



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIFTH GENERAL ASSEMBLY

58TH LEGISLATIVE DAY

WEDNESDAY, JUNE 20, 2007

11:39 O'CLOCK A.M.

SENATE
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58th Legislative Day

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The Senate met pursuant to adjournment.
Senator James A. DeLeo, Chicago, Illinois, presiding.
Prayer by Father John Ossola, Cathedral of the Immaculate Conception, Springfield, Illinois.
Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, June 19, 2007, 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.

REPORT RECEIVED

The Secretary place before the Senate the following report:

Metropolitan Pier and Exposition Authority's FY 2007 Third Quarter Procurement Activity Report, January 1 – March 31, 2007, submitted by Metropolitan Pier and Exposition Authority.

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

COMMUNICATION

ILLINOIS STATE SENATE
TERRY LINK
MAJORITY CAUCUS CHAIR
STATE SENATE · 30TH DISTRICT

June 19, 2007

Ms. Deborah Shipley
Secretary of the Senate
Room 403, State House
Springfield, Illinois 62706

Dear Madam Secretary:

On Tuesday, June 19, 2007, I voted in favor of Senate Bill 678. It was questioned as to whether a conflict situation was created for me due to a family legislative interest. Whether a conflict situation existed, I voted to serve the public's interest, i.e., I voted in the best interest of the people I represent in my district.

Sincerely yours,
s/Terry Link
Senator Terry Link
Majority Caucus Chair
30th District

PRESENTATION OF RESOLUTION

SENATE RESOLUTION 257

Offered by Senator Radogno and all Senators:
Mourns the death of Gary Emmanuel Sniegowski of Lemont.

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

[June 20, 2007]

MESSAGE FROM THE HOUSE

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 28

WHEREAS, Illinois State women have proudly served in defense of our Nation since the Civil War, despite their lack of military standing before the 1900s; and

WHEREAS, They served in all major conflicts in ever-increasing numbers, volunteering to preserve our freedom; and

WHEREAS, They served in expanding positions of responsibility from laundresses and cooks to administrators, from medical and technical personnel to full combatants; and

WHEREAS, Illinois State women contributed to establishing and maintaining our independence, preserving the Union, abolishing slavery, and advancing the cause of freedom and democracy around the world; and

WHEREAS, In times of conflict, State of Illinois women served the military as society permitted or as the situation demanded; and

WHEREAS, Women came forward to replace men as battlefield emergencies demanded and some even disguised their gender in order to serve; others masked their identity, risking their lives as couriers and intelligence agents; and

WHEREAS, The value of their contributions has finally been recognized by their ever-increasing integration and opportunities in the Armed Forces; and

WHEREAS, Women now make up over 15% of the active duty force and about 23% of the reserve force, totaling over 203,000 women soldiers; and

WHEREAS, Today women make up 7% of the United States Veterans population; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the General Assembly authorize the construction of a memorial honoring women in military service on a portion of the State-owned property in Oak Ridge Cemetery in Springfield, Illinois.

Adopted by the House, June 5, 2007.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 28 was referred to the Committee on Rules.

REPORT FROM RULES COMMITTEE

Senator Halvorson, Chairperson of the Committee on Rules, during its June 20, 2007 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Executive: **Motion to Concur in House Amendment 1 to Senate Bill 778**

[June 20, 2007]

Insurance: **Motion to Concur in House Amendments 1, 3 and 4 to Senate Bill 1523**

Public Health: **Motion to Concur in House Amendment 1 to Senate Bill 545**

State Government and Veterans Affairs: **Motion to Concur in House Amendment 3 to Senate Bill 82**

Transportation: **Motion to Concur in House Amendment 1 to Senate Bill 577**

Senator Halvorson, Chairperson of the Committee on Rules, during its June 20, 2007 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Higher Education: **Senate Floor Amendment No. 1 to Senate Bill 858.**

State Government and Veterans Affairs: **Senate Floor Amendment No. 4 to Senate Bill 766.**

COMMITTEE MEETING ANNOUNCEMENTS

Senator Garrett, Chairperson of the Committee on Public Health, announced that the Public Health Committee will meet today in Room 400, at 1:30 o'clock p.m.

Senator Bond, Vice-Chairperson of the Committee on Transportation, announced that the Transportation Committee will meet today in Room 400, at 1:45 o'clock p.m.

Senator Silverstein, Chairperson of the Committee on Executive, announced that the Executive Committee will meet today in Room 212, at 2:00 o'clock p.m.

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, announced that the State Government and Veterans Affairs Committee will meet today in Room 409, at 2:00 o'clock p.m.

Senator Haine, Chairperson of the Committee on Insurance, announced that the Insurance Committee will meet today in Room 400, at 2:15 o'clock p.m.

Senator Maloney, Chairperson of the Committee on Higher Education, announced that the Higher Education Committee will meet today in Room 409, at 2:15 o'clock p.m.

EXCUSED FROM ATTENDANCE

On motion of Senator Righter, Senator Lauzen and Senator Dillard were excused from attendance due business in their districts, and Senator Dahl was excused from attendance due to family illness.

