



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-EIGHTH GENERAL ASSEMBLY**

**128TH LEGISLATIVE DAY**

**MONDAY, MAY 26, 2014**

**3:25 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**128th Legislative Day**

<b>Action</b>	<b>Page(s)</b>
Deadline established.....	8
Joint Action Motion(s) Filed .....	3
Legislative Measure(s) Filed .....	3
Message from the House .....	3, 5
Message from the President .....	7, 8
Presentation of Senate Resolution No. 1235 .....	3
Report from Assignments Committee .....	6
Report from Standing Committee(s) .....	7

<b>Bill Number</b>	<b>Legislative Action</b>	<b>Page(s)</b>
HB 3681	Third Reading .....	5
HB 4417	Third Reading .....	5

The Senate met pursuant to adjournment.  
Senator Antonio Muñoz, Chicago, Illinois, presiding.  
Prayer by Senator David Koehler.  
Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Cunningham moved that reading and approval of the Journal of Friday, May 23, 2014, 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. 3 to House Bill 2747  
Senate Floor Amendment No. 1 to House Bill 5512  
Senate Floor Amendment No. 1 to House Bill 5546

**JOINT ACTION MOTIONS FILED**

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

Motion to Concur in House Amendments 1 and 2 to Senate Bill 3228  
Motion to Concur in House Amendment 1 to Senate Bill 3465

**PRESENTATION OF RESOLUTION**

**SENATE RESOLUTION NO. 1235**

Offered by Senator Harmon and all Senators:  
Mourns the death of Rachel G. Smylie of Oak Park.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

**MESSAGES FROM THE HOUSE**

A message from the House by  
Mr. Mapes, 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:

SENATE BILL NO. 3522

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. 2 to SENATE BILL NO. 3522

Passed the House, as amended, May 26, 2014.

TIMOTHY D. MAPES, Clerk of the House

**AMENDMENT NO. 2 TO SENATE BILL 3522**

AMENDMENT NO. 2. Amend Senate Bill 3522 by inserting immediately below the enacting clause the following:

"Section 3. The Alcoholism and Other Drug Abuse and Dependency Act is amended by changing Section 40-5 as follows:

[May 26, 2014]

(20 ILCS 301/40-5)

Sec. 40-5. Election of treatment. An addict or alcoholic who is charged with or convicted of a crime or any other person charged with or convicted of a misdemeanor violation of the Use of Intoxicating Compounds Act and who has not been previously convicted of a violation of that Act may elect treatment under the supervision of a licensed program designated by the Department, referred to in this Article as "designated program", unless:

- (1) the crime is a crime of violence;
- (2) the crime is a violation of Section 401(a), 401(b), 401(c) where the person electing treatment has been previously convicted of a non-probationable felony or the violation is non-probationable, 401(d) where the violation is non-probationable, 401.1, 402(a), 405 or 407 of the Illinois Controlled Substances Act, or Section 4(d), 4(e), 4(f), 4(g), 5(d), 5(e), 5(f), 5(g), 5.1, 7 or 9 of the Cannabis Control Act or Section 15, 20, 55, 60(b)(3), 60(b)(4), 60(b)(5), 60(b)(6), or 65 of the Methamphetamine Control and Community Protection Act or is otherwise ineligible for probation under Section 70 of the Methamphetamine Control and Community Protection Act;
- (3) the person has a record of 2 or more convictions of a crime of violence;
- (4) other criminal proceedings alleging commission of a felony are pending against the person;
- (5) the person is on probation or parole and the appropriate parole or probation authority does not consent to that election;
- (6) the person elected and was admitted to a designated program on 2 prior occasions within any consecutive 2-year period;
- (7) the person has been convicted of residential burglary and has a record of one or more felony convictions;
- (8) the crime is a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance; or
- (9) the crime is a reckless homicide or a reckless homicide of an unborn child, as defined in Section 9-3 or 9-3.2 of the Criminal Code of 1961 or the Criminal Code of 2012, in which the cause of death consists of the driving of a motor vehicle by a person under the influence of alcohol or any other drug or drugs at the time of the violation.

Nothing in this Section shall preclude an individual who is charged with or convicted of a crime that is a violation of Section 60(b)(1) or 60(b)(2) of the Methamphetamine Control and Community Protection Act, and who is otherwise eligible to make the election provided for under this Section, from being eligible to make an election for treatment as a condition of probation as provided for under this Article.

(Source: P.A. 96-1440, eff. 1-1-11; 97-889, eff. 1-1-13; 97-1150, eff. 1-25-13)."

Under the rules, the foregoing **Senate Bill No. 3522**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by  
Mr. Mapes, 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:

SENATE BILL NO. 3552

A bill for AN ACT concerning local government.

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. 3552

Passed the House, as amended, May 26, 2014.

TIMOTHY D. MAPES, Clerk of the House

#### AMENDMENT NO. 1 TO SENATE BILL 3552

AMENDMENT NO. 1. Amend Senate Bill 3552 on page 2, immediately below line 22, by inserting the following:

"(c) The provisions of this Section do not apply to the removal of county superintendent of highways or county engineer as provided under Section 5-203 of the Illinois Highway Code."

