely,  
s/Emil Jones III  
Emil Jones, III  
State Senator - 14<sup>th</sup> District

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

[February 27, 2012]

JOHN J. CULLERTON  
SENATE PRESIDENT

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

February 27, 2012

Mr. Tim Anderson  
Secretary of the Senate  
Room 403, State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Senate Rule 3-3(a), I hereby establish the Senate Special Committee on Enterprise Zone Extensions. The Committee will be made up of six total members, with an equal number of members from each caucus.

This bipartisan Committee will review whether or not the State should extend or create enterprise zones in Illinois.

Pursuant to Senate Rule 3-2(b) and 3-3(a), I have appointed Senator Michael Frerichs and Senator Pamela Althoff to Co-Chair the Special Committee. In addition, I have appointed the following members to this Committee to represent the Democratic Caucus, effective immediately:

Senator Toi Hutchinson  
Senator David Koehler

I will ask the Special Committee to issue a public report containing specific legislative recommendations to the Senate no later than May 1, 2012.

If you have any questions, please contact my Chief of Staff, David Gross, at 217.782.3920.

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

cc: Governor Patrick Quinn  
Senate Republican Leader Christine Radogno  
House Speaker Michael Madigan  
House Republican Leader Tom Cross  
Secretary of State - Index Division  
Legislative Research Unit  
Legislative Reference Bureau  
Clerk of the House

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

JOHN J. CULLERTON  
SENATE PRESIDENT

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

February 27, 2012

Mr. Tim Anderson  
Secretary of the Senate  
Room 403, State House  
Springfield, IL 62706

[February 27, 2012]

Dear Mr. Secretary:

Pursuant to Senate Rule 3-3(b), please be advised that I have made the following appointments to the 97<sup>th</sup> General Assembly Standing Committees, effective immediately.

Senator Pat McGuire has been appointed to the Senate Committees on Environment, Gaming, Higher Education and Transportation.

If you have any questions, please contact my Chief of Staff, David Gross, at 217.782.3920.

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

cc: Governor Patrick Quinn  
Senate Republican Leader Christine Radogno  
House Speaker Michael Madigan  
House Republican Leader Tom Cross  
Secretary of State - Index Division  
Legislative Research Unit  
Legislative Reference Bureau  
Clerk of the House

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

JOHN J. CULLERTON  
SENATE PRESIDENT

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

February 27, 2012

Mr. Tim Anderson  
Secretary of the Senate  
Room 403, State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Senate Rule 3-3(b), please be advised that I have made the following appointments to the 97<sup>th</sup> General Assembly Standing Committees, effective immediately.

Senator Ira Silverstein has been appointed the Chairman of the Senate Committee on Judiciary.

Senator Susan Garrett has been appointed to the Senate Committee on Environment and will serve as the Chairman.

Senator Susan Garrett has been appointed to the Senate Committee on State Government and Veterans' Affairs.

Senator Susan Garrett has been appointed the Vice-Chairman of the Senate Committee on Revenue.

Senator Emil Jones III has been appointed to the Senate Committee on Commerce and will serve as the Chairman.

Senator Emil Jones III has been appointed to the Senate Committee on Local Government.

Senator Toi Hutchinson has been appointed to the Senate Committee on Judiciary.

Senator John Sullivan has been appointed to the Senate Committee on Agriculture and will serve as the Vice-Chairman.

Senator Terry Link has been appointed the Vice-Chairman of the Senate Committee on Local Government.

If you have any questions, please contact my Chief of Staff, David Gross, at 217.782.3920.

[February 27, 2012]

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

cc: Governor Patrick Quinn  
Senate Republican Leader Christine Radogno  
House Speaker Michael Madigan  
House Republican Leader Tom Cross  
Secretary of State - Index Division  
Legislative Research Unit  
Legislative Reference Bureau  
Clerk of the House

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

JOHN J. CULLERTON  
SENATE PRESIDENT

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

February 27, 2012

Mr. Tim Anderson  
Secretary of the Senate  
Room 401 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Don Harmon to temporarily replace Senator James Clayborne as Chairman of the Senate Committee on Assignments. In addition, I hereby appoint Senator Terry Link to temporarily replace Senator James Clayborne as a member of the Senate Committee on Assignments. These appointments will automatically expire upon adjournment of the Senate Committee on Assignments.

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

cc: Senate Minority Leader Christine Radogno

**COMMUNICATION FROM THE MINORITY LEADER**

**CHRISTINE RADOGNO**  
SENATE REPUBLICAN LEADER · 41st DISTRICT

February 27, 2012

Mr. Tim Anderson  
Secretary of the Senate  
401 State House  
Springfield, Illinois 62706

Dear Mr. Secretary:

[February 27, 2012]

Pursuant to the provisions of Senate Rule 3-5(c), I am hereby appointing Senator Matt Murphy to replace Senator Kirk Dillard as a member of the Senate Committee on Assignments and I am appointing Senator Dale Righter to serve as Minority Spokesperson of the Senate Committee on Assignments. These appointments are effective immediately and shall automatically expire upon adjournment of the Senate Committee on Assignments.

Sincerely,  
s/Christine Radogno  
Christine Radogno  
Senate Republican Leader

cc: Senate President John Cullerton  
Assistant Secretary of the Senate Scott Kaiser  
Senator Dale Righter  
Senator Matt Murphy

### **PRESENTATION OF RESOLUTIONS**

#### **SENATE RESOLUTION NO. 632**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Wilma Quartly Smyth Sachen.

#### **SENATE RESOLUTION NO. 633**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Richard A. "Dick" Jones.

#### **SENATE RESOLUTION NO. 634**

Offered by Senator Radogno and all Senators:  
Mourns the death of Stephen A. Paczolt.