On motion of Senator Halvorson, Senator Viverito was excused from attendance due to personal business.

SENATE BILL RECALLED

On motion of Senator Haine, **Senate Bill No. 837** was recalled from the order of third reading to the order of second reading.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 837

AMENDMENT NO. 1. Amend Senate Bill 837 by replacing everything after the enacting clause with the following:

[June 20, 2007]

"Section 5. The Emergency Telephone System Act is amended by changing Section 15.4 as follows:
(50 ILCS 750/15.4) (from Ch. 134, par. 45.4)

Sec. 15.4. Emergency Telephone System Board; powers.

(a) The corporate authorities of any county or municipality that imposes a surcharge under Section 15.3 shall establish an Emergency Telephone System Board. The corporate authorities shall provide for the manner of appointment and the number of members of the Board, provided that the board shall consist of not fewer than 5 members, one of whom must be a public member who is a resident of the local exchange service territory included in the 9-1-1 coverage area, one of whom (in counties with a population less than 100,000) must be a member of the county board, and at least 3 of whom shall be representative of the 9-1-1 public safety agencies, including but not limited to police departments, fire departments, emergency medical services providers, and emergency services and disaster agencies, and appointed on the basis of their ability or experience. Elected officials are also eligible to serve on the board. Members of the board shall serve without compensation but shall be reimbursed for their actual and necessary expenses. Any 2 or more municipalities, counties, or combination thereof, that impose a surcharge under Section 15.3 may, instead of establishing individual boards, establish by intergovernmental agreement a Joint Emergency Telephone System Board pursuant to this Section. The manner of appointment of such a joint board shall be prescribed in the agreement.

(b) The powers and duties of the board shall be defined by ordinance of the municipality or county, or by intergovernmental agreement in the case of a joint board. The powers and duties shall include, but need not be limited to the following:

- (1) Planning a 9-1-1 system.
- (2) Coordinating and supervising the implementation, upgrading, or maintenance of the system, including the establishment of equipment specifications and coding systems.
- (3) Receiving ~~moneys monies~~ from the surcharge imposed under Section 15.3, and from any other source, for deposit into the Emergency Telephone System Fund.
- (4) Authorizing all disbursements from the fund.
- (5) Hiring any staff necessary for the implementation or upgrade of the system.

(c) All ~~moneys monies~~ received by a board pursuant to a surcharge imposed under Section 15.3 shall be deposited into a separate interest-bearing Emergency Telephone System Fund account. The treasurer of the municipality or county that has established the board or, in the case of a joint board, any municipal or county treasurer designated in the intergovernmental agreement, shall be custodian of the fund. All interest accruing on the fund shall remain in the fund. No expenditures may be made from such fund except upon the direction of the board by resolution passed by a majority of all members of the board. Expenditures may be made only to pay for the costs associated with the following:

- (1) The design of the Emergency Telephone System.
- (2) The coding of an initial Master Street Address Guide data base, and update and maintenance thereof.
- (3) The repayment of any ~~moneys monies~~ advanced for the implementation of the system.
- (4) The charges for Automatic Number Identification and Automatic Location Identification equipment, a computer aided dispatch system that records, maintains, and integrates information, mobile data transmitters equipped with automatic vehicle locators, and maintenance, replacement and update thereof to increase operational efficiency and improve the provision of emergency services.
- (5) The non-recurring charges related to installation of the Emergency Telephone System and the ongoing network charges.
- (6) The acquisition and installation, or the reimbursement of costs therefor to other governmental bodies that have incurred those costs, of road or street signs that are essential to the implementation of the emergency telephone system and that are not duplicative of signs that are the responsibility of the jurisdiction charged with maintaining road and street signs.
- (7) Other products and services necessary for the implementation, upgrade, and maintenance of the system and any other purpose related to the operation of the system, including costs attributable directly to the construction, leasing, or maintenance of any buildings or facilities or costs of personnel attributable directly to the operation of the system. Costs attributable directly to the operation of an emergency telephone system do not include the costs of public safety agency personnel who are and equipment that is dispatched in response to an emergency call.

Moneys in the fund may also be transferred to a participating fire protection district to reimburse volunteer firefighters who man remote telephone switching facilities when dedicated 9-1-1 lines are down.

(d) The board shall complete the data base before implementation of the 9-1-1 system. The error ratio

of the data base shall not at any time exceed 1% of the total data base.
(Source: P.A. 92-202, eff. 1-1-02)."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Haine, **Senate Bill No. 837**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Frerichs	Luechtefeld	Ronen
Bomke	Garrett	Maloney	Rutherford
Bond	Haine	Martinez	Sandoval
Brady	Halvorson	Meeks	Schoenberg
Burzynski	Harmon	Millner	Sieben
Clayborne	Hendon	Munoz	Silverstein
Collins	Holmes	Murphy	Sullivan
Cronin	Hultgren	Noland	Syversen
Crotty	Hunter	Pankau	Trotter
Cullerton	Jacobs	Peterson	Watson
DeLeo	Jones, J.	Radogno	Wilhelmi
Delgado	Koehler	Raoul	Mr. President
Demuzio	Kotowski	Righter	
Forby	Link	Risinger	

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

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

SENATE BILL RECALLED

On motion of Senator Martinez, **Senate Bill No. 1035** was recalled from the order of third reading to the order of second reading.

