



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-SIXTH GENERAL ASSEMBLY**

**41ST LEGISLATIVE DAY**

**WEDNESDAY, APRIL 29, 2009**

**12:12 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**41st Legislative Day**

<b>Action</b>	<b>Page(s)</b>
Committee Meeting Announcement(s).....	8, 31
Deadline Established.....	4
Legislative Measure(s) Filed.....	3
Message from the President.....	4
Presentation of Senate Joint Resolution No. 62.....	9
Presentation of Senate Joint Resolution No. 63.....	10
Presentation of Senate Resolutions No'd. 245 - 247.....	9
Report from Assignments Committee.....	8
Report Received.....	3

<b>Bill Number</b>	<b>Legislative Action</b>	<b>Page(s)</b>
SB 0176	Recalled - Amendment(s).....	20
SB 0189	Third Reading.....	19
SB 2101	Second Reading.....	19
SJR 0003	Adopted, as amended.....	26
SJR 0019	Adopted.....	27
SJR 0029	Adopted, as amended.....	28
SJR 0031	Adopted.....	28
SJR 0036	Adopted, as amended.....	29
SJR 0042	Adopted.....	30
SJR 0044	Adopted.....	30
SJR 0062	Committee on Assignments.....	9
SJR 0063	Committee on Assignments.....	10
SR 0054	Adopted.....	24
SR 0080	Adopted.....	24
SR 0081	Adopted.....	25
SR 0105	Adopted.....	25
HJR 0004	Adopted.....	31

The Senate met pursuant to adjournment.  
 Senator Kimberly A. Lightford, Maywood, Illinois, presiding.  
 Prayer by Bishop G.E. Livingston, Life Changers Church of Decatur, Illinois.  
 Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Tuesday, April 28, 2009, be postponed, pending arrival of the printed Journal.  
 The motion prevailed.

### **REPORTS RECEIVED**

The Secretary placed before the Senate the following reports:

FY 2010 GAAP Report, submitted by the Commission on Government Forecasting and Accountability.

Illinois Labor Relations Board 2008 Annual Report, submitted by the Illinois Labor Relations Board.

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

### **LEGISLATIVE MEASURES FILED**

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

Senate Floor Amendment No. 1 to Senate Bill 420  
 Senate Floor Amendment No. 1 to Senate Bill 932  
 Senate Floor Amendment No. 1 to Senate Bill 941  
 Senate Floor Amendment No. 3 to Senate Bill 1715  
 Senate Floor Amendment No. 3 to Senate Bill 1739

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

Senate Committee Amendment No. 1 to House Bill 261  
 Senate Committee Amendment No. 1 to House Bill 271  
 Senate Committee Amendment No. 1 to House Bill 306  
 Senate Committee Amendment No. 1 to House Bill 372  
 Senate Committee Amendment No. 3 to House Bill 442  
 Senate Committee Amendment No. 4 to House Bill 442  
 Senate Committee Amendment No. 1 to House Bill 547  
 Senate Committee Amendment No. 1 to House Bill 927  
 Senate Committee Amendment No. 2 to House Bill 1119  
 Senate Committee Amendment No. 1 to House Bill 1195  
 Senate Committee Amendment No. 2 to House Bill 1329  
 Senate Committee Amendment No. 1 to House Bill 2331  
 Senate Committee Amendment No. 1 to House Bill 3874  
 Senate Committee Amendment No. 1 to House Bill 3950  
 Senate Committee Amendment No. 1 to House Bill 4186

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

[April 29, 2009]

Senate Floor Amendment No. 1 to House Bill 740  
Senate Floor Amendment No. 1 to House Bill 931  
Senate Floor Amendment No. 1 to House Bill 2266  
Senate Floor Amendment No. 1 to House Bill 3658

**MESSAGES FROM THE PRESIDENT**

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

JOHN J. CULLERTON  
SENATE PRESIDENT

327 STATE CAPITOL  
SPRINGFIELD, ILLINOIS 62706

April 29, 2009

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

Dear Madam Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish May 31, 2009 as the 3<sup>rd</sup> Reading deadline for Senate Bill 941.

Sincerely,  
s/John J. Cullerton  
Senate President

cc: Senate Republican Leader Christine Radogno

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

JOHN J. CULLERTON  
SENATE PRESIDENT

327 STATE CAPITOL  
SPRINGFIELD, ILLINOIS 62706

April 29, 2009

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

Dear Madam Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish May 31, 2009 as the 3<sup>rd</sup> Reading deadline for House Bill 310.

Sincerely,  
s/John J. Cullerton  
Senate President

cc: Senate Republican Leader Christine Radogno

[April 29, 2009]

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

JOHN J. CULLERTON  
SENATE PRESIDENT

327 STATE CAPITOL  
SPRINGFIELD, ILLINOIS 62706

April 29, 2009

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

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Tony Munoz to temporarily replace Senator James Clayborne as a member of the Senate Pensions and Investments Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Pensions and Investments Committee.

Sincerely,  
s/John J. Cullerton  
Senate President

cc: Senate Minority Leader Christine Radogno

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

JOHN J. CULLERTON  
SENATE PRESIDENT

327 STATE CAPITOL  
SPRINGFIELD, ILLINOIS 62706

April 29, 2009

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

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Kwame Raoul to temporarily replace Senator James Clayborne as a member of the Senate Executive Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Executive Committee.

Sincerely,  
s/John J. Cullerton  
Senate President

cc: Senate Minority Leader Christine Radogno

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

JOHN J. CULLERTON  
SENATE PRESIDENT

327 STATE CAPITOL  
SPRINGFIELD, ILLINOIS 62706

[April 29, 2009]

April 29, 2009

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

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Donne Trotter to temporarily replace Senator Rickey Hendon as a member of the Senate Executive Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Executive Committee.

Sincerely,  
s/John J. Cullerton  
Senate President

cc: Senate Minority Leader Christine Radogno

#### REPORTS FROM STANDING COMMITTEES

Senator Frerichs, Chairperson of the Committee on Agriculture and Conservation, to which was referred **House Bills Numbered 78, 229, 338, 680, 872, 1087, 2251, 2294, 2442, 2533, 2546 and 4245**, reported the same back with the recommendation that the bills do pass.

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

Senator Frerichs, Chairperson of the Committee on Agriculture and Conservation, to which was referred **House Bill No. 3990**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Crotty, Chairperson of the Committee on Elections, to which was referred **House Bills Numbered 267, 704, 723, 1131, 4051 and 4077**, reported the same back with the recommendation that the bills do pass.

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

Senator Crotty, Chairperson of the Committee on Elections, to which was referred **House Bills Numbered 268 and 567**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Delgado, Chairperson of the Committee on Public Health, to which was referred **House Bills Numbered 488, 546, 604, 658, 752, 1292, 2285, 2318 and 2481**, reported the same back with the recommendation that the bills do pass.

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

Senator Delgado, Chairperson of the Committee on Public Health, to which was referred **House Bills Numbered 926, 1327 and 3974**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Delgado, Chairperson of the Committee on Public Health, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 5 to Senate Bill 1381

[April 29, 2009]

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

Senator Maloney, Chairperson of the Committee on Higher Education, to which was referred **House Bills Numbered 336, 364, 382, 461, 862, 898, 899, 1079, 2235, 2686 and 3999**, reported the same back with the recommendation that the bills do pass.

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

Senator Wilhelmi, Chairperson of the Committee on Judiciary, to which was referred **House Bills Numbered 59, 153, 361, 688, 756, 2246, 2266, 2283, 2351, 2845, 3690, 3691 and 3794**, reported the same back with the recommendation that the bills do pass.

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

Senator Wilhelmi, Chairperson of the Committee on Judiciary, to which was referred **House Bills Numbered 529, 2405 and 3776**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred **House Bills Numbered 71, 353, 2433, 2455, 2612, 2625, 2750, 3325, 3705, 3721, 3889, 3956 and 4327**, reported the same back with the recommendation that the bills do pass.