[May 26, 2014]

Under the rules, the foregoing **Senate Bill No. 3552**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mapes, 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:

SENATE BILL NO. 3554

A bill for AN ACT concerning education.

Passed the House, May 26, 2014.

TIMOTHY D. MAPES, Clerk of the House

### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Raoul, **House Bill No. 3681** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 45; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Martinez	Righter
Barickman	Haine	McCann	Rose
Bertino-Tarrant	Harmon	McGuire	Silverstein
Biss	Holmes	Morrison	Stadelman
Bivins	Hunter	Mulroe	Steans
Bush	Hutchinson	Muñoz	Sullivan
Clayborne	Jacobs	Murphy	Syverson
Collins	Koehler	Noland	Trotter
Connelly	Kotowski	Oberweis	Mr. President
Cullerton, T.	Lightford	Radogno	
Cunningham	Link	Raoul	
Dillard	Manar	Rezin	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Mulroe, **House Bill No. 4417** having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 46; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Martinez	Rezin
Barickman	Haine	McCann	Righter
Bertino-Tarrant	Harmon	McConnaughay	Rose
Biss	Holmes	McGuire	Silverstein
Bivins	Hunter	Morrison	Stadelman
Bush	Hutchinson	Mulroe	Steans

[May 26, 2014]

Clayborne	Jacobs	Muñoz	Sullivan
Collins	Koehler	Murphy	Syverson
Connelly	Kotowski	Noland	Trotter
Cullerton, T.	Lightford	Oberweis	Mr. President
Cunningham	Link	Radogno	
Dillard	Manar	Raoul	

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

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

At the hour of 3:50 o'clock p.m., the Chair announced that the Senate stand at ease.

#### AT EASE

At the hour of 4:03 o'clock p.m., the Senate resumed consideration of business.  
Senator Muñoz, presiding.

#### REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 26, 2014 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Criminal Law:       **Motion to Concur in House Amendment 1 to Senate Bill 2583**  
                              **Motion to Concur in House Amendment 1 to Senate Bill 2808**  
                              **Motion to Concur in House Amendment 2 to Senate Bill 3267**

Local Government:   **Motion to Concur in House Amendment 2 to Senate Bill 2980**  
                              **Motion to Concur in House Amendment 1 to Senate Bill 3106**  
                              **Motion to Concur in House Amendment 1 to Senate Bill 3294**  
                              **Motion to Concur in House Amendment 1 to Senate Bill 3314**  
                              **Motion to Concur in House Amendments 1 and 2 to Senate Bill 3387**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 26, 2014 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Criminal Law:       **Senate Floor Amendment No. 3 to House Bill 2898.**

Education:         **Senate Floor Amendment No. 1 to House Bill 5546.**

#### COMMITTEE MEETING ANNOUNCEMENTS FOR MAY 27, 2014

The Chair announced the following committees to meet at 9:00 o'clock a.m.:

Local Government in Room 212  
Criminal Law in Room 409

At the hour of 4:09 o'clock p.m., Senator Link, presiding.

#### MESSAGE FROM THE PRESIDENT

[May 26, 2014]

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

JOHN J. CULLERTON  
SENATE PRESIDENT

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

May 26, 2014

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

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Pat McGuire to temporarily replace Senator William Delgado as a member of the Senate Education Committee. This appointment will automatically expire upon adjournment of the Senate Education Committee.

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

cc: Senate Minority Leader Christine Radogno

At the hour of 4:16 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 5:26 o'clock p.m., the Senate resumed consideration of business.  
Senator Harmon, presiding.

**REPORTS FROM STANDING COMMITTEES**

Senator Landek, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Resolutions numbered 1073, 1172, 1173, 1183, 1202 and 1203**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Resolutions numbered 1073, 1172, 1173, 1183, 1202 and 1203** were placed on the Secretary's Desk.

Senator Landek, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Joint Resolution No. 74**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 74** was placed on the Secretary's Desk.

Senator Landek, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **House Joint Resolutions numbered 72, 77 and 89**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **House Joint Resolutions numbered 72, 77 and 89** were placed on the Secretary's Desk.

[May 26, 2014]

Senator Lightford, Vice-Chairperson of the Committee on Education, to which was referred **House Bill No. 3942**, reported the same back with the recommendation that the bill do pass.

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

Senator Lightford, Vice-Chairperson of the Committee on Education, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to House Bill 5546

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

**MESSAGE FROM THE PRESIDENT**

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

JOHN J. CULLERTON  
SENATE PRESIDENT

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

May 26, 2014

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

Dear Mr. Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby extend the 3<sup>rd</sup> reading deadline to May 31, 2014, for the following House Bills:

2930,3798,4418,4534 and 5812.

In addition, I hereby extend the 3<sup>rd</sup> reading deadline to May 31, 2014, for the following Senate Bills:

353 and 1117.

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

cc: Senate Republican Leader Christine Radogno

At the hour of 5:28 o'clock p.m., the Chair announced the Senate stand adjourned until Tuesday, May 27, 2014, at 10:00 o'clock a.m.

[May 26, 2014]