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1035

AMENDMENT NO. 1. Amend Senate Bill 1035, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 10-17.6 and by adding Sections 10-9.5 and 10-17.13 as follows:

(305 ILCS 5/10-9.5 new)

Sec. 10-9.5. Access to records. In any hearing, case, appeal, or other matter arising out of the provisions concerning the determination and enforcement of the support responsibility of relatives, an obligor or obligee, or their legal representatives, shall be entitled to review any case records in the possession of the Illinois Department of Healthcare and Family Services, the State Disbursement Unit, or a circuit clerk with regard to that obligor or obligee that are able to prove any matter relevant to the

[June 20, 2007]

hearing, case, appeal, or other matter if access to the record or portion of the record is authorized by 42 U.S.C. 654.

(305 ILCS 5/10-17.6) (from Ch. 23, par. 10-17.6)

Sec. 10-17.6. Certification of Past Due Support Information to Licensing Agencies. The Illinois Department may provide by rule for certification to any State licensing agency of (i) the failure of responsible relatives to comply with subpoenas or warrants relating to paternity or child support proceedings and (ii) past due support owed by responsible relatives under a support order entered by a court or administrative body of this or any other State on behalf of resident or non-resident persons receiving child support enforcement services under Title IV, Part D of the Social Security Act. The rule shall provide for notice to and an opportunity to be heard by each responsible relative affected and any final administrative decision rendered by the Department shall be reviewed only under and in accordance with the Administrative Review Law.

(Source: P.A. 87-412.)

(305 ILCS 5/10-17.13 new)

Sec. 10-17.13. Vehicle immobilization and impoundment. The Illinois Department may provide by rule for certification to municipalities of past due support owed by responsible relatives under a support order entered by a court or administrative body of this or any other State on behalf of resident or non-resident persons. The purpose of certification shall be to effect collection of past due support by immobilization and impoundment of vehicles registered to responsible relatives pursuant to ordinances established by such municipalities under Section 11-1430 of the Illinois Vehicle Code.

The rule shall provide for notice to and an opportunity to be heard by each responsible relative affected, and any final administrative decision rendered by the Department shall be reviewed only under and in accordance with the Administrative Review Law. A responsible relative may avoid certification to a municipality for vehicle immobilization or arrange for discontinuance of vehicle immobilization and impoundment already engaged by payment of past due support or by entering into a plan for payment of past and current child support obligations in a manner satisfactory to the Illinois Department.

Section 10. The Illinois Vehicle Code is amended by changing Sections 6-103, 7-100, 7-701, 7-702, 7-704, 7-705, 7-706, 7-707, and 7-708 and by adding Sections 7-704.1 and 11-1430 as follows:
(625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

Sec. 6-103. What persons shall not be licensed as drivers or granted permits. The Secretary of State shall not issue, renew, or allow the retention of any driver's license nor issue any permit under this Code:

1. To any person, as a driver, who is under the age of 18 years except as provided in

Section 6-107, and except that an instruction permit may be issued under Section 6-107.1 to a child who is not less than 15 years of age if the child is enrolled in an approved driver education course as defined in Section 1-103 of this Code and requires an instruction permit to participate therein, except that an instruction permit may be issued under the provisions of Section 6-107.1 to a child who is 17 years and 9 months of age without the child having enrolled in an approved driver education course and except that an instruction permit may be issued to a child who is at least 15 years and 6 months of age, is enrolled in school, meets the educational requirements of the Driver Education Act, and has passed examinations the Secretary of State in his or her discretion may prescribe;

2. To any person who is under the age of 18 as an operator of a motorcycle other than a motor driven cycle unless the person has, in addition to meeting the provisions of Section 6-107 of this Code, successfully completed a motorcycle training course approved by the Illinois Department of Transportation and successfully completes the required Secretary of State's motorcycle driver's examination;

3. To any person, as a driver, whose driver's license or permit has been suspended, during the suspension, nor to any person whose driver's license or permit has been revoked, except as provided in Sections 6-205, 6-206, and 6-208;

4. To any person, as a driver, who is a user of alcohol or any other drug to a degree that renders the person incapable of safely driving a motor vehicle;

5. To any person, as a driver, who has previously been adjudged to be afflicted with or suffering from any mental or physical disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

6. To any person, as a driver, who is required by the Secretary of State to submit an alcohol and drug evaluation or take an examination provided for in this Code unless the person has successfully passed the examination and submitted any required evaluation;

7. To any person who is required under the provisions of the laws of this State to deposit security or proof of financial responsibility and who has not deposited the security or proof;

[June 20, 2007]