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

Senators Brady - C. Johnson - Rezin - Pankau offered the following Senate Joint Resolution, which was referred to the Committee on Assignments:

#### **SENATE JOINT RESOLUTION NO. 60**

WHEREAS, U.S. Secretary of Health and Human Services Kathleen Sebelius has issued an order directing most American employers, including religious organizations and religious institutions, to provide specific insurance as part of the Affordable Health Care Act; and

WHEREAS, The First Amendment to the United States Constitution protects the free exercise of religion; and

WHEREAS, President James Madison, the father of our Constitution, understood that "religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate"; and

WHEREAS, The required practices directly contravene the teachings and beliefs of many religious denominations and their practitioners; and

WHEREAS, The religious leaders of many faiths and others believe the order infringes on First Amendment rights and have denounced it as an assault on religious liberty and the right of conscience of many citizens; and

[February 27, 2012]

WHEREAS, President Thomas Jefferson warned that "to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles, on the supposition of their ill tendency, is a dangerous fallacy, which at once destroys all religious liberty"; and

WHEREAS, President Obama's administration has not offered a right of conscience exemption and has instead proposed an "accommodation" for religious organizations and institutions, indicating institutions will not have to pay for the insurance coverage contrary to their religious tenets "directly"; and

WHEREAS, There remains significant debate and ambiguity over the manner in which the Administration's modified order would be implemented; and

WHEREAS, The order would dramatically affect the ability of many religious-affiliated schools, universities, and health care facilities to continue to provide educational and health care services to their employees and families and to people of faith; and

WHEREAS, The order would seemingly supersede existing Illinois statutes, including the 1998 Health Care Right of Conscience Act; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we urge Congress to override the order created by the Obama administration in its entirety; and be it further

RESOLVED, That suitable copies of this resolution be delivered to President Barack Obama, Health and Human Services Secretary Kathleen Sebelius, and the members of the Illinois congressional delegation.

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

#### AT EASE

At the hour of 4:37 o'clock p.m. the Senate resumed consideration of business.  
Senator Trotter, presiding.

#### ANNOUNCEMENT ON ATTENDANCE

Senator Muñoz announced for the record that Senator Sandoval was absent due to district business.

#### REPORTS FROM COMMITTEE ON ASSIGNMENTS

Senator Harmon, Chairperson of the Committee on Assignments, during its February 27, 2012 meeting, reported the following Senate Bills have been assigned to the indicated Standing Committees of the Senate:

Criminal Law: **Senate Bills Numbered 3344, 3345 and 3346.**

Education: **Senate Bills Numbered 3362 and 3558.**

Executive: **Senate Bill No. 3576.**

Licensed Activities: **Senate Bill No. 3061.**

Procurement: **Senate Bills Numbered 3296 and 3297.**

Public Health: **Senate Bill No. 2124.**

[February 27, 2012]

Revenue: **Senate Bills Numbered 1351 and 3212.**

Senator Harmon, Chairperson of the Committee on Assignments, during its February 27, 2012 meeting, reported the following Resolutions have been assigned to the indicated Standing Committees of the Senate:

Environment: **House Joint Resolution No. 34.**

Public Health: **Senate Resolution No. 624.**

State Government and Veterans Affairs: **Senate Resolution No. 620; Senate Joint Resolution No. 58.**

Senator Harmon, Chairperson of the Committee on Assignments, during its February 27, 2012 meeting, reported that the Committee recommends that **Senate Bill No. 3827** be re-referred from the Committee on Gaming to the Committee on Executive.

Senator Harmon, Chairperson of the Committee on Assignments, during its February 27, 2012 meeting, reported that the Committee recommends that **Senate Bill No. 2545** be re-referred from the Committee on Commerce to the Committee on Judiciary.

Senator Harmon, Chairperson of the Committee on Assignments, during its February 27, 2012 meeting, reported that the Committee recommends that **Senate Bill No. 3527** be re-referred from the Committee on Public Health to the Committee on Environment.

Senator Harmon, Chairperson of the Committee on Assignments, during its February 27, 2012 meeting, to which was referred **Senate Bills Numbered 179, 267 and 952** on July 23, 2011, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **Senate Bills Numbered 179, 267 and 952** were returned to the order of third reading.

Senator Harmon, Chairperson of the Committee on Assignments, during its February 27, 2012 meeting, to which was referred **Senate Bill No. 680** on January 14, 2012, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **Senate Bill No. 680** was returned to the order of third reading.

Senator Harmon, Chairperson of the Committee on Assignments, to which was referred **Senate Bill No. 3805**, during its February 27, 2012 meeting, reported the same back with the recommendation that the bill be placed on the order of second reading without recommendation to committee.

Senator Harmon, Chairperson of the Committee on Assignments, during its February 27, 2012 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: **Senate Committee Amendment No. 1 to Senate Bill 3271.**

Criminal Law: **Senate Committee Amendment No. 2 to Senate Bill 2520; Senate Committee Amendment No. 1 to Senate Bill 3218.**

[February 27, 2012]

Energy: **Senate Committee Amendment No. 1 to Senate Bill 3453.**

Environment: **Senate Committee Amendment No. 1 to Senate Bill 3527.**

Executive: **Senate Committee Amendment No. 1 to Senate Bill 3262.**

Financial Institutions: **Senate Committee Amendment No. 1 to Senate Bill 3217; Senate Committee Amendment No. 1 to Senate Bill 3712.**