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

Senator Hunter, Chairperson of the Committee on Human Services, to which was referred **House Bills Numbered 30, 39, 204, 366, 415, 520, 562, 726, 758, 760, 808, 976, 1132, 2365, 2383, 2653, 3844, 3925 and 3967**, reported the same back with the recommendation that the bills do pass.

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

Senator Hunter, Chairperson of the Committee on Human Services, to which was referred **House Bill No. 2388**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Meeks, Chairperson of the Committee on Education, to which was referred **House Bills Numbered 281, 325, 380, 392, 475, 548, 605, 645, 684, 740, 806, 999, 1107, 2321, 2871 and 3982**, reported the same back with the recommendation that the bills do pass.

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

Senator Meeks, Chairperson of the Committee on Education, to which was referred **House Bills Numbered 613 and 1108**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Garrett, Chairperson of the Committee on Environment, to which was referred **House Bills Numbered 266, 402, 1042, 2437, 2439, 2664, 3859 and 3987**, reported the same back with the recommendation that the bills do pass.

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

Senator Koehler, Chairperson of the Committee on Local Government, to which was referred **House Bills Numbered 38, 61, 159, 211, 347, 466, 483, 585, 587, 606, 629, 666, 771, 849, 1089, 1597, 2295, 2409, 2410, 2425, 2451, 3112, 3630, 3746, 3986 and 4151**, reported the same back with the recommendation that the bills do pass.

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

Senator Koehler, Chairperson of the Committee on Local Government, to which was referred **House Bill No. 883**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

### REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator DeLeo, Chairperson of the Committee on Assignments, during its April 29, 2009 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Commerce: **Senate Committee Amendment No. 2 to House Bill 442; Senate Committee Amendment No. 1 to House Bill 4186.**

Executive: **Senate Committee Amendment No. 1 to House Bill 80; Senate Committee Amendment No. 1 to House Bill 547; Senate Committee Amendment No. 1 to House Bill 1195; Senate Floor Amendment No. 1 to Senate Bill 420; Senate Floor Amendment No. 1 to Senate Bill 932.**

Gaming: **Senate Committee Amendment No. 1 to House Bill 261.**

Insurance: **Senate Committee Amendment No. 1 to House Bill 927.**

Labor: **Senate Floor Amendment No. 3 to Senate Bill 1715.**

Licensed Activities: **Senate Committee Amendment No. 1 to House Bill 1119; Senate Committee Amendment No. 2 to House Bill 1119; Senate Committee Amendment No. 2 to House Bill 1329; Senate Committee Amendment No. 1 to House Bill 2331; Senate Committee Amendment No. 1 to House Bill 3874.**

Pensions and Investments: **Senate Committee Amendment No. 1 to House Bill 1291.**

Revenue: **Senate Floor Amendment No. 3 to Senate Bill 1739.**

State Government and Veterans Affairs: **Senate Committee Amendment No. 1 to House Bill 22; Senate Committee Amendment No. 1 to House Bill 372.**

Senator DeLeo, Chairperson of the Committee on Assignments, during its April 29, 2009 meeting, reported that the Committee recommends that **Senate Joint Resolution No. 56** be re-referred from the Committee on Agriculture and Conservation to the Committee on Licensed Activities.

### COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following committees will meet at 1:35 o'clock p.m.: Labor and Pensions.

The Chair announced the following committees will meet at 2:15 o'clock p.m.: Executive, Revenue, and Licensed Activities.

The Chair announced the following committees will meet at 4:00 o'clock p.m.: Appropriations II, Insurance, and State Government and Veterans Affairs.

The Chair announced the Committee on Criminal Law will reconvene at 5:30 o'clock p.m. in Room 400.

[April 29, 2009]



**PRESENTATION OF RESOLUTIONS**

**SENATE RESOLUTION NO. 245**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Stephen J. Andras of Aurora.

**SENATE RESOLUTION NO. 246**

Offered by Senator Hunter and all Senators:  
Mourns the death of Willie Mae McEwen

**SENATE RESOLUTION NO. 247**

Offered by Senator Koehler and all Senators:  
Mourns the death of Kenneth Decker of East Peoria.

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

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

**SENATE JOINT RESOLUTION NO. 62**

WHEREAS, In an Act enacted by the Fifth General Assembly and approved on February 12, 1827, the road from Springfield to Peoria was declared a State Road; and

WHEREAS, The Springfield to Peoria Road became Illinois' major artery for trade, commerce, passenger stage and mail delivery in the early 19th century; and

WHEREAS, Abraham Lincoln traveled this road as an attorney in the Eighth Judicial Circuit and during his campaign for the Presidency and he also sponsored legislation affecting the road; and

WHEREAS, The description of the Trail is as follows: the route leading north from Springfield using present day nomenclature would be from the Springfield city street Peoria Road. This street joins with Business 55 and crosses the Sangamon River as Business 55. Before reaching the town of Sherman, the original route veers to the west side of Sherman onto Old Tipton School Road still heading north. At the "T" intersection which is Andrew Road, the route turns west until the next intersection which is Illinois Route 124 heading north. The route continues north on Illinois Route 124 through the intersection of Illinois Route 123 and becomes Fancy Prairie Road. The route now enters Menard County. Continue north on Fancy Prairie Road until the road curves to the east with an intersection to the north. Turn north onto Peoria Road and continue north to a "T" intersection which is Middletown Blacktop. Turn east to the town of Middletown. The route is now in Logan County. The route leads north from Middletown connecting with the town of New Holland via 100th East Avenue. Leading north from New Holland on 100th East Avenue continue north until reaching Illinois Route 136. Turn east on Illinois Route 136 and continue to 300th East Avenue. Turn north on 300th East Avenue, which is Delavan Road and continue to the town of Delavan. The route is now in Tazewell County. Leading north from Delavan on Locust Street, continue until intersecting Springfield Road at Mackinaw Creek. The route continues north on Springfield Road passing through the village of Dillon and on to the town of Groveland. From Groveland continue on Springfield Road to the city of East Peoria. At East Peoria, Springfield Road connects with East Washington Street. Turning west on Washington Street which crosses the Illinois River on the Bob Michel Bridge, ending near the Franklin Street Bridge Monument in Riverfront Park in the City of Peoria; and

WHEREAS, The original trail is still intact today; it has made a significant contribution to the development of Springfield, Peoria, and all points in between; and in conjunction with the Abraham Lincoln Bicentennial, a special designation for this scenic and historic corridor is appropriate; therefore,

[April 29, 2009]

be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the A. Lincoln and Springfield to Peoria Stage Road be designated along the route cited in this Resolution; and be it further

RESOLVED, That the Illinois Department of Transportation is requested, in consultation with the Lincoln Heritage Foundation of Logan County and others, to erect at suitable locations, consistent with State regulations, plaques or signs giving notice of the name; and be it further

RESOLVED, That units of local government that maintain any portion of the Road are urged to enhance areas along the road and to erect at suitable locations, plaques or signs that have been designed by the Illinois Department of Transportation in consultation with the Lincoln Heritage Foundation of Logan County and others that gives notice of the name; and be it further

RESOLVED, That the Illinois Historic Preservation Agency and the Illinois Bureau of Tourism are requested to post on their Agency websites, and to produce brochures and other related matter that makes the Road known to the public; and be it further

RESOLVED, That copies of this resolution be presented to the Illinois Secretary of Transportation, the Illinois Historic Preservation Agency, Illinois Bureau of Tourism, and the Lincoln Heritage Foundation of Logan County and each of the local governments having jurisdiction over any portion of the Road.