8. To any person when the Secretary of State has good cause to believe that the person by reason of physical or mental disability would not be able to safely operate a motor vehicle upon the highways, unless the person shall furnish to the Secretary of State a verified written statement, acceptable to the Secretary of State, from a competent medical specialist to the effect that the operation of a motor vehicle by the person would not be inimical to the public safety;

9. To any person, as a driver, who is 69 years of age or older, unless the person has successfully complied with the provisions of Section 6-109;

10. To any person convicted, within 12 months of application for a license, of any of the sexual offenses enumerated in paragraph 2 of subsection (b) of Section 6-205;

11. To any person who is under the age of 21 years with a classification prohibited in paragraph (b) of Section 6-104 and to any person who is under the age of 18 years with a classification prohibited in paragraph (c) of Section 6-104;

12. To any person who has been either convicted of or adjudicated under the Juvenile Court Act of 1987 based upon a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act while that person was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. The Secretary of State shall not issue a new license or permit for a period of one year;

13. To any person who is under the age of 18 years and who has committed the offense of operating a motor vehicle without a valid license or permit in violation of Section 6-101;

14. To any person who is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days' obligation or more and who has been found in contempt of court for failure to pay the support, subject to the requirements and procedures of Article VII of Chapter 7 of the Illinois Vehicle Code;

14.5. To any person certified by the Illinois Department of Healthcare and Family Services as being 90 days or more delinquent in payment of support under an order of support entered by a court or administrative body of this or any other State, subject to the requirements and procedures of Article VII of Chapter 7 of this Code regarding those certifications;

15. To any person released from a term of imprisonment for violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide or for violating subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code relating to aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, if the violation was the proximate cause of a death, within 24 months of release from a term of imprisonment;

16. To any person who, with intent to influence any act related to the issuance of any driver's license or permit, by an employee of the Secretary of State's Office, or the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer all or part of a driver's license examination, promises or tenders to that person any property or personal advantage which that person is not authorized by law to accept. Any persons promising or tendering such property or personal advantage shall be disqualified from holding any class of driver's license or permit for 120 consecutive days. The Secretary of State shall establish by rule the procedures for implementing this period of disqualification and the procedures by which persons so disqualified may obtain administrative review of the decision to disqualify; or

17. To any person for whom the Secretary of State cannot verify the accuracy of any information or documentation submitted in application for a driver's license.

The Secretary of State shall retain all conviction information, if the information is required to be held confidential under the Juvenile Court Act of 1987.

(Source: P.A. 93-174, eff. 1-1-04; 93-712, eff. 1-1-05; 93-783, eff. 1-1-05; 93-788, eff. 1-1-05; 93-895, eff. 1-1-05; 94-556, eff. 9-11-05.)

(625 ILCS 5/7-100) (from Ch. 95 1/2, par. 7-100)

Sec. 7-100. Definition of words and phrases. Notwithstanding the definitions set forth in Chapter 1, for the purposes of this Chapter, the following words shall have the following meanings ascribed to them:

Administrative order of support. An order for the support of dependent children issued by an administrative body of this or any other State.

Administrator. The Department of Transportation.

Arrearage. The total amount of unpaid support obligations.

Authenticated document. A document from a court which contains a court stamp, showing it is filed with the court, or notarized, or is certified by the custodian of the original.

Compliance with a court order of support. The support obligor is no more than an amount equal to 90 days obligation in arrears in making payments in full for current support, or in making periodic payments on a support arrearage as determined by a court.

Court order of support. A judgment order for the support of dependent children issued by a court of this State, including a judgment of dissolution of marriage. With regard to a certification by the Department of Healthcare and Family Services under subsection (c) of Section 7-702, the term "court order of support" shall include an order of support entered by a court of this or any other State.

Driver's license. A license or permit to operate a motor vehicle in the State, including the privilege of a person to drive a motor vehicle whether or not the person holds a valid license or permit.

Family financial responsibility driving permit. A permit granting limited driving privileges for employment or medical purposes following a suspension of driving privileges under the Family Financial Responsibility Law. This permit is valid only after the entry of a court order granting the permit and issuance of the permit by the Secretary of State's Office. An individual's driving privileges must be valid except for the family financial responsibility suspension in order for this permit to be issued. In order to be valid, the permit must be in the immediate possession of the driver to whom it is issued.

Judgment. A final judgment of any court of competent jurisdiction of any State, against a person as defendant for damages on account of bodily injury to or death of any person or damages to property resulting from the operation of any motor vehicle.

Obligor. The individual who owes a duty to make payments under a court order of support.

Obligee. The individual or other legal entity to whom a duty of support is owed through a court order of support or the individual's legal representatives.

(Source: P.A. 89-92, eff. 7-1-96; 90-89, eff. 1-1-98.)

(625 ILCS 5/7-701)

Sec. 7-701. Findings and purpose. The General Assembly finds that the timely receipt of adequate financial support has the effect of reducing poverty and State expenditures for welfare dependency among children, and that the timely payment of adequate child support demonstrates financial responsibility. Further, the General Assembly finds that the State has a compelling interest in ensuring that drivers within the State demonstrate financial responsibility, including family financial responsibility, in order to safely own and operate a motor vehicle. To this end, the Secretary of State is authorized to establish systems to suspend driver's licenses for failure to comply with court and administrative orders of support.