Gaming: **Senate Committee Amendment No. 2 to Senate Bill 2962.**

Human Services: **Senate Committee Amendment No. 1 to Senate Bill 3544.**

Judiciary: **Senate Committee Amendment No. 1 to Senate Bill 2545; Senate Committee Amendment No. 1 to Senate Bill 2849; Senate Committee Amendment No. 1 to Senate Bill 2894; Senate Committee Amendment No. 1 to Senate Bill 2948; Senate Committee Amendment No. 1 to Senate Bill 3249; Senate Committee Amendment No. 1 to Senate Bill 3287; Senate Committee Amendment No. 2 to Senate Bill 3287; Senate Floor Amendment No. 2 to House Bill 3636.**

Licensed Activities: **Senate Committee Amendment No. 1 to Senate Bill 2575.**

Local Government: **Senate Floor Amendment No. 2 to House Bill 3129; Senate Committee Amendment No. 1 to Senate Bill 3169; Senate Committee Amendment No. 1 to Senate Bill 3295.**

Pensions and Investments: **Senate Committee Amendment No. 1 to Senate Bill 3597.**

Public Health: **Senate Committee Amendment No. 1 to Senate Bill 2934.**

Revenue: **Senate Committee Amendment No. 1 to Senate Bill 2886.**

State Government and Veterans Affairs: **Senate Committee Amendment No. 1 to Senate Bill 3621; Senate Committee Amendment No. 1 to Senate Bill 3694.**

Transportation: **Senate Committee Amendment No. 3 to Senate Bill 2488; Senate Committee Amendment No. 4 to Senate Bill 2488; Senate Committee Amendment No. 1 to Senate Bill 3452; Senate Committee Amendment No. 1 to Senate Bill 3618; Senate Committee Amendment No. 1 to Senate Bill 3789.**

#### COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following committee to meet at 11:00 o'clock a.m. on Tuesday, February 28, 2012:

Judiciary in Room 400

The Chair announced the following committee to meet at 9:00 o'clock a.m. on Wednesday, February 29, 2012:

Local Government in Room 409

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

On motion of Senator Haine, **Senate Bill No. 2577** having been printed, was taken up, read by title a second time and ordered to a third reading.

[February 27, 2012]



On motion of Senator Sullivan, **Senate Bill No. 2579** having been printed, was taken up, read by title a second time.

The following amendments were offered in the Committee on Transportation, adopted and ordered printed:

**AMENDMENT NO. 1 TO SENATE BILL 2579**

AMENDMENT NO. 1. Amend Senate Bill 2579 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 15-107 as follows:  
(625 ILCS 5/15-107) (from Ch. 95 1/2, par. 15-107)

Sec. 15-107. Length of vehicles.

(a) The maximum length of a single vehicle on any highway of this State may not exceed 42 feet except the following:

- (1) Semitrailers.
- (2) Charter or regulated route buses may be up to 45 feet in length, not including energy absorbing bumpers.

(a-1) A motor home as defined in Section 1-145.01 may be up to 45 feet in length, not including energy absorbing bumpers. The length limitations described in this subsection (a-1) shall be exclusive of energy-absorbing bumpers and rear view mirrors.

(b) On all non-State highways, the maximum length of vehicles in combinations is as follows:

- (1) A truck tractor in combination with a semitrailer may not exceed 55 feet overall dimension.
- (2) A truck tractor-semi-trailer-trailer or truck tractor semi-trailer-semi-trailer may not exceed 60 feet overall dimension.
- (3) Combinations specially designed to transport motor vehicles or boats may not exceed 60 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

All other combinations not listed in this subsection (b) may not exceed 60 feet overall dimension.

(c) Except as provided in subsections (c-1) and (c-2), combinations of vehicles may not exceed a total of 2 vehicles except the following:

- (1) A truck tractor semitrailer may draw one trailer.
- (2) A truck tractor semitrailer may draw one converter dolly or one semitrailer.
- (3) A truck tractor semitrailer may draw one vehicle that is defined in Chapter 1 as special mobile equipment, provided the overall dimension does not exceed 60 feet.
- (4) A truck in transit may draw 3 trucks in transit coupled together by the triple saddlemount method.
- (5) Recreational vehicles consisting of 3 vehicles, provided the following:
  - (A) The total overall dimension does not exceed 60 feet.
  - (B) The towing vehicle is a properly registered vehicle capable of towing another vehicle using a fifth-wheel type assembly.

(C) The second vehicle in the combination of vehicles is a recreational vehicle that is towed by a fifth-wheel assembly. This vehicle must be properly registered and must be equipped with brakes, regardless of weight.

(D) The third vehicle must be the lightest of the 3 vehicles and be a trailer or semitrailer designed or used for transporting a boat, all-terrain vehicle, personal watercraft, or motorcycle.

(E) The towed vehicles may be only for the use of the operator of the towing vehicle.

(F) All vehicles must be properly equipped with operating brakes and safety equipment required by this Code, except the additional brake requirement in subdivision (C) of this subparagraph (5).

(6) A tow truck in combination with a disabled vehicle or combination of disabled vehicles, provided the towing vehicle:

(A) Is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes. For the purpose of this subsection, gross vehicle weight rating, or GVWR, means the value specified by the manufacturer as the loaded weight of the tow truck.

(B) Is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions.

(C) Is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles.

(D) Does not engage a tow exceeding 50 highway miles from the initial point of wreck or disablement to a place of repair. Any additional movement of the vehicles may occur only upon issuance of authorization for that movement under the provisions of Sections 15-301 through 15-319 of this Code.

The Department may by rule or regulation prescribe additional requirements regarding length limitations for a tow truck towing another vehicle.

For purposes of this Section, a tow-dolly that merely serves as substitute wheels for another legally licensed vehicle is considered part of the licensed vehicle and not a separate vehicle.