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

**SENATE JOINT RESOLUTION NO. 63**

WHEREAS, Clean water is a precious resource that should be readily available for all of the State's residents; and

WHEREAS, Studies conducted on waters in the State indicate various level of pharmaceutical contamination; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that, in order to affirm the importance of clean and safe water in the State, there is hereby created a Clean Water Commission consisting of the following 17 members:

- (1) 2 individuals appointed by the Governor, one of whom shall serve as co-chair of the Commission;
- (2) 2 individuals appointed by the Director of the Illinois Environmental Protection Agency, one of whom shall serve as co-chair of the Commission;
- (3) one member of the Illinois House of Representatives, appointed by the Speaker of the Illinois House of Representatives;
- (4) one member of the Illinois House of Representatives, appointed by the Minority Leader of the Illinois House of Representatives;
- (5) one member of the Illinois Senate, appointed by the President of the Illinois Senate;
- (6) one member of the Illinois Senate, appointed by the Minority Leader of the Illinois Senate;
- (7) one individual appointed by the Director of Public Health;
- (8) one individual from the Metropolitan Water Reclamation District, appointed by the co-chairs of the Commission;
- (9) one individual from a Sanitary District in Central Illinois, appointed by the co-chairs of the Commission;
- (10) one individual from a Sanitary District in Southern Illinois, appointed by the

[April 29, 2009]

- co-chairs of the Commission;
- (11) one individual from the Pharmaceutical Research and Manufacturers of America, appointed by the co-chairs of the Commission;
- (12) one individual from the Illinois Farm Bureau, appointed by the co-chairs of the Commission;
- (13) one individual from the Illinois Hospital Association, appointed by the co-chairs of the Commission;
- (14) one individual from a consumer protection organization, appointed by the co-chairs of the Commission; and
- (15) one individual from a solid waste agency, appointed by the co-chairs of the Commission; and be it further

RESOLVED, That the Clean Water Commission shall, in cooperation with the Illinois Environmental Protection Agency, have select State waters tested quarterly for the presence of pharmaceuticals and contaminants that may be harmful to human health or the environment; and be it further

RESOLVED, That the Clean Water Commission shall, when selecting areas to sample, pay particular attention to areas where there have been past reports of contamination; and be it further

RESOLVED, That the Clean Water Commission shall, on a quarterly basis, report its findings to the Illinois Department of Public Health and the Illinois Environmental Protection Agency and make those findings available online for public consumption; and be it further

RESOLVED, That the Clean Water Commission shall, within one year after the adoption of this resolution and as needed thereafter, report its findings to the General Assembly; and be it further

RESOLVED, That the Illinois Environmental Protection Agency shall provide administrative and other support to the Clean Water Commission.

**MESSAGES FROM THE HOUSE**

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

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

SENATE BILL NO. 269

A bill for AN ACT concerning education.

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. 269

Passed the House, as amended, April 28, 2009.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 269**

AMENDMENT NO. 1. Amend Senate Bill 269 by replacing line 20 on page 1 through line 7 on page 2 with the following:

"for the annual refresher course. ~~The State Board of Education shall annually request such additional appropriation as may be necessary to ensure that adequate and sufficient training is provided to all school bus drivers in Illinois. This~~".

Under the rules, the foregoing **Senate Bill No. 269**, with House Amendment No. 1, was referred to the Secretary's Desk.

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

[April 29, 2009]

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. 1341

A bill for AN ACT concerning civil law.

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

House Amendment No. 1 to SENATE BILL NO. 1341

Passed the House, as amended, April 28, 2009.

MARK MAHONEY, Clerk of the House

**AMENDMENT NO. 1 TO SENATE BILL 1341**

AMENDMENT NO. 1. Amend Senate Bill 1341 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 16-104c as follows:

(625 ILCS 5/16-104c)

Sec. 16-104c. Court supervision fees.

(a) Any person who, ~~after a court appearance in the same matter,~~ receives a disposition of court supervision for a violation of any provision of this Code or a similar provision of a local ordinance shall pay an additional fee of ~~\$29~~ \$20, which shall be disbursed as follows:

(1) if an officer of the Department of State Police arrested the person for the violation, ~~the \$20 of the \$29~~ fee shall be deposited into the State Police Vehicle Fund in the State treasury; or

(2) if an officer of any law enforcement agency in the State other than the Department of State Police arrested the person for the violation, ~~the \$20 of the \$29~~ fee shall be paid to the law enforcement agency that employed the arresting officer and shall be used for the acquisition or maintenance of police vehicles; ~~and -~~

~~(3) \$9 of the \$29 fee shall be deposited into the Drivers Education Fund.~~

(b) In addition to the fee provided for in subsection (a), a person who, ~~after a court appearance in the same matter,~~ receives a disposition of court supervision for any violation of this Code or a similar provision of a local ordinance shall also pay an additional fee of ~~\$6~~ \$5, if not waived by the court. Of this ~~\$6~~ \$5 fee, ~~\$5.50~~ \$4.50 shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court and 50 cents shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund in the State treasury.

(c) The Prisoner Review Board Vehicle and Equipment Fund is created as a special fund in the State treasury. The Prisoner Review Board shall, subject to appropriation by the General Assembly and approval by the Secretary, use all moneys in the Prisoner Review Board Vehicle and Equipment Fund for the purchase and operation of vehicles and equipment.

(Source: P.A. 94-1009, eff. 1-1-07; 95-428, eff. 8-24-07.)

Section 10. The Clerks of Courts Act is amended by changing Sections 27.5 and 27.6 as follows:

(705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

Sec. 27.5. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk that equals an amount less than \$55, except restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 11-501 of the Illinois Vehicle Code, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, and except as provided in subsection (b) shall be disbursed within 60 days after receipt by the circuit clerk as follows: 47% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 12% shall be disbursed to the State Treasurer; and 41% shall be disbursed to the county's general corporate fund. Of the 12% disbursed to the State Treasurer, 1/6 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 1/2 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall be deposited into the Drivers Education Fund. For fiscal years 1992 and 1993,

[April 29, 2009]

amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) The following amounts must be remitted to the State Treasurer for deposit into the Illinois Animal Abuse Fund:

(1) 50% of the amounts collected for felony offenses under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961;

(2) 20% of the amounts collected for Class A and Class B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961; and

(3) 50% of the amounts collected for Class C misdemeanors under Sections 4.01 and 7.1 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961.

(c) Any person who receives a disposition of court supervision for a violation of the Illinois Vehicle Code or a similar provision of a local ordinance shall, in addition to any other fines, fees, and court costs, pay an additional fee of ~~\$29~~ \$20, to be disbursed as provided in Section 16-104c of the Illinois Vehicle Code. In addition to the fee of ~~\$29~~ \$20, the person shall also pay a fee of ~~\$6~~ \$5, if not waived by the court. If this ~~\$6~~ \$5 fee is collected, ~~\$5.50~~ \$4.50 of the fee shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court and 50 cents of the fee shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund in the State treasury.

(d) Any person convicted of or pleading guilty to a serious traffic violation, as defined in Section 1-187.001 of the Illinois Vehicle Code, shall pay an additional fee of \$20, to be disbursed as provided in Section 16-104d of that Code.

(Source: P.A. 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07; 95-428, eff. 8-24-07; 95-876, eff. 8-21-08.) (705 ILCS 105/27.6)

Sec. 27.6. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk equalling an amount of \$55 or more, except the fine imposed by Section 5-9-1.15 of the Unified Code of Corrections, the additional fee required by subsections (b) and (c), restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 11-501 of the Illinois Vehicle Code, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, and except as provided in subsections (d) and (g) shall be disbursed within 60 days after receipt by the circuit clerk as follows: 44.5% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 16.825% shall be disbursed to the State Treasurer; and 38.675% shall be disbursed to the county's general corporate fund. Of the 16.825% disbursed to the State Treasurer, 2/17 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 5.052/17 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall be deposited into the Drivers Education Fund, and 6.948/17 shall be deposited into the Trauma Center Fund. Of the 6.948/17 deposited into the Trauma Center Fund from the 16.825% disbursed to the State Treasurer, 50% shall be disbursed to the Department of Public Health

and 50% shall be disbursed to the Department of Healthcare and Family Services. For fiscal year 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of \$100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of \$100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(b-1) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of \$5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of \$5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c) In addition to any other fines and court costs assessed by the courts, any person convicted for a violation of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a person sentenced for a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act shall pay an additional fee of \$100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of \$100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c-1) In addition to any other fines and court costs assessed by the courts, any person sentenced for a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act shall pay an additional fee of \$5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of \$5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(d) The following amounts must be remitted to the State Treasurer for deposit into the Illinois Animal Abuse Fund:

- (1) 50% of the amounts collected for felony offenses under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961;
- (2) 20% of the amounts collected for Class A and Class B misdemeanors under Sections 3,

3.01, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961; and

(3) 50% of the amounts collected for Class C misdemeanors under Sections 4.01 and 7.1 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961.