(Source: P.A. 91-613, eff. 7-1-00.)

(625 ILCS 5/7-702)

Sec. 7-702. Suspension of driver's license for failure to comply with order to pay child support.

(a) The Secretary of State shall suspend the driver's license issued to an obligor upon receiving an authenticated report provided for in subsection (a) of Section 7-703, that the person is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days obligation or more, and has been found in contempt by the court for failure to pay the support.

(b) The Secretary of State shall suspend the driver's license issued to an obligor upon receiving an authenticated document provided for in subsection (b) of Section 7-703, that the person has been adjudicated in arrears in court ordered child support payments in an amount equal to 90 days obligation or more, but has not been held in contempt of court, and that the court has ordered that the person's driving privileges be suspended. The obligor's driver's license shall be suspended until such time as the Secretary of State receives authenticated documentation that the obligor is in compliance with the court order of support. When the obligor complies with the court ordered child support payments, the circuit court shall report the obligor's compliance with the court order of support to the Secretary of State, on a form prescribed by the Secretary of State, and shall order that the obligor's driver's license be reinstated.

(c) The Secretary of State shall suspend a driver's license upon certification by the Illinois Department of Healthcare and Family Services, in a manner and form prescribed by the Illinois Secretary of State, that the person licensed is 90 days or more delinquent in payment of support under an order of support issued by a court or administrative body of this or any other State. The Secretary of State may reinstate the person's driver's license if notified by the Department of Healthcare and Family Services that the

person has paid the support delinquency in full or has arranged for payment of the delinquency and current support obligation in a manner satisfactory to the Department of Healthcare and Family Services.
(Source: P.A. 91-613, eff. 7-1-00.)

(625 ILCS 5/7-704)

Sec. 7-704. Suspension to continue until compliance with court order of support.

(a) The suspension of a driver's license shall remain in effect unless and until the Secretary of State receives authenticated documentation that the obligor is in compliance with a court order of support or that the order has been stayed by a subsequent order of the court. Full driving privileges shall not be issued by the Secretary of State until notification of compliance has been received from the court. The circuit clerks shall report the obligor's compliance with a court order of support to the Secretary of State, on a form prescribed by the Secretary.

(b) Whenever, after one suspension of an individual's driver's license for failure to pay child support, another order of non-payment is entered against the obligor and the person fails to come into compliance with the court order of support, then the Secretary shall again suspend the driver's license of the individual and that suspension shall not be removed unless the obligor is in full compliance with the court order of support and has made full payment on all arrearages.

(c) Section 7-704.1. and not this Section, governs the duration of a driver's license suspension if the suspension occurs as the result of a certification by the Illinois Department of Healthcare and Family Services under subsection (c) of Section 7-702.

(Source: P.A. 89-92, eff. 7-1-96.)

(625 ILCS 5/7-704.1 new)

Sec. 7-704.1. Duration of driver's license suspension upon certification of Department of Healthcare and Family Services.

(a) When a suspension of a driver's license occurs as the result of a certification by the Illinois Department of Healthcare and Family Services under subsection (c) of Section 7-702, the suspension shall remain in effect until the Secretary of State receives notification from the Department that the person whose license was suspended has paid the support delinquency in full or has arranged for payment of the delinquency and current support obligation in a manner satisfactory to the Department.

(b) Whenever, after one suspension of an individual's driver's license based on certification of the Department of Healthcare and Family Services, another certification is received from the Department of Healthcare and Family Services, the Secretary shall again suspend the driver's license of that individual and that suspension shall not be removed unless the obligor is in full compliance with the order of support and has made full payment on all arrearages.

(625 ILCS 5/7-705)

Sec. 7-705. Notice. The Secretary of State, prior to suspending a driver's license under this Chapter, shall serve written notice upon an obligor that the individual's driver's license will be suspended in 60 days from the date on the notice unless (i) the obligor satisfies the court order of support and the circuit clerk notifies the Secretary of State of this compliance or (ii) if the Illinois Department of Healthcare and Family Services has made a certification to the Secretary of State under subsection (c) of Section 7-702, the Department notifies the Secretary of State that the person licensed has paid the support delinquency in full or has arranged for payment of the delinquency and current support obligation in a manner satisfactory to the Department.

(Source: P.A. 89-92, eff. 7-1-96.)

(625 ILCS 5/7-706)

Sec. 7-706. Administrative hearing. A driver may contest this driver's license sanction by requesting an administrative hearing in accordance with Section 2-118 of this Code. If a written request for this hearing is received prior to the effective date of the suspension, the suspension shall be stayed. If a stay of the suspension is granted, it shall remain in effect until a hearing decision is entered. At the conclusion of this hearing, the Secretary of State may rescind or impose the driver's license suspension. If the suspension is upheld, it shall become effective 10 days from the date the hearing decision is entered. If the decision is to rescind the suspension, no suspension of driving privileges shall be entered. The scope of this hearing shall be limited to the following issues:

(a) Whether the driver is the person who owes a duty to make payments under obligor covered by the court or administrative order of support.