(7) Commercial vehicles consisting of 3 vehicles, provided the following:

(A) The total overall dimension does not exceed 65 feet.

(B) The towing vehicle is a properly registered vehicle capable of towing another vehicle using a fifth-wheel type assembly or a goose-neck hitch ball.

(C) The third vehicle must be the lightest of the 3 vehicles and be a trailer or semitrailer.

(D) All vehicles must be properly equipped with operating brakes and safety equipment required by this Code.

(E) The combination of vehicles must be operated by a person who holds a commercial driver's license (CDL).

(F) The combination of vehicles must be en route to a location where new or used trailers are sold by an Illinois or out-of-state licensed new or used trailer dealer.

(c-1) A combination of 3 vehicles is allowed access to any State designated highway if:

(1) the length of neither towed vehicle exceeds 28.5 feet;

(2) the overall wheel base of the combination of vehicles does not exceed 62 feet; and

(3) the combination of vehicles is en route to a location where new or used trailers are sold by an Illinois or out-of-state licensed new or used trailer dealer.

(c-2) A combination of 3 vehicles is allowed access from any State designated highway onto any county, township, or municipal highway for a distance of 5 highway miles for the purpose of delivery or collection of one or both of the towed vehicles if:

(1) the length of neither towed vehicle exceeds 28.5 feet;

(2) the combination of vehicles does not exceed 40,000 pounds in gross weight and 8 feet 6 inches in width;

(3) there is no sign prohibiting that access;

(4) the route is not being used as a thoroughfare between State designated highways; and

(5) the combination of vehicles is en route to a location where new or used trailers are sold by an Illinois or out-of-state licensed new or used trailer dealer.

(d) On Class I highways there are no overall length limitations on motor vehicles operating in combinations provided:

(1) The length of a semitrailer, unladen or with load, in combination with a truck tractor may not exceed 53 feet.

(2) The distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 45 feet 6 inches. The limit contained in this paragraph (2) shall not apply to trailers or semi-trailers used for the transport of livestock as defined by Section 18b-101.

(3) The length of a semitrailer or trailer, unladen or with load, operated in a truck tractor-semi-trailer-trailer or truck tractor semitrailer-semi-trailer combination, may not exceed 28 feet 6 inches.

(4) Maxi-cube combinations, as defined in Chapter 1, may not exceed 65 feet overall dimension.

(5) Combinations of vehicles specifically designed to transport motor vehicles or boats may not exceed 65 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(6) Stinger steered semitrailer vehicles as defined in Chapter 1, specifically designed to transport motor vehicles or boats, may not exceed 75 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(7) A truck in transit transporting 3 trucks coupled together by the triple saddle mount method may not exceed 75 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

The length limitations described in this paragraph (d) shall be exclusive of safety and energy conservation devices, such as bumpers, refrigeration units or air compressors and other devices, that the Department may interpret as necessary for safe and efficient operation; except that no device excluded under this paragraph shall have by its design or use the capability to carry cargo.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (d).

(e) On Class II highways there are no overall length limitations on motor vehicles operating in combinations, provided:

(1) The length of a semitrailer, unladen or with load, in combination with a truck tractor, may not exceed 53 feet overall dimension.

(2) The distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 45 feet 6 inches. The limit contained in this paragraph (2) shall not apply to trailers or semi-trailers used for the transport of livestock as defined by Section 18b-101.

(3) A truck tractor-semi-trailer-trailer or truck tractor semitrailer-semi-trailer combination may not exceed 65 feet in dimension from front axle to rear axle.

(4) The length of a semitrailer or trailer, unladen or with load, operated in a truck tractor-semi-trailer-trailer or truck tractor semitrailer-semi-trailer combination, may not exceed 28 feet 6 inches.

(5) Maxi-cube combinations, as defined in Chapter 1, may not exceed 65 feet overall dimension.

(6) A combination of vehicles, specifically designed to transport motor vehicles or boats, may not exceed 65 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(7) Stinger steered semitrailer vehicles, as defined in Chapter 1, specifically designed to transport motor vehicles or boats, may not exceed 75 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(8) A truck in transit transporting 3 trucks coupled together by the triple saddle mount method may not exceed 75 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects

of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

Local authorities, with respect to streets and highways under their jurisdiction, may also by ordinance or resolution allow length limitations of this subsection (e).

The length limitations described in this paragraph (e) shall be exclusive of safety and energy conservation devices, such as bumpers, refrigeration units or air compressors and other devices, that the Department may interpret as necessary for safe and efficient operation; except that no device excluded under this paragraph shall have by its design or use the capability to carry cargo.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (e).

(e-1) Combinations of vehicles not exceeding 65 feet overall length are allowed access as follows:

(1) From any State designated highway onto any county, township, or municipal highway for a distance of 5 highway miles for the purpose of loading and unloading, provided:

(A) The vehicle does not exceed 80,000 pounds in gross weight and 8 feet 6 inches in width.

(B) There is no sign prohibiting that access.

(C) The route is not being used as a thoroughfare between State designated highways.

(2) From any State designated highway onto any county or township highway for a distance of 5 highway miles or onto any municipal highway for a distance of one highway mile for the purpose of food, fuel, repairs, and rest, provided:

(A) The vehicle does not exceed 80,000 pounds in gross weight and 8 feet 6 inches in width.

(B) There is no sign prohibiting that access.

(C) The route is not being used as a thoroughfare between State designated highways.

(e-2) Except as provided in subsection (e-3), combinations of vehicles over 65 feet in length, with no overall length limitation except as provided in subsections (d) and (e) of this Section, are allowed access as follows:

(1) From a Class I highway onto any street or highway for a distance of one highway mile for the purpose of loading, unloading, food, fuel, repairs, and rest, provided there is no sign prohibiting that access.