(e) Any person who receives a disposition of court supervision for a violation of the Illinois Vehicle Code or a similar provision of a local ordinance shall, in addition to any other fines, fees, and court costs, pay an additional fee of ~~\$29~~ \$20, to be disbursed as provided in Section 16-104c of the Illinois Vehicle Code. In addition to the fee of ~~\$29~~ \$20, the person shall also pay a fee of ~~\$6~~ \$5, if not waived by the court. If this ~~\$6~~ \$5 fee is collected, ~~\$5.50~~ \$4.50 of the fee shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court and 50 cents of the fee shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund in the State treasury.

(f) This Section does not apply to the additional child pornography fines assessed and collected under Section 5-9-1.14 of the Unified Code of Corrections.

(g) Of the amounts collected as fines under subsection (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be deposited into the Illinois Military Family Relief Fund and 1% shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court to be used to offset the costs incurred by the Circuit Court Clerk in performing the additional duties required to collect and disburse funds to entities of State and local government as provided by law.

(Source: P.A. 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07; 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428, eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08.)

Section 15. The Unified Code of Corrections is amended by changing Section 5-6-1 as follows:

(730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

Sec. 5-6-1. Sentences of Probation and of Conditional Discharge and Disposition of Supervision. The General Assembly finds that in order to protect the public, the criminal justice system must compel compliance with the conditions of probation by responding to violations with swift, certain and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of probation, conditional discharge or disposition of supervision.

(a) Except where specifically prohibited by other provisions of this Code, the court shall impose a sentence of probation or conditional discharge upon an offender unless, having regard to the nature and circumstance of the offense, and to the history, character and condition of the offender, the court is of the opinion that:

(1) his imprisonment or periodic imprisonment is necessary for the protection of the public; or

(2) probation or conditional discharge would deprecate the seriousness of the offender's conduct and would be inconsistent with the ends of justice; or

(3) a combination of imprisonment with concurrent or consecutive probation when an offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act is necessary for the protection of the public and for the rehabilitation of the offender.

The court shall impose as a condition of a sentence of probation, conditional discharge, or supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-6-4 of this Act.

(b) The court may impose a sentence of conditional discharge for an offense if the court is of the opinion that neither a sentence of imprisonment nor of periodic imprisonment nor of probation supervision is appropriate.

(b-1) Subsections (a) and (b) of this Section do not apply to a defendant charged with a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961 if the defendant within the past 12 months has been convicted of or pleaded guilty to a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961.

(c) The court may, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, defer further proceedings and the imposition of a sentence, and enter an order for supervision of the defendant, if the defendant is not charged with: (i) a Class A misdemeanor, as defined by the following provisions of the Criminal Code of 1961: Sections 11-9-1; 12-3-2; 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1; paragraph (1) through (5), (8), (10), and (11) of subsection (a) of Section 24-1; (ii) a Class A misdemeanor violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals Act; or (iii) a felony. If the defendant is not barred from receiving

an order for supervision as provided in this subsection, the court may enter an order for supervision after considering the circumstances of the offense, and the history, character and condition of the offender, if the court is of the opinion that:

- (1) the offender is not likely to commit further crimes;
- (2) the defendant and the public would be best served if the defendant were not to receive a criminal record; and
- (3) in the best interests of justice an order of supervision is more appropriate than a sentence otherwise permitted under this Code.

(c-5) Subsections (a), (b), and (c) of this Section do not apply to a defendant charged with a second or subsequent violation of Section 6-303 of the Illinois Vehicle Code committed while his or her driver's license, permit or privileges were revoked because of a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar provision of a law of another state.

(d) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance when the defendant has previously been:

- (1) convicted for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or
- (2) assigned supervision for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or
- (3) pleaded guilty to or stipulated to the facts supporting a charge or a finding of guilty to a violation of Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state, and the plea or stipulation was the result of a plea agreement.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(e) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 16A-3 of the Criminal Code of 1961 if said defendant has within the last 5 years been:

- (1) convicted for a violation of Section 16A-3 of the Criminal Code of 1961; or
- (2) assigned supervision for a violation of Section 16A-3 of the Criminal Code of 1961.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(f) The provisions of paragraph (c) shall not apply to a defendant charged with violating Sections 15-111, 15-112, 15-301, paragraph (b) of Section 6-104, Section 11-605, Section 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(g) Except as otherwise provided in paragraph (i) of this Section, the provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has within the last 5 years been:

- (1) convicted for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance; or
- (2) assigned supervision for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(h) The provisions of paragraph (c) shall not apply to a defendant under the age of 21 years charged with violating a serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code:

- (1) unless the defendant, upon payment of the fines, penalties, and costs provided by law, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference of Chief Circuit Judges. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases when a defendant enters a guilty plea under this provision; or
- (2) if the defendant has previously been sentenced under the provisions of paragraph

(c) on or after January 1, 1998 for any serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code.

(h-1) The provisions of paragraph (c) shall not apply to a defendant under the age of 21 years charged with an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of the Illinois Vehicle Code, unless the defendant, upon payment of the fines, penalties, and costs provided by law, agrees to attend and successfully complete a traffic safety



program approved by the court under standards set by the Conference of Chief Circuit Judges. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases when a defendant enters a guilty plea under this provision.

(i) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has been assigned supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(j) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance when the revocation or suspension was for a violation of Section 11-501 or a similar provision of a local ordinance or a violation of Section 11-501.1 or paragraph (b) of Section 11-401 of the Illinois Vehicle Code if the defendant has within the last 10 years been:

- (1) convicted for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance; or
- (2) assigned supervision for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(k) The provisions of paragraph (c) shall not apply to a defendant charged with violating any provision of the Illinois Vehicle Code or a similar provision of a local ordinance that governs the movement of vehicles if, within the 12 months preceding the date of the defendant's arrest, the defendant has been assigned court supervision on 2 occasions for a violation that governs the movement of vehicles under the Illinois Vehicle Code or a similar provision of a local ordinance.

(l) A defendant charged with violating any provision of the Illinois Vehicle Code or a similar provision of a local ordinance who, ~~after a court appearance in the same matter,~~ receives a disposition of supervision under subsection (c) shall pay an additional fee of ~~\$29~~ \$20, to be collected as provided in Sections 27.5 and 27.6 of the Clerks of Courts Act. In addition to the ~~\$29~~ \$20 fee, the person shall also pay a fee of ~~\$6~~ \$5, which, if not waived by the court, shall be collected as provided in Sections 27.5 and 27.6 of the Clerks of Courts Act. The ~~\$29~~ \$20 fee shall be disbursed as provided in Section 16-104c of the Illinois Vehicle Code. If the ~~\$6~~ \$5 fee is collected, ~~\$5.50~~ \$4.50 of the fee shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court and 50 cents of the fee shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund in the State treasury.

(m) Any person convicted of or pleading guilty to a serious traffic violation, as defined in Section 1-187.001 of the Illinois Vehicle Code, shall pay an additional fee of \$20, to be disbursed as provided in Section 16-104d of that Code.