(b) Whether (i) the authenticated document of a court order of support indicates that the obligor is 90 days or more delinquent or has been adjudicated in arrears in an amount equal to 90 days obligation or more and has been found in contempt of court for failure to pay child support or (ii) the certification of the Illinois Department of Healthcare and Family Services under subsection (c) or Section 7-702 indicates that the person is 90 days or more delinquent in payment of support under an order of support

issued by a court or administrative body of this or any other State.

(c) Whether (i) a superseding authenticated document of any court order of support has been entered or (ii) the Illinois Department of Healthcare and Family Services, in a superseding notification, has informed the Secretary of State that the person certified under subsection (c) of Section 7-702 has paid the support delinquency in full or has arranged for payment of the delinquency and current support obligation in a manner satisfactory to the Department.

(Source: P.A. 89-92, eff. 7-1-96.)

(625 ILCS 5/7-707)

Sec. 7-707. Payment of reinstatement fee. When a person ~~an obligor~~ receives notice from the Secretary of State that the suspension of driving privileges has been terminated based upon (i) receipt of notification from the circuit clerk of the person's ~~obligor's~~ compliance as obligor with a court order of support or (ii) receipt of notification from the Illinois Department of Healthcare and Family Services that the person whose driving privileges were terminated has paid the delinquency in full or has arranged for payment of the delinquency and the current support obligation in a manner satisfactory to the Department (in a case in which the person's driving privileges were suspended upon a certification by the Department under subsection (c) of Section 7-702), the obligor shall pay a \$70 reinstatement fee to the Secretary of State as set forth in Section 6-118 of this Code. \$30 of the \$70 fee shall be deposited into the Family Responsibility Fund. In accordance with subsection (e) of Section 6-115 of this Code, the Secretary of State may decline to process a renewal of a driver's license of a person who has not paid this fee.

(Source: P.A. 92-16, eff. 6-28-01; 93-32, eff. 1-1-04.)

(625 ILCS 5/7-708)

Sec. 7-708. Rules. The Secretary of State, using the authority to license motor vehicle operators, may adopt such rules as may be necessary to establish standards, policies, and procedures for the suspension of driver's licenses for non-compliance with a court or administrative order of support.

(Source: P.A. 89-92, eff. 7-1-96.)

(625 ILCS 5/11-1430 new)

Sec. 11-1430. Vehicle immobilization and impoundment upon certification of the Department of Healthcare and Family Services. Any municipality may provide by ordinance for a program of vehicle immobilization and impoundment in cases in which the Department of Healthcare and Family Services has certified to the municipality under Section 10-17.13 of the Illinois Public Aid Code that the registered owner of a vehicle owes past due support. The program shall provide for immobilization of any eligible vehicle upon the public way by presence of a restraint in a manner to prevent operation of the vehicle and for subsequent towing and impoundment of such vehicle solely upon the certification of past due support by the Department of Healthcare and Family Services. Further process, hearings, or redetermination of the past due support by the municipality shall not be required under the ordinance. The ordinance shall provide that the municipality may terminate immobilization and impoundment of the vehicle if the registered owner has arranged for payment of past and current support obligations in a manner satisfactory to the Department of Healthcare and Family Services.

Section 15. The Income Withholding for Support Act is amended by changing Section 15 as follows:
(750 ILCS 28/15)

Sec. 15. Definitions.

(a) "Order for support" means any order of the court which provides for periodic payment of funds for the support of a child or maintenance of a spouse, whether temporary or final, and includes any such order which provides for:

- (1) modification or resumption of, or payment of arrearage, including interest, accrued under, a previously existing order;
- (2) reimbursement of support;
- (3) payment or reimbursement of the expenses of pregnancy and delivery (for orders for support entered under the Illinois Parentage Act of 1984 or its predecessor the Paternity Act); or
- (4) enrollment in a health insurance plan that is available to the obligor through an employer or labor union or trade union.

(b) "Arrearage" means the total amount of unpaid support obligations, including interest, as determined by the court and incorporated into an order for support.

(b-5) "Business day" means a day on which State offices are open for regular business.

(c) "Delinquency" means any payment, including a payment of interest, under an order for support which becomes due and remains unpaid after entry of the order for support.

(d) "Income" means any form of periodic payment to an individual, regardless of source, including,

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but not limited to: wages, salary, commission, compensation as an independent contractor, workers' compensation, disability, annuity, pension, and retirement benefits, lottery prize awards, insurance proceeds, vacation pay, bonuses, profit-sharing payments, severance pay, interest, and any other payments, made by any person, private entity, federal or state government, any unit of local government, school district or any entity created by Public Act; however, "income" excludes:

- (1) any amounts required by law to be withheld, other than creditor claims, including, but not limited to, federal, State and local taxes, Social Security and other retirement and disability contributions;
- (2) union dues;
- (3) any amounts exempted by the federal Consumer Credit Protection Act;
- (4) public assistance payments; and
- (5) unemployment insurance benefits except as provided by law.