(2) From a Class I or Class II highway onto any State highway or any locally designated highway for a distance of 5 highway miles for the purpose of loading, unloading, food, fuel, repairs, and rest.

(e-3) Combinations of vehicles over 65 feet in length operated by household goods carriers, with no overall length limitations except as provided in subsections (d) and (e) of this Section, have unlimited access to points of loading and unloading.

(f) On Class III and other non-designated State highways, the length limitations for vehicles in combination are as follows:

(1) Truck tractor-semitrailer combinations, must comply with either a maximum 55 feet overall wheel base or a maximum 65 feet extreme overall dimension.

(2) Semitrailers, unladen or with load, may not exceed 53 feet overall dimension.

(3) No truck tractor-semitrailer-trailer or truck tractor semitrailer-semitrailer combination may exceed 60 feet extreme overall dimension.

(4) The distance between the kingpin and the center axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 42 feet 6 inches. The limit contained in this paragraph (2) shall not apply to trailers or semi-trailers used for the transport of livestock as defined by Section 18b-101.

(g) Length limitations in the preceding subsections of this Section 15-107 do not apply to the

following:

(1) Vehicles operated in the daytime, except on Saturdays, Sundays, or legal holidays, when transporting poles, pipe, machinery, or other objects of a structural nature that cannot readily be dismembered, provided the overall length of vehicle and load may not exceed 100 feet and no object exceeding 80 feet in length may be transported unless a permit has been obtained as authorized in Section 15-301.

(2) Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties, but during night operation every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

(3) A tow truck in combination with a disabled vehicle or combination of disabled vehicles, provided the towing vehicle meets the following conditions:

(A) It is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes.

(B) It is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions.

(C) It is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles.

(D) It does not engage in a tow exceeding 50 miles from the initial point of wreck or disablement.

The Department may by rule or regulation prescribe additional requirements regarding length limitations for a tow truck towing another vehicle. The towing vehicle, however, may tow any disabled vehicle from the initial point of wreck or disablement to a point where repairs are actually to occur. This movement shall be valid only on State routes. The tower must abide by posted bridge weight limits.

For the purpose of this subsection, gross vehicle weight rating, or GVWR, shall mean the value specified by the manufacturer as the loaded weight of the tow truck. Legal holidays referred to in this Section shall be specified as the day on which the following traditional holidays are celebrated:

New Year's Day;

Memorial Day;

Independence Day;

Labor Day;

Thanksgiving Day; and

Christmas Day.

(h) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than 3 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper. The provisions of this subsection (h) shall not apply to any vehicle or combination of vehicles specifically designed for the collection and transportation of waste, garbage, or recyclable materials during the vehicle's operation in the course of collecting garbage, waste, or recyclable materials if the vehicle is traveling at a speed not in excess of 15 miles per hour during the vehicle's operation and in the course of collecting garbage, waste, or recyclable materials. However, in no instance shall the load extend more than 7 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper.

(i) The load upon the front vehicle of a combination of vehicles specifically designed to transport motor vehicles shall not extend more than 3 feet beyond the foremost part of the transporting vehicle and the load upon the rear transporting vehicle shall not extend more than 4 feet beyond the rear of the bed or body of the vehicle. This paragraph shall only be applicable upon highways designated in paragraphs (d) and (e) of this Section.

(j) Articulated vehicles comprised of 2 sections, neither of which exceeds a length of 42 feet, designed for the carrying of more than 10 persons, may be up to 60 feet in length, not including energy absorbing bumpers, provided that the vehicles are:

1. operated by or for any public body or motor carrier authorized by law to provide public transportation services; or

2. operated in local public transportation service by any other person and the municipality in which the service is to be provided approved the operation of the vehicle.

(j-1) (Blank).

(k) Any person who is convicted of violating this Section is subject to the penalty as provided in paragraph (b) of Section 15-113.

(l) (Blank).  
(Source: P.A. 96-34, eff. 1-1-10; 96-37, eff. 7-13-09; 96-1352, eff. 7-28-10; 97-200, eff. 7-27-11.)".

**AMENDMENT NO. 2 TO SENATE BILL 2579**

AMENDMENT NO. 2. Amend Senate Bill 2579, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 14, line 16, by changing "2" to "4".

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 2819** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2891** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mulroe, **Senate Bill No. 2944** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **Senate Bill No. 2946** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 3146** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 3146**

AMENDMENT NO. 1. Amend Senate Bill 3146 by replacing everything after the enacting clause with the following:

"Section 5. The Civil Administrative Code of Illinois is amended by changing Section 5-235 as follows:

(20 ILCS 5/5-235) (was 20 ILCS 5/7.03)

Sec. 5-235. In the Department of Public Health.

(a) The Director of Public Health shall be either a physician licensed to practice medicine in all of its branches in Illinois or a person who has administrative experience in public health work at the local, state, or national level in accordance with subsection (b).

If the Director is not a physician licensed to practice medicine in all its branches, then an ~~The~~ Assistant Director of Public Health who serves as Medical Director shall be appointed who shall be a physician licensed to practice medicine in all its branches ~~a person who has administrative experience in public health work.~~ The Assistant Director or Medical Director shall report directly to the Director and shall have direct responsibility, to be interpreted broadly, for the following regulatory and policy areas:

(1) Department responsibilities concerning hospital and health care facility regulation, emergency services, ambulatory surgical treatment centers, health care professional regulation and credentialing, advising the Board of Health, patient safety initiatives, and the State's response to disease prevention and outbreak management and control.

(2) Any other duties assigned by the Director or required by law.