This subsection (m) becomes inoperative 7 years after October 13, 2007 (the effective date of Public Act 95-154).

(n) The provisions of paragraph (c) shall not apply to any person under the age of 18 who commits an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of the Illinois Vehicle Code, except upon personal appearance of the defendant in court and upon the written consent of the defendant's parent or legal guardian, executed before the presiding judge. The presiding judge shall have the authority to waive this requirement upon the showing of good cause by the defendant.

(o) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance when the suspension was for a violation of Section 11-501.1 of the Illinois Vehicle Code and when:

- (1) at the time of the violation of Section 11-501.1 of the Illinois Vehicle Code, the defendant was a first offender pursuant to Section 11-500 of the Illinois Vehicle Code and the defendant failed to obtain a monitoring device driving permit; or
- (2) at the time of the violation of Section 11-501.1 of the Illinois Vehicle Code, the defendant was a first offender pursuant to Section 11-500 of the Illinois Vehicle Code, had subsequently obtained a monitoring device driving permit, but was driving a vehicle not equipped with a breath alcohol ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code.

(Source: P.A. 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06; 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07; 95-302, eff. 1-1-08; 95-310, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400, eff. 1-1-09; 95-428, 8-24-07; 95-876, eff. 8-21-08; revised 10-30-08.)"

Under the rules, the foregoing **Senate Bill No. 1341**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 35

A bill for AN ACT concerning education.

SENATE BILL NO. 40

A bill for AN ACT concerning persons with disabilities.

SENATE BILL NO. 75

A bill for AN ACT concerning transportation.

SENATE BILL NO. 100

A bill for AN ACT concerning civil law.

SENATE BILL NO. 187

A bill for AN ACT concerning education.

SENATE BILL NO. 204

A bill for AN ACT concerning higher education.

SENATE BILL NO. 1053

A bill for AN ACT concerning civil law.

Passed the House, April 28, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 154

A bill for AN ACT concerning civil law.

SENATE BILL NO. 1389

A bill for AN ACT concerning business.

SENATE BILL NO. 1404

A bill for AN ACT concerning State government.

SENATE BILL NO. 1453

A bill for AN ACT concerning education.

SENATE BILL NO. 1461

A bill for AN ACT concerning veterans.

SENATE BILL NO. 1472

A bill for AN ACT concerning finance.

SENATE BILL NO. 1487

A bill for AN ACT concerning professional regulation.

Passed the House, April 28, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 223

A bill for AN ACT concerning employment.

SENATE BILL NO. 231

A bill for AN ACT concerning public aid.

[April 29, 2009]

SENATE BILL NO. 1269  
 A bill for AN ACT concerning safety.  
 SENATE BILL NO. 1276  
 A bill for AN ACT concerning education.  
 SENATE BILL NO. 1372  
 A bill for AN ACT in relation to State government.  
 SENATE BILL NO. 1393  
 A bill for AN ACT concerning public aid.  
 Passed the House, April 28, 2009.

MARK MAHONEY, Clerk of the House

A message from the House by  
 Mr. Mahoney, Clerk:  
 Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:  
 SENATE BILL NO. 325  
 A bill for AN ACT concerning education.  
 SENATE BILL NO. 1330  
 A bill for AN ACT concerning State government.  
 SENATE BILL NO. 1507  
 A bill for AN ACT concerning professional regulation.  
 SENATE BILL NO. 1541  
 A bill for AN ACT concerning transportation.  
 Passed the House, April 28, 2009.

MARK MAHONEY, Clerk of the House

**READING BILL OF THE SENATE A SECOND TIME**

On motion of Senator Collins, **Senate Bill No. 2101**, having been printed, was taken up, read by title a second time.  
 Senate Floor Amendment No. 1 was postponed in the Committee on Executive.  
 Senate Floor Amendment No. 2 was held in the Committee on Executive.  
 There being no further amendments, the bill was ordered to a third reading.

**READING BILL OF THE SENATE A THIRD TIME**

On motion of Senator Garrett, **Senate Bill No. 189**, 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	Lightford	Righter
Bivins	Garrett	Link	Rutherford
Bomke	Haine	Luechtefeld	Sandoval
Bond	Harmon	Maloney	Schoenberg
Brady	Holmes	Martinez	Silverstein
Burzynski	Hultgren	McCarter	Steans
Collins	Hunter	Meeks	Sullivan
Crotty	Hutchinson	Millner	Syverson
Dahl	Jacobs	Munoz	Trotter

[April 29, 2009]

DeLeo	Jones, E.	Murphy	Viverito
Demuzio	Jones, J.	Noland	Wilhelmi
Dillard	Koehler	Pankau	Mr. President
Duffy	Kotowski	Radogno	
Forby	Lauzen	Raoul	

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

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

### SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 176** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO SENATE BILL 176

AMENDMENT NO. 1. Amend Senate Bill 176 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Section 2A-1.2 as follows:

(10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

Sec. 2A-1.2. Consolidated Schedule of Elections - Offices Designated.

(a) At the general election in the appropriate even-numbered years, the following offices shall be filled or shall be on the ballot as otherwise required by this Code:

(1) Elector of President and Vice President of the United States;

(2) United States Senator and United States Representative;

(3) State Executive Branch elected officers;

(4) State Senator and State Representative;

(5) County elected officers, including State's Attorney, County Board member, County Commissioners, and elected President of the County Board or County Chief Executive;

(6) Circuit Court Clerk;

(7) Regional Superintendent of Schools, except in counties or educational service regions in which that office has been abolished;

(8) Judges of the Supreme, Appellate and Circuit Courts, on the question of retention, to fill vacancies and newly created judicial offices;

(9) (Blank);

(10) Trustee of the Metropolitan Sanitary District of Chicago, and elected Trustee of other Sanitary Districts;

(11) Special District elected officers, not otherwise designated in this Section, where the statute creating or authorizing the creation of the district requires an annual election and permits or requires election of candidates of political parties; -

(12) Forest preserve district commissioners elected under Section 5 of the Cook County Forest Preserve District Act.

(b) At the general primary election:

(1) in each even-numbered year candidates of political parties shall be nominated for those offices to be filled at the general election in that year, except where pursuant to law nomination of candidates of political parties is made by caucus.

(2) in the appropriate even-numbered years the political party offices of State central committeeman, township committeeman, ward committeeman, and precinct committeeman shall be filled and delegates and alternate delegates to the National nominating conventions shall be elected as may be required pursuant to this Code. In the even-numbered years in which a Presidential election is to be held, candidates in the Presidential preference primary shall also be on the ballot.

(3) in each even-numbered year, where the municipality has provided for annual elections to elect municipal officers pursuant to Section 6(f) or Section 7 of Article VII of the Constitution, pursuant to the Illinois Municipal Code or pursuant to the municipal charter, the offices of such municipal officers shall be filled at an election held on the date of the general primary

election, provided that the municipal election shall be a nonpartisan election where required by the Illinois Municipal Code. For partisan municipal elections in even-numbered years, a primary to nominate candidates for municipal office to be elected at the general primary election shall be held on the Tuesday 6 weeks preceding that election.

(4) In each school district which has adopted the provisions of Article 33 of the School Code, successors to the members of the board of education whose terms expire in the year in which the general primary is held shall be elected.