Any other State or local laws which limit or exempt income or the amount or percentage of income that can be withheld shall not apply.

(e) "Obligor" means the individual who owes a duty to make payments under an order for support.

(f) "Obligee" means the individual to whom a duty of support is owed or the individual's legal representative.

(g) "Payor" means any payor of income to an obligor.

(h) "Public office" means any elected official or any State or local agency which is or may become responsible by law for enforcement of, or which is or may become authorized to enforce, an order for support, including, but not limited to: the Attorney General, the Illinois Department of Healthcare and Family Services ~~Public Aid~~, the Illinois Department of Human Services, the Illinois Department of Children and Family Services, and the various State's Attorneys, Clerks of the Circuit Court and supervisors of general assistance.

(i) "Premium" means the dollar amount for which the obligor is liable to his employer or labor union or trade union and which must be paid to enroll or maintain a child in a health insurance plan that is available to the obligor through an employer or labor union or trade union.

(j) "State Disbursement Unit" means the unit established to collect and disburse support payments in accordance with the provisions of Section 10-26 of the Illinois Public Aid Code.

(k) "Title IV-D Agency" means the agency of this State charged by law with the duty to administer the child support enforcement program established under Title IV, Part D of the Social Security Act and Article X of the Illinois Public Aid Code.

(l) "Title IV-D case" means a case in which an obligee or obligor is receiving child support enforcement services under Title IV, Part D of the Social Security Act and Article X of the Illinois Public Aid Code.

(m) "National Medical Support Notice" means the notice required for enforcement of orders for support providing for health insurance coverage of a child under Title IV, Part D of the Social Security Act, the Employee Retirement Income Security Act of 1974, and federal regulations promulgated under those Acts.

(n) "Employer" means a payor or labor union or trade union with an employee group health insurance plan and, for purposes of the National Medical Support Notice, also includes but is not limited to:

- (1) any State or local governmental agency with a group health plan; and
- (2) any payor with a group health plan or "church plan" covered under the Employee Retirement Income Security Act of 1974.

(Source: P.A. 94-90, eff. 1-1-06; revised 12-15-05.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Martinez, **Senate Bill No. 1035**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 52; Nays None.

The following voted in the affirmative:

Althoff	Frerichs	Maloney	Sandoval
Bomke	Garrett	Martinez	Schoenberg
Bond	Haine	Meeks	Sieben
Brady	Halvorson	Millner	Silverstein
Burzynski	Harmon	Munoz	Sullivan
Clayborne	Hendon	Murphy	Syverson
Collins	Holmes	Noland	Trotter
Cronin	Hultgren	Pankau	Watson
Crotty	Hunter	Peterson	Wilhelmi
Cullerton	Jones, J.	Radogno	Mr. President
DeLeo	Koehler	Raoul	
Delgado	Kotowski	Righter	
Demuzio	Link	Risinger	
Forby	Luechtefeld	Ronen	

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

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

PRESENTATION OF RESOLUTION

Senator Trotter offered the following resolution and asked and obtained unanimous consent to suspend the rules for its immediate consideration.

SENATE RESOLUTION NO. 258

WHEREAS, Senate Bill 1132, as originally passed by the Senate on May 25, 2007, contained supplemental appropriations to the hospital assessment program and line of duty awards to the families of fallen soldiers; and

WHEREAS, On May 30, 2007, the Illinois House of Representatives passed Senate Bill 1132, as amended by House Amendments 1 and 2; and

WHEREAS, Senate Bill 1132, as amended by the House of Representatives, has not been delivered to the Senate; and

WHEREAS, Senate Bill 1132, as amended by the House of Representatives, contains appropriations for the State of Illinois for Fiscal Year 2008 beginning on July 1, 2007; and

WHEREAS, Senate Bill 1132, as amended by the House of Representatives, includes appropriations for expenditures that exceed available revenue estimates and therefore does not meet the requirements contained in subsection (b) of Section 2 of Article VIII of the Constitution of the State of Illinois; and

WHEREAS, A budget shortfall as contained in Senate Bill 1132, as amended by the House of Representatives, will necessitate the expenditure of funds originally appropriated for public education on mandated healthcare and pensions; and

WHEREAS, Senate Bill 1132, as amended by the House of Representatives, does not include sufficient appropriations to the State Board of Education for General State Aid, Mandated Categorical

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Programs, and Early Childhood Education programs to provide access to a high quality education; and

WHEREAS, Senate Bill 1132, as amended by the House of Representatives, does not include appropriations to meet the rising costs associated with providing assistance to Illinois' most vulnerable citizens, including senior citizens, for needs related to healthcare, prescription drugs, and the mental health and developmentally disabled population; and

WHEREAS, Senate Bill 1132, as amended by the House of Representatives, does not provide for a sustainable means to reduce or to maintain the current cycle of payments made to Medicaid providers, specifically for physicians that provide services under the Covering ALL KIDS Health Insurance Program; and