(b) A Director of Public Health who is not a physician licensed to practice medicine in all its branches shall at a minimum have the following education and experience:

(1) 5 years of full-time administrative experience in a public health and a master's degree in public health from (i) a college or university accredited by the North Central Association or (ii) any other nationally-recognized regional accrediting agency; or

(2) 5 years of full-time administrative experience in public health and a graduate degree in a related field from (i) a college or university accredited by the North Central Association or (ii) any other nationally-recognized regional accrediting agency. (For the purposes of this item (2), "a graduate degree in a related field" includes, but is not limited to, a master's degree in public administration, nursing, environmental, health, community health, or health education.

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

[February 27, 2012]

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

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

On motion of Senator Link, **Senate Bill No. 3168** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **Senate Bill No. 3171** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **Senate Bill No. 3202** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **Senate Bill No. 3258** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 3314** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 3315** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 3315**

AMENDMENT NO. 1. Amend Senate Bill 3315 as follows:

on page 1, line 6, by deleting "and by adding Section 45-65"; and

by deleting line 24 on page 2 through line 16 on page 3.

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

On motion of Senator Hutchinson, **Senate Bill No. 3320** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 3385** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 3385**

AMENDMENT NO. 1. Amend Senate Bill 3385 as follows:

on page 2, line 12, by replacing "90" with "5 business".

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

On motion of Senator Harmon, **Senate Bill No. 3386** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 3393** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **Senate Bill No. 3396** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Pankau, **Senate Bill No. 3403** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Johnson, **Senate Bill No. 3423** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **Senate Bill No. 3429** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **Senate Bill No. 3435** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 3437** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 3438** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **Senate Bill No. 3489** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 3491** having been printed, was taken up, read by title a second time and ordered to a third reading.

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

On motion of Senator Harmon, **House Bill No. 3129** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 3474** having been printed, was taken up and read by title a second time.

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

#### **AMENDMENT NO. 1 TO HOUSE BILL 3474**

AMENDMENT NO. 1. Amend House Bill 3474 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Section 7-132 as follows:

(40 ILCS 5/7-132) (from Ch. 108 1/2, par. 7-132)

Sec. 7-132. Municipalities, instrumentalities and participating instrumentalities included and effective dates.

(A) Municipalities and their instrumentalities.

(a) The following described municipalities, but not including any with more than 1,000,000 inhabitants, and the instrumentalities thereof, shall be included within and be subject to this Article beginning upon the effective dates specified by the Board:

(1) Except as to the municipalities and instrumentalities thereof specifically excluded under this Article, every county shall be subject to this Article, and all cities, villages and incorporated towns having a population in excess of 5,000 inhabitants as determined by the last preceding decennial or subsequent federal census, shall be subject to this Article following publication of the census by the Bureau of the Census. Within 90 days after publication of the census, the Board shall notify any municipality that has become subject to this Article as a result of that census, and shall provide information to the corporate authorities of the municipality explaining the duties and consequences of participation. The notification shall also include a proposed date upon which

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participation by the municipality will commence.

However, for any city, village or incorporated town that attains a population over 5,000 inhabitants after having provided social security coverage for its employees under the Social Security Enabling Act, participation under this Article shall not be mandatory but may be elected in accordance with subparagraph (3) or (4) of this paragraph (a), whichever is applicable.

(2) School districts, other than those specifically excluded under this Article, shall be subject to this Article, without election, with respect to all employees thereof.

(3) Towns and all other bodies politic and corporate which are formed by vote of, or are subject to control by, the electors in towns and are located in towns which are not participating municipalities on the effective date of this Act, may become subject to this Article by election pursuant to Section 7-132.1.

(4) Any other municipality (together with its instrumentalities), other than those specifically excluded from participation and those described in paragraph (3) above, may elect to be included either by referendum under Section 7-134 or by the adoption of a resolution or ordinance by its governing body. A copy of such resolution or ordinance duly authenticated and certified by the clerk of the municipality or other appropriate official of its governing body shall constitute the required notice to the board of such action.

(b) A municipality that is about to begin participation shall submit to the Board an application to participate, in a form acceptable to the Board, not later than 90 days prior to the proposed effective date of participation. The Board shall act upon the application within 90 days, and if it finds that the application is in conformity with its requirements and the requirements of this Article, participation by the applicant shall commence on a date acceptable to the municipality and specified by the Board, but in no event more than one year from the date of application.

(c) A participating municipality which succeeds to the functions of a participating municipality which is dissolved or terminates its existence shall assume and be transferred the net accumulation balance in the municipality reserve and the municipality account receivable balance of the terminated municipality.

(d) In the case of a Veterans Assistance Commission whose employees were being treated by the Fund on January 1, 1990 as employees of the county served by the Commission, the Fund may continue to treat the employees of the Veterans Assistance Commission as county employees for the purposes of this Article, unless the Commission becomes a participating instrumentality in accordance with subsection (B) of this Section.

#### (B) Participating instrumentalities.

(a) The participating instrumentalities designated in paragraph (b) of this subsection shall be included within and be subject to this Article if:

(1) an application to participate, in a form acceptable to the Board and adopted by a two-thirds vote of the governing body, is presented to the Board not later than 90 days prior to the proposed effective date; and

(2) the Board finds that the application is in conformity with its requirements, that the applicant has reasonable expectation to continue as a political entity for a period of at least 10 years and has the prospective financial capacity to meet its current and future obligations to the Fund, and that the actuarial soundness of the Fund may be reasonably expected to be unimpaired by approval of participation by the applicant.

The Board shall notify the applicant of its findings within 90 days after receiving the application, and if the Board approves the application, participation by the applicant shall commence on the effective date specified by the Board.