(c) At the consolidated election in the appropriate odd-numbered years, the following offices shall be filled:

(1) Municipal officers, provided that in municipalities in which candidates for alderman or other municipal office are not permitted by law to be candidates of political parties, the runoff election where required by law, or the nonpartisan election where required by law, shall be held on the date of the consolidated election; and provided further, in the case of municipal officers provided for by an ordinance providing the form of government of the municipality pursuant to Section 7 of Article VII of the Constitution, such offices shall be filled by election or by runoff election as may be provided by such ordinance;

(2) Village and incorporated town library directors;

(3) City boards of stadium commissioners;

(4) Commissioners of park districts;

(5) Trustees of public library districts;

(6) Special District elected officers, not otherwise designated in this section, where the statute creating or authorizing the creation of the district permits or requires election of candidates of political parties;

(7) Township officers, including township park commissioners, township library directors, and boards of managers of community buildings, and Multi-Township Assessors;

(8) Highway commissioners and road district clerks;

(9) Members of school boards in school districts which adopt Article 33 of the School Code;

(10) The directors and chairman of the Chain O Lakes - Fox River Waterway Management Agency;

(11) Forest preserve district commissioners elected under Section 3.5 of the Downstate Forest Preserve District Act;

(12) Elected members of school boards, school trustees, directors of boards of school directors, trustees of county boards of school trustees (except in counties or educational service regions having a population of 2,000,000 or more inhabitants) and members of boards of school inspectors, except school boards in school districts that adopt Article 33 of the School Code;

(13) Members of Community College district boards;

(14) Trustees of Fire Protection Districts;

(15) Commissioners of the Springfield Metropolitan Exposition and Auditorium Authority;

(16) Elected Trustees of Tuberculosis Sanitarium Districts;

(17) Elected Officers of special districts not otherwise designated in this Section for which the law governing those districts does not permit candidates of political parties.

(d) At the consolidated primary election in each odd-numbered year, candidates of political parties shall be nominated for those offices to be filled at the consolidated election in that year, except where pursuant to law nomination of candidates of political parties is made by caucus, and except those offices listed in paragraphs (12) through (17) of subsection (c).

At the consolidated primary election in the appropriate odd-numbered years, the mayor, clerk, treasurer, and aldermen shall be elected in municipalities in which candidates for mayor, clerk, treasurer, or alderman are not permitted by law to be candidates of political parties, subject to runoff elections to be held at the consolidated election as may be required by law, and municipal officers shall be nominated in a nonpartisan election in municipalities in which pursuant to law candidates for such office are not permitted to be candidates of political parties.

At the consolidated primary election in the appropriate odd-numbered years, municipal officers shall be nominated or elected, or elected subject to a runoff, as may be provided by an ordinance providing a form of government of the municipality pursuant to Section 7 of Article VII of the Constitution.

(e) (Blank).

(f) At any election established in Section 2A-1.1, public questions may be submitted to voters pursuant to this Code and any special election otherwise required or authorized by law or by court order may be conducted pursuant to this Code.

Notwithstanding the regular dates for election of officers established in this Article, whenever a referendum is held for the establishment of a political subdivision whose officers are to be elected, the initial officers shall be elected at the election at which such referendum is held if otherwise so provided by law. In such cases, the election of the initial officers shall be subject to the referendum.

Notwithstanding the regular dates for election of officials established in this Article, any community college district which becomes effective by operation of law pursuant to Section 6-6.1 of the Public Community College Act, as now or hereafter amended, shall elect the initial district board members at the next regularly scheduled election following the effective date of the new district.

(g) At any election established in Section 2A-1.1, if in any precinct there are no offices or public questions required to be on the ballot under this Code then no election shall be held in the precinct on that date.

(h) There may be conducted a referendum in accordance with the provisions of Division 6-4 of the Counties Code.

(Source: P.A. 89-5, eff. 1-1-96; 89-95, eff. 1-1-96; 89-626, eff. 8-9-96; 90-358, eff. 1-1-98.)

Section 10. The Cook County Forest Preserve District Act is amended by changing Sections 2.1, 5, 14, and 20 as follows:

(70 ILCS 810/2.1) (from Ch. 96 1/2, par. 6403)

Sec. 2.1. Definition of board. "Board" means the board of commissioners for the Forest Preserve District of Cook County county board of commissioners when acting as the governing body of a forest preserve district.

(Source: P.A. 80-320.)

(70 ILCS 810/5) (from Ch. 96 1/2, par. 6408)

Sec. 5. Election of commissioners. Prior to December 6, 2010, the ~~The~~ county board of commissioners of the county in which a forest preserve district is located shall be the forest preserve district board of such district and the president of the county board shall be the president of the forest preserve district board. The members shall act without any other pay than that already provided by law.

Beginning on December 6, 2010, the affairs of the district shall be managed by a board of commissioners consisting of 9 members. Beginning with the general election held in 2010 and at each succeeding general election, the commissioners shall be elected from the 3 election districts for the Cook County Board of Review created under Section 5-5 of the Property Tax Code. Candidates for commissioner shall not be candidates of established political parties, but shall be non-partisan. Each commissioner must be a resident of the election district for at least one year prior to the commencement of the term of office. Nomination of candidates for the office of commissioner at the initial and each succeeding election shall be made by petition signed in the aggregate for each candidate by not less than 1,000 qualified voters of the election district.

At the 2010 general election, 3 commissioners shall be elected from each election district. No later than 30 days after the 2010 general election, the county clerk shall divide the commissioners publicly by lot into 3 equal groups, with one commissioner from each election district in each group. Commissioners or their successors from group one shall be elected to initial terms of 6 years. Commissioners or their successors from the second group shall be elected to initial terms of 4 years. The commissioners or their successors from the third group shall be elected to initial terms of 2 years. Thereafter, each commissioner shall be elected for a 6-year term. The commissioners shall elect from their number a president for a 2-year term.

The term of office for the commissioners elected under this Section shall begin on the first Monday of the month following the month of the election. Each commissioner before entering upon the duties of his or her office shall take an oath to faithfully discharge his or her duties as a commissioner. The commissioners shall hold their office until their successors are elected and qualified. No commissioner shall serve simultaneously as a commissioner and a member or chairperson of another countywide elected board, commission, or agency.

If a vacancy in the position of board president or commissioner occurs, other than by expiration of the president's or commissioner's term, the board shall declare that a vacancy exists. If the vacancy occurs in the office of the president, the board shall, within 30 days after the date of the vacancy, appoint a person to serve for the remainder of the unexpired term or until his or her successor is elected and qualified. If a vacancy occurs in the office of forest preserve district commissioner, the president of the board shall, within 60 days after the date of the vacancy, with the advice and consent of the other commissioners then serving, appoint a person to serve for the remainder of the unexpired term or until his or her successor is elected and qualified. If more than 28 months remain in the unexpired term of a commissioner, the appointment shall be until the next general election, at which time the vacated office

shall be filled by election for the remainder of the term.

All commissioners elected or appointed under this Section shall serve without compensation, but they shall be reimbursed for their reasonable expenses actually incurred in performing their official duties.

(Source: P.A. 80-320.)

(70 ILCS 810/14) (from Ch. 96 1/2, par. 6417)

Sec. 14. Powers of board; officers. The board, as corporate authority of a forest preserve district, shall have power to pass and enforce all necessary ordinances, rules and regulations for the management of the property and conduct of the business of such district. The board shall set the policies and goals for the district. The president of such board, with the advice and consent of the board of commissioners, must appoint a general superintendent to manage the forest preserve district and shall have power to appoint a secretary and an assistant secretary, and treasurer and an assistant treasurer and such other officers and such employees as may be necessary, all of whom, excepting the treasurer and attorneys, shall be under civil service rules and regulations, as provided in Section 17 of this Act. The appointed officers do not need to be members of the board. The general superintendent is the chief administrative officer of the district and shall supervise and be responsible for all administrative and operational matters of the forest preserve district. The general superintendent must be a resident of the forest preserve district. He or she must be selected solely based on his or her administrative and technical qualifications and without regard to his or her political affiliations. The general superintendent shall not serve simultaneously as the general superintendent and a commissioner. The assistant secretary and assistant treasurer shall perform the duties of the secretary and treasurer, respectively, in case of death of said officers or when said officers are unable to perform the duties of their respective offices because of absence or inability to act. All contracts for supplies, material or work involving an expenditure by forest preserve districts in excess of \$25,000 shall be let to the lowest responsible bidder, after due advertisement, excepting work requiring personal confidence or necessary supplies under the control of monopolies, where competitive bidding is impossible. Contracts for supplies, material or work involving an expenditure of \$25,000 or less may be let without advertising for bids, but whenever practicable, at least 3 competitive bids shall be obtained before letting such contract. All contracts for supplies, material or work shall be signed by the president of the board and by any such other officer as the board in its discretion may designate.