WHEREAS, Senate Bill 1132, as amended by the House of Representatives, does not appropriate funds to satisfy the Fiscal Year 2008 pension obligation contribution level certified by the individual State retirement systems; and

WHEREAS, If the payment cycle for physicians providing services to participants of the Covering ALL KIDS Health Insurance Program exceeds 30 days, the State of Illinois will have failed to meet its pledge to over 4,000 physicians, to the 350,000 children that receive vital health care benefits, and to any children that may be eligible in the future; and

WHEREAS, If the payment cycle for physicians increases dramatically as provided for in Senate Bill 1132, as amended by the House of Representatives, it is likely that physicians will cease providing healthcare services to those who need it most; and

WHEREAS, Senate Bill 1132, as amended by the House of Representatives, does not include adequate funding for the increasing public safety, transportation, and infrastructure needs of Illinois; and

WHEREAS, Senate Bill 1132, as amended by the House of Representatives, does not include appropriations to meet contractual obligations set forth in collective bargaining agreements with employees of the State of Illinois who staff prisons, mental health facilities, and veterans' hospitals and provide for child welfare; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that those voting 'aye' on this resolution are voting to reject Senate Bill 1132 as amended by the House of Representatives, and those voting 'no' on this resolution are voting to support the proposed budget for the State of Illinois for Fiscal Year 2008 that begins on July 1, 2007, as detailed in House Amendments 1 and 2 to Senate Bill 1132; and be it further

RESOLVED, That a copy of this resolution be delivered to all State Constitutional Officers, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

Senator Righter asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

At the hour of 12:18 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 12:55 o'clock p.m., the Senate resumed consideration of Senate Resolution No. 258.

Senator DeLeo, presiding.

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ADOPTION OF RESOLUTION

Having asked and obtained unanimous consent to suspend the rules for its immediate consideration, Senator Trotter moved that **Senate Resolution No. 258** be adopted.

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

Yeas 33; Nays 19; Present 2.

The following voted in the affirmative:

Bond	Frerichs	Koehler	Schoenberg
Clayborne	Garrett	Kotowski	Silverstein
Collins	Haine	Link	Sullivan
Crotty	Halvorson	Maloney	Trotter
Cullerton	Harmon	Martinez	Wilhelmi
DeLeo	Hendon	Meeks	Mr. President
Delgado	Holmes	Noland	
Demuzio	Hunter	Raoul	
Forby	Jacobs	Ronen	

The following voted in the negative:

Althoff	Hultgren	Pankau	Rutherford
Bomke	Jones, J.	Peterson	Sieben
Brady	Luechtefeld	Radogno	Syverson
Burzynski	Millner	Righter	Watson
Cronin	Murphy	Risinger	

The following voted present:

Munoz
Sandoval

The motion prevailed.

And the resolution was adopted.

Senator Lightford asked and obtained unanimous consent for the Journal to reflect her affirmative vote on **Senate Resolution No. 258**.

PRESENTATION OF RESOLUTION

Senator Halvorson offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE JOINT RESOLUTION NO. 67

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Wednesday, June 20, 2007, the Senate stands adjourned until Tuesday, June 26, 2007 at 12:00 o'clock noon; and the House of Representatives stands adjourned until Thursday, June 21, 2007, and when it adjourns on that day, it stands adjourned until Friday, June 22, 2007, in perfunctory session; and when it adjourns on that day, it stands adjourned until Monday, June 25, 2007, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, June 26, 2007.

The motion prevailed.

And the resolution was adopted.

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

MESSAGES FROM THE PRESIDENT

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

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

June 20, 2007

Ms. Deborah Shipley
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Michael Bond to resume his position on the Senate Appropriations II Committee. This appointment is effective immediately.

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

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

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

June 20, 2007

Ms. Deborah Shipley
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Michael Bond to resume his position on the Senate State Government & Veterans Affairs Committee. This appointment is effective immediately.

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

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

[June 20, 2007]

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

June 20, 2007

Ms. Deborah Shipley
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Susan Garrett to resume her position on the Senate State Government & Veterans Affairs Committee. This appointment is effective immediately.

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

ANNOUNCEMENT

The Chair announced that all committees scheduled to meet this afternoon have been cancelled.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION 252

Offered by Senator J. Sullivan and all Senators:
Mourns the death of Jesse Loraine Wade of Scottsdale, Arizona, formerly of Griggsville.

SENATE RESOLUTION 253

Offered by Senator E. Jones and all Senators:
Mourns the death of Gertrude "Cookie" Wright of Chicago.

SENATE RESOLUTION 254

Offered by Senator Demuzio and all Senators:
Mourns the death of Elizabeth A. "Beth" Kaburick of Carlinville.

SENATE RESOLUTION 257

Offered by Senator Radogno and all Senators:
Mourns the death of Gary Emmanuel Sniegowski of Lemont.

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

At the hour of 2:28 o'clock p.m., pursuant to **Senate Joint Resolution No. 67**, the Chair announced the Senate stand adjourned until Tuesday, June 26, 2007, at 12:00 o'clock noon

[June 20, 2007]