(b) The following participating instrumentalities, so long as they meet the requirements of Section 7-108 and the area served by them or within their jurisdiction is not located entirely within a municipality having more than one million inhabitants, may be included hereunder:

i. Township School District Trustees.

ii. Multiple County and Consolidated Health Departments created under Division 5-25 of the Counties Code or its predecessor law.

iii. Public Building Commissions created under the Public Building Commission Act, and located in counties of less than 1,000,000 inhabitants.

iv. A multitype, consolidated or cooperative library system created under the Illinois Library System Act. Any library system created under the Illinois Library System Act that has one or more predecessors that participated in the Fund may participate in the Fund upon application. The Board shall establish procedures for implementing the transfer of rights and obligations from the predecessor system to the successor system.

- v. Regional Planning Commissions created under Division 5-14 of the Counties Code or its predecessor law.
  - vi. Local Public Housing Authorities created under the Housing Authorities Act, located in counties of less than 1,000,000 inhabitants.
  - vii. Illinois Municipal League.
  - viii. Northeastern Illinois Metropolitan Area Planning Commission.
  - ix. Southwestern Illinois Metropolitan Area Planning Commission.
  - x. Illinois Association of Park Districts.
  - xi. Illinois Supervisors, County Commissioners and Superintendents of Highways Association.
  - xii. Tri-City Regional Port District.
  - xiii. An association, or not-for-profit corporation, membership in which is authorized under Section 85-15 of the Township Code.
  - xiv. Drainage Districts operating under the Illinois Drainage Code.
  - xv. Local mass transit districts created under the Local Mass Transit District Act.
  - xvi. Soil and water conservation districts created under the Soil and Water Conservation Districts Law.
  - xvii. Commissions created to provide water supply or sewer services or both under Division 135 or Division 136 of Article 11 of the Illinois Municipal Code.
  - xviii. Public water districts created under the Public Water District Act.
  - xix. Veterans Assistance Commissions established under Section 9 of the Military Veterans Assistance Act that serve counties with a population of less than 1,000,000.
  - xx. The governing body of an entity, other than a vocational education cooperative, created under an intergovernmental cooperative agreement established between participating municipalities under the Intergovernmental Cooperation Act, which by the terms of the agreement is the employer of the persons performing services under the agreement under the usual common law rules determining the employer-employee relationship. The governing body of such an intergovernmental cooperative entity established prior to July 1, 1988 may make participation retroactive to the effective date of the agreement and, if so, the effective date of participation shall be the date the required application is filed with the fund. If any such entity is unable to pay the required employer contributions to the fund, then the participating municipalities shall make payment of the required contributions and the payments shall be allocated as provided in the agreement or, if not so provided, equally among them.
  - xxi. The Illinois Municipal Electric Agency.
  - xxii. The Waukegan Port District.
  - xxiii. The Fox Waterway Agency created under the Fox Waterway Agency Act.
  - xxiv. The Illinois Municipal Gas Agency.
  - xxv. The Kaskaskia Regional Port District.
  - xxvi. The Southwestern Illinois Development Authority.
  - xxvii. The Cairo Public Utility Company.
  - xxviii. Except with respect to employees who elect to participate in the State Employees' Retirement System of Illinois under Section 14-104.13 of this Code, the Chicago Metropolitan Agency for Planning created under the Regional Planning Act, provided that, with respect to the benefits payable pursuant to Sections 7-146, 7-150, and 7-164 and the requirement that eligibility for such benefits is conditional upon satisfying a minimum period of service or a minimum contribution, any employee of the Chicago Metropolitan Agency for Planning that was immediately prior to such employment an employee of the Chicago Area Transportation Study or the Northeastern Illinois Planning Commission, such employee's service at the Chicago Area Transportation Study or the Northeastern Illinois Planning Commission and contributions to the State Employees' Retirement System of Illinois established under Article 14 and the Illinois Municipal Retirement Fund shall count towards the satisfaction of such requirements.
  - xxix. United Counties Council (formerly the Urban Counties Council), but only if the Council has a ruling from the United States Internal Revenue Service that it is a governmental entity.
  - xxx. The Will County Governmental League, but only if the League has a ruling from the United States Internal Revenue Service that it is a governmental entity.
- (c) The governing boards of special education joint agreements created under Section 10-22.31 of the School Code without designation of an administrative district shall be included within and be subject to this Article as participating instrumentalities when the joint agreement becomes effective. However, the governing board of any such special education joint agreement in effect before September 5, 1975 shall

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not be subject to this Article unless the joint agreement is modified by the school districts to provide that the governing board is subject to this Article, except as otherwise provided by this Section.

The governing board of the Special Education District of Lake County shall become subject to this Article as a participating instrumentality on July 1, 1997. Notwithstanding subdivision (a)1 of Section 7-139, on the effective date of participation, employees of the governing board of the Special Education District of Lake County shall receive creditable service for their prior service with that employer, up to a maximum of 5 years, without any employee contribution. Employees may establish creditable service for the remainder of their prior service with that employer, if any, by applying in writing and paying an employee contribution in an amount determined by the Fund, based on the employee contribution rates in effect at the time of application for the creditable service and the employee's salary rate on the effective date of participation for that employer, plus interest at the effective rate from the date of the prior service to the date of payment. Application for this creditable service must be made before July 1, 1998; the payment may be made at any time while the employee is still in service. The employer may elect to make the required contribution on behalf of the employee.

The governing board of a special education joint agreement created under Section 10-22.31 of the School Code for which an administrative district has been designated, if there are employees of the cooperative educational entity who are not employees of the administrative district, may elect to participate in the Fund and be included within this Article as a participating instrumentality, subject to such application procedures and rules as the Board may prescribe.