Salaries of employees shall be fixed by ordinance.

(Source: P.A. 94-951, eff. 6-27-06.)

(70 ILCS 810/20) (from Ch. 96 1/2, par. 6423)

Sec. 20. Duties of president; vote of board. The president shall preside at all meetings of the board ~~and be the executive officer of the district.~~ He or she shall sign all ordinances, resolutions and other papers necessary to be signed ~~and shall execute all contracts entered into by the district~~ and perform other duties as may be prescribed by ordinance. In the case of a special meeting, the president shall cause notice to be given to all members as provided by the rule of the board. He may veto any ordinance and any orders, resolutions and actions, or any items therein contained, of the board which provide for the purchase of real estate, or for the construction of improvements within the preserves of the district. Such veto shall be filed with the secretary of the board within 5 days after the passage of the ordinance, order, resolution or action and when so vetoed the ordinance, order, resolution or action or any item therein contained is not effective unless it is again passed by two-thirds vote of all the members of the board. The president may vote in the same manner as the other members of the board. In the temporary absence or inability of the president, the members of the board may elect from their own number a president, pro tem.

The "Yeas" and "Nays" shall be taken, and entered on the journal of the board's proceedings, upon the passage of all ordinances and all proposals to create any liability, or for the expenditure or appropriation of money. The concurrence of a majority of all the members appointed to the board is necessary to the passage of any such ordinance or proposal. In all other cases the "Yeas" and "Nays" shall be taken at the request of any member of the board and shall be entered on the journal of the board's proceedings.

(Source: P.A. 80-320.)

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.

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

Senator Frerichs moved that **Senate Resolution No. 54**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Frerichs moved that Senate Resolution No. 54 be adopted.

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

YEAS 53; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Forby	Lightford	Rutherford
Bivins	Frerichs	Link	Sandoval
Bomke	Garrett	Luechtefeld	Schoenberg
Bond	Haine	Maloney	Silverstein
Brady	Harmon	Martinez	Steans
Burzynski	Holmes	McCarter	Sullivan
Collins	Hultgren	Meeks	Syverson
Crotty	Hunter	Millner	Trotter
Dahl	Jacobs	Munoz	Viverito
DeLeo	Jones, E.	Murphy	Wilhelmi
Delgado	Jones, J.	Noland	Mr. President
Demuzio	Koehler	Pankau	
Dillard	Kotowski	Radogno	
Duffy	Lauzen	Righter	

The following voted present:

Raoul

The motion prevailed.

And the resolution was adopted.

Senator Harmon asked and obtained unanimous consent for the Journal to reflect his intention to have voted present on **Senate Resolution No. 54**.

Senator Demuzio moved that **Senate Resolution No. 80**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Demuzio moved that Senate Resolution No. 80 be adopted.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Link	Rutherford
Bivins	Garrett	Luechtefeld	Sandoval
Bomke	Haine	Maloney	Schoenberg
Bond	Harmon	Martinez	Silverstein
Brady	Holmes	McCarter	Steans
Burzynski	Hultgren	Meeks	Sullivan
Collins	Hunter	Millner	Syverson
Crotty	Hutchinson	Munoz	Trotter
Dahl	Jacobs	Murphy	Viverito
DeLeo	Jones, E.	Noland	Wilhelmi
Delgado	Jones, J.	Pankau	Mr. President
Demuzio	Koehler	Radogno	

[April 29, 2009]



Dillard	Kotowski	Raoul
Duffy	Lauzen	Righter
Forby	Lightford	Risinger

The motion prevailed.  
And the resolution was adopted.

Senator Sullivan moved that **Senate Resolution No. 81**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.  
Senator Steans moved that Senate Resolution No. 81 be adopted.  
And on that motion, a call of the roll was had resulting as follows:

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Link	Rutherford
Bivins	Garrett	Luechtefeld	Sandoval
Bomke	Haine	Maloney	Schoenberg
Bond	Harmon	Martinez	Silverstein
Brady	Holmes	McCarter	Steans
Burzynski	Hultgren	Meeks	Sullivan
Collins	Hunter	Millner	Syverson
Crotty	Hutchinson	Munoz	Trotter
Dahl	Jacobs	Murphy	Viverito
DeLeo	Jones, E.	Noland	Wilhelmi
Delgado	Jones, J.	Pankau	Mr. President
Demuzio	Koehler	Radogno	
Dillard	Kotowski	Raoul	
Duffy	Lauzen	Righter	
Forby	Lightford	Risinger	

The motion prevailed.  
And the resolution was adopted.

Senator Viverito moved that **Senate Resolution No. 105**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.  
Senator Viverito moved that Senate Resolution No. 105 be adopted.  
And on that motion, a call of the roll was had resulting as follows:

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Link	Rutherford
Bivins	Garrett	Luechtefeld	Sandoval
Bomke	Haine	Maloney	Schoenberg
Bond	Harmon	Martinez	Silverstein
Brady	Holmes	McCarter	Steans
Burzynski	Hultgren	Meeks	Sullivan
Collins	Hunter	Millner	Syverson
Crotty	Hutchinson	Munoz	Trotter
Dahl	Jacobs	Murphy	Viverito
DeLeo	Jones, E.	Noland	Wilhelmi
Delgado	Jones, J.	Pankau	Mr. President

[April 29, 2009]

Demuzio	Koehler	Radogno
Dillard	Kotowski	Raoul
Duffy	Lauzen	Righter
Forby	Lightford	Risinger

The motion prevailed.  
And the resolution was adopted.

Senator Haine moved that **Senate Joint Resolution No. 3**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

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

#### **AMENDMENT NO. 1 TO SENATE JOINT RESOLUTION 3**

AMENDMENT NO. 1. Amend Senate Joint Resolution 3 by replacing everything after the title with the following:

"WHEREAS, The Legislature of the State of Illinois recognizes that access to Medicare is necessary for people under age 65 who are eligible for Social Security Disability Insurance (SSDI); and

WHEREAS, The Legislature of the State of Illinois recognizes that people under age 65 who qualify for SSDI and who lose their jobs are likely to lose job-related health insurance; and

WHEREAS, The Legislature of the State of Illinois recognizes that most individuals who become disabled, before their disability, were working jobs and paying into Medicare; and

WHEREAS, Now, when these people need coverage the most - when they have lost their health, their jobs, their income, and their health insurance; and

WHEREAS, Individuals who qualify for Medicare benefits under Social Security Disability Insurance (SSDI) must wait five months after the eligibility determination is made to start receiving SSDI benefits and 24 months after that date for Medicare benefits to start; and

WHEREAS, Because of the two-year wait for Medicare benefits, many people with disabilities and their families are likely to face very high out-of-pocket expenditures for long term care or be forced to forego medical care; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we urge the members of the Illinois delegation to the United States Congress to phase out Medicare's two-year waiting period so that persons under age 65 are eligible for Medicare immediately after receiving their determination of disability; and be it further

RESOLVED, That a suitable copy of this resolution be sent to each member of the Illinois Congressional delegation."