The Boards of Control of cooperative or joint educational programs or projects created and administered under Section 3-15.14 of the School Code, whether or not the Boards act as their own administrative district, shall be included within and be subject to this Article as participating instrumentalities when the agreement establishing the cooperative or joint educational program or project becomes effective.

The governing board of a special education joint agreement entered into after June 30, 1984 and prior to September 17, 1985 which provides for representation on the governing board by less than all the participating districts shall be included within and subject to this Article as a participating instrumentality. Such participation shall be effective as of the date the joint agreement becomes effective.

The governing boards of educational service centers established under Section 2-3.62 of the School Code shall be included within and subject to this Article as participating instrumentalities. The governing boards of vocational education cooperative agreements created under the Intergovernmental Cooperation Act and approved by the State Board of Education shall be included within and be subject to this Article as participating instrumentalities. If any such governing boards or boards of control are unable to pay the required employer contributions to the fund, then the school districts served by such boards shall make payment of required contributions as provided in Section 7-172. The payments shall be allocated among the several school districts in proportion to the number of students in average daily attendance for the last full school year for each district in relation to the total number of students in average attendance for such period for all districts served. If such educational service centers, vocational education cooperatives or cooperative or joint educational programs or projects created and administered under Section 3-15.14 of the School Code are dissolved, the assets and obligations shall be distributed among the districts in the same proportions unless otherwise provided.

The governing board of Paris Cooperative High School shall be included within and be subject to this Article as a participating instrumentality on the effective date of this amendatory Act of the 96th General Assembly. If the governing board of Paris Cooperative High School is unable to pay the required employer contributions to the fund, then the school districts served shall make payment of required contributions as provided in Section 7-172. The payments shall be allocated among the several school districts in proportion to the number of students in average daily attendance for the last full school year for each district in relation to the total number of students in average attendance for such period for all districts served. If Paris Cooperative High School is dissolved, then the assets and obligations shall be distributed among the districts in the same proportions unless otherwise provided.

The Philip J. Rock Center and School shall be included within and be subject to this Article as a participating instrumentality on the effective date of this amendatory Act of the 97th General Assembly. The Philip J. Rock Center and School shall certify to the Fund the dates of service of all employees within 90 days of the effective date of this amendatory Act of the 97th General Assembly. The Fund shall transfer to the IMRF account of the Philip J. Rock Center and School all creditable service and all employer contributions made on behalf of the employees for service at the Philip J. Rock Center and School that were reported and paid to IMRF by another employer prior to this date. If the Philip J. Rock Center and School is unable to pay the required employer contributions to the Fund, then the amount due

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will be paid by all employers as defined in item (2) of paragraph (a) of subsection (A) of this Section. The payments shall be allocated among these employers in proportion to the number of students in average daily attendance for the last full school year for each district in relation to the total number of students in average attendance for such period for all districts. If the Philip J. Rock Center and School is dissolved, then its IMRF assets and obligations shall be distributed in the same proportions unless otherwise provided.

Financial Oversight Panels established under Article 1H of the School Code shall be included within and be subject to this Article as a participating instrumentality on the effective date of this amendatory Act of the 97th General Assembly. If the Financial Oversight Panel is unable to pay the required employer contributions to the fund, then the school districts served shall make payment of required contributions as provided in Section 7-172. If the Financial Oversight Panel is dissolved, then the assets and obligations shall be distributed to the district served.

(d) The governing boards of special recreation joint agreements created under Section 8-10b of the Park District Code, operating without designation of an administrative district or an administrative municipality appointed to administer the program operating under the authority of such joint agreement shall be included within and be subject to this Article as participating instrumentalities when the joint agreement becomes effective. However, the governing board of any such special recreation joint agreement in effect before January 1, 1980 shall not be subject to this Article unless the joint agreement is modified, by the districts and municipalities which are parties to the agreement, to provide that the governing board is subject to this Article.

If the Board returns any employer and employee contributions to any employer which erroneously submitted such contributions on behalf of a special recreation joint agreement, the Board shall include interest computed from the end of each year to the date of payment, not compounded, at the rate of 7% per annum.

(e) Each multi-township assessment district, the board of trustees of which has adopted this Article by ordinance prior to April 1, 1982, shall be a participating instrumentality included within and subject to this Article effective December 1, 1981. The contributions required under Section 7-172 shall be included in the budget prepared under and allocated in accordance with Section 2-30 of the Property Tax Code.

(f) The Illinois Medical District Commission created under the Illinois Medical District Act may be included within and subject to this Article as a participating instrumentality, notwithstanding that the location of the District is entirely within the City of Chicago. To become a participating instrumentality, the Commission must apply to the Board in the manner set forth in paragraph (a) of this subsection (B). If the Board approves the application, under the criteria and procedures set forth in paragraph (a) and any other applicable rules, criteria, and procedures of the Board, participation by the Commission shall commence on the effective date specified by the Board.

(C) Prospective participants.

Beginning January 1, 1992, each prospective participating municipality or participating instrumentality shall pay to the Fund the cost, as determined by the Board, of a study prepared by the Fund or its actuary, detailing the prospective costs of participation in the Fund to be expected by the municipality or instrumentality.

(Source: P.A. 96-211, eff. 8-10-09; 96-551, eff. 8-17-09; 96-1000, eff. 7-2-10; 96-1046, eff. 7-14-10; 97-429, eff. 8-16-11.)

Section 90. The State Mandates Act is amended by adding Section 8.36 as follows:

(30 ILCS 805/8.36 new)

Sec. 8.36. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 97th General Assembly.

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

At the hour of 5:00 o'clock p.m., the Chair announced the Senate stand adjourned until Tuesday, February 28, 2012, at 1:00 o'clock p.m.

[February 27, 2012]