Senator Haine offered the following amendment and moved its adoption:

#### **AMENDMENT NO. 2 TO SENATE JOINT RESOLUTION 3**

AMENDMENT NO. 2. Amend Senate Joint Resolution 3, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, by replacing lines 1 through 3 with the following:

"WHEREAS, Now, these people need coverage the most - when they have lost their health, their jobs, their income, and their health insurance; and"

[April 29, 2009]

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Haine moved that Senate Joint Resolution No. 3, as amended, be adopted.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Link	Rutherford
Bivins	Garrett	Luechtefeld	Sandoval
Bomke	Haine	Maloney	Schoenberg
Bond	Harmon	Martinez	Silverstein
Brady	Holmes	McCarter	Steans
Burzynski	Hultgren	Meeks	Sullivan
Collins	Hunter	Millner	Syverson
Crotty	Hutchinson	Munoz	Trotter
Dahl	Jacobs	Murphy	Viverito
DeLeo	Jones, E.	Noland	Wilhelmi
Delgado	Jones, J.	Pankau	Mr. President
Demuzio	Koehler	Radogno	
Dillard	Kotowski	Raoul	
Duffy	Lauzen	Righter	
Forby	Lightford	Risinger	

The motion prevailed.

And the resolution, as amended, was adopted.

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

Senator J. Jones moved that **Senate Joint Resolution No. 19**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator J. Jones moved that Senate Joint Resolution No. 19 be adopted.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Link	Rutherford
Bivins	Garrett	Luechtefeld	Sandoval
Bomke	Haine	Maloney	Schoenberg
Bond	Harmon	Martinez	Silverstein
Brady	Holmes	McCarter	Steans
Burzynski	Hultgren	Meeks	Sullivan
Collins	Hunter	Millner	Syverson
Crotty	Hutchinson	Munoz	Trotter
Dahl	Jacobs	Murphy	Viverito
DeLeo	Jones, E.	Noland	Wilhelmi
Delgado	Jones, J.	Pankau	Mr. President
Demuzio	Koehler	Radogno	
Dillard	Kotowski	Raoul	
Duffy	Lauzen	Righter	
Forby	Lightford	Risinger	

The motion prevailed.

And the resolution was adopted.

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

Senator Maloney moved that **Senate Joint Resolution No. 29**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Maloney offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE JOINT RESOLUTION 29**

AMENDMENT NO. 1. Amend Senate Joint Resolution 29 on page 2, line 11, by replacing "2" with "4".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Maloney moved that Senate Joint Resolution No. 29, as amended, be adopted.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Risinger
Bivins	Garrett	Link	Rutherford
Bomke	Haine	Luechtefeld	Sandoval
Bond	Harmon	Maloney	Schoenberg
Brady	Holmes	Martinez	Silverstein
Burzynski	Hultgren	McCarter	Steans
Collins	Hunter	Meeks	Sullivan
Crotty	Hutchinson	Millner	Syverson
Dahl	Jacobs	Munoz	Trotter
DeLeo	Jones, E.	Noland	Viverito
Delgado	Jones, J.	Pankau	Wilhelmi
Demuzio	Koehler	Radogno	Mr. President
Dillard	Kotowski	Raoul	
Forby	Lauzen	Righter	

The motion prevailed.

And the resolution, as amended, was adopted.

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

Senator Schoenberg moved that **Senate Joint Resolution No. 31**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Schoenberg moved that Senate Joint Resolution No. 31 be adopted.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Link	Rutherford
Bivins	Garrett	Luechtefeld	Sandoval
Bomke	Haine	Maloney	Schoenberg
Bond	Harmon	Martinez	Silverstein
Brady	Holmes	McCarter	Steans

[April 29, 2009]

Burzynski	Hultgren	Meeks	Sullivan
Collins	Hunter	Millner	Syverson
Crotty	Hutchinson	Munoz	Trotter
Dahl	Jacobs	Murphy	Viverito
DeLeo	Jones, E.	Noland	Wilhelmi
Delgado	Jones, J.	Pankau	Mr. President
Demuzio	Koehler	Radogno	
Dillard	Kotowski	Raoul	
Duffy	Lauzen	Righter	
Forby	Lightford	Risinger	

The motion prevailed.

And the resolution was adopted.

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

Senator Steans moved that **Senate Joint Resolution No. 36**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Steans offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE JOINT RESOLUTION 36**

AMENDMENT NO. 1. Amend Senate Joint Resolution 36 on page 3, lines 5 and 6, by replacing "or substantially equivalent standards" with ", the Green Globes standards, or construction elements with an equivalent certification".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Steans moved that Senate Joint Resolution No. 36, as amended, be adopted.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Righter
Bivins	Garrett	Link	Risinger
Bomke	Haine	Luechtefeld	Rutherford
Brady	Harmon	Maloney	Sandoval
Burzynski	Holmes	Martinez	Schoenberg
Collins	Hultgren	McCarter	Silverstein
Crotty	Hunter	Meeks	Steans
Dahl	Hutchinson	Millner	Sullivan
DeLeo	Jacobs	Munoz	Syverson
Delgado	Jones, E.	Murphy	Trotter
Demuzio	Jones, J.	Noland	Viverito
Dillard	Koehler	Pankau	Wilhelmi
Duffy	Kotowski	Radogno	Mr. President
Forby	Lauzen	Raoul	

The motion prevailed.

And the resolution, as amended, was adopted.

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

Senator Demuzio moved that **Senate Joint Resolution No. 42**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Demuzio moved that Senate Joint Resolution No. 42 be adopted.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Risinger
Bivins	Garrett	Luechtefeld	Rutherford
Bomke	Haine	Maloney	Sandoval
Brady	Harmon	Martinez	Schoenberg
Burzynski	Holmes	McCarter	Silverstein
Collins	Hultgren	Meeks	Steans
Crotty	Hunter	Millner	Sullivan
Dahl	Hutchinson	Munoz	Syverson
DeLeo	Jacobs	Murphy	Trotter
Delgado	Jones, E.	Noland	Viverito
Demuzio	Jones, J.	Pankau	Wilhelmi
Dillard	Koehler	Radogno	Mr. President
Duffy	Kotowski	Raoul	
Forby	Lauzen	Righter	

The motion prevailed.

And the resolution was adopted.

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

Senator Frerichs moved that **Senate Joint Resolution No. 44**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Frerichs moved that Senate Joint Resolution No. 44 be adopted.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Righter
Bivins	Garrett	Link	Risinger
Bomke	Haine	Luechtefeld	Rutherford
Brady	Harmon	Maloney	Sandoval
Burzynski	Holmes	Martinez	Schoenberg
Collins	Hultgren	McCarter	Silverstein
Crotty	Hunter	Meeks	Steans
Dahl	Hutchinson	Millner	Sullivan
DeLeo	Jacobs	Munoz	Syverson
Delgado	Jones, E.	Murphy	Trotter
Demuzio	Jones, J.	Noland	Viverito
Dillard	Koehler	Pankau	Wilhelmi
Duffy	Kotowski	Radogno	Mr. President
Forby	Lauzen	Raoul	

The motion prevailed.

And the resolution was adopted.

[April 29, 2009]

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

Senator Maloney moved that **House Joint Resolution No. 4**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Maloney moved that House Joint Resolution No. 4 be adopted.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Link	Rutherford
Bivins	Garrett	Luechtefeld	Sandoval
Bomke	Haine	Maloney	Schoenberg
Bond	Harmon	Martinez	Silverstein
Brady	Holmes	McCarter	Steans
Burzynski	Hultgren	Meeks	Sullivan
Collins	Hunter	Millner	Syverson
Crotty	Hutchinson	Munoz	Trotter
Dahl	Jacobs	Murphy	Viverito
DeLeo	Jones, E.	Noland	Wilhelmi
Delgado	Jones, J.	Pankau	Mr. President
Demuzio	Koehler	Radogno	
Dillard	Kotowski	Raoul	
Duffy	Lauzen	Righter	
Forby	Lightford	Risinger	

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

#### COMMITTEE MEETING ANNOUNCEMENT

Senator Delgado, Chairperson of the Committee on Public Health, announced the Public Health Committee would hold a "subject matter only" hearing on the H1N1 flu virus to begin at 5:30 o'clock p.m. in Room 409.

At the hour of 1:36 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, April 30, 2009, at 12:00 o'clock noon.