



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-SIXTH GENERAL ASSEMBLY**

**85TH LEGISLATIVE DAY**

**THURSDAY, FEBRUARY 18, 2010**

**12:15 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**85th Legislative Day**

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The Senate met pursuant to adjournment.  
 Senator Jeffrey M. Schoenberg, Evanston, Illinois, presiding.  
 Prayer by Pastor Bob Armstrong, Living Water Church, Springfield, Illinois.  
 Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, February 17, 2010, be postponed, pending arrival of the printed Journal.  
 The motion prevailed.

### LEGISLATIVE MEASURES FILED

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

Senate Committee Amendment No. 1 to Senate Bill 2485  
 Senate Committee Amendment No. 1 to Senate Bill 2494  
 Senate Committee Amendment No. 1 to Senate Bill 2583  
 Senate Committee Amendment No. 1 to Senate Bill 2627  
 Senate Committee Amendment No. 2 to Senate Bill 2951  
 Senate Committee Amendment No. 1 to Senate Bill 3021  
 Senate Committee Amendment No. 1 to Senate Bill 3549

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 934  
 Senate Floor Amendment No. 2 to Senate Bill 2602

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

Senate Floor Amendment No. 1 to House Bill 2376

### REPORT FROM STANDING COMMITTEE

Senator Kotowski, Chairperson of the Committee on Commerce, to which was referred **Senate Bill No. 2534**, reported the same back with the recommendation that the bill do pass.  
 Under the rules, the bill was ordered to a second reading.

### PRESENTATION OF RESOLUTIONS

#### SENATE RESOLUTION NO. 645

Offered by Senator Kotowski and all Senators:  
 Mourns the death of Germaine Rooney.

#### SENATE RESOLUTION NO. 646

Offered by Senator Wilhelmi and all Senators:  
 Mourns the death of Rose M. Pullara of Joliet.

#### SENATE RESOLUTION NO. 647

Offered by Senator Hunter and all Senators:  
 Mourns the death of Benita L. Carr.

**SENATE RESOLUTION NO. 648**

Offered by Senator Hunter and all Senators:  
Mourns the death of Mattie Blasingame-Townsend.

**SENATE RESOLUTION NO. 649**

Offered by Senator Haine and all Senators:  
Mourns the death of Charles William Eugene Simmons of East Alton.

**SENATE RESOLUTION NO. 650**

Offered by Senator E. Jones, III, and all Senators:  
Mourns the death of Melvin Simms, Sr.

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

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

**SENATE RESOLUTION NO. 651**

WHEREAS, Architects serve the public health, safety, and welfare of people by designing structures for a broad range of human activities and creating environments where individuals, groups, and communities may thrive; and

WHEREAS, The American Institute of Architects (AIA) is guided by duty and honor to serve architects, communities, and the public at large; and in the spirit of civic engagement and public service share the fundamental principles as fellow citizens and as the voice of the architecture profession in Illinois to achieve better, safer, more beautiful, and sustainable communities; and

WHEREAS, The American Institute of Architects has thereby established and sponsored Architecture Week each year to celebrate and increase awareness of great architecture and its impact around the world; and

WHEREAS, The State of Illinois boasts some of the world's most famous historical and contemporary architectural buildings and designed spaces, both rural and urban; historic and contemporary; homes and skyscrapers and everything in between; and

WHEREAS, The State of Illinois also had the nation's first licensed architects, who became some of the most notable and respected architects in American history; famous Illinois architects include Louis Sullivan, Frank Lloyd Wright, Daniel Burnham, Mies van der Rohe, and Buckminster Fuller, among many others; and

WHEREAS, The more than 4,000 architects and architectural interns of the State of Illinois have been called upon by the American Institute of Architects to participate in activities in the communities throughout the State during Architecture Week, April 12 through 18, 2010 and urge the citizens of Illinois to join with members of the organization by helping to improve our communities; and be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize and congratulate the members of the American Institute of Architects as they celebrate Architecture Week, April 12 through 18, 2010 and urge the citizens of Illinois to join with members of the organization by helping to improve our communities; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the American Institute of Architects, Illinois Council, as a symbol of our respect.

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

**SENATE RESOLUTION NO. 652**

WHEREAS, Ryan Harris was 11 years old when she went for a bike ride in the Englewood neighborhood of Chicago; she had just finished her household chores; and

WHEREAS, Ryan was taken to a nearby public lot, where she was brutally beaten and assaulted by a known sexual predator on July 28, 1998; her lifeless body was found after a community search; her killer was eventually convicted and received a life sentence; and

WHEREAS, To raise awareness for children's safety, Ryan's mother, Sabrina Harris, holds an annual picnic for children in that park, which has since been cleaned up and named for her daughter; and

WHEREAS, Homicide is the 2nd leading cause of death among 10-24 year olds in Illinois; violence is the leading cause of non-fatal injury among youth; and

WHEREAS, The State of Illinois has the highest youth violence and homicide rate in the Midwest and the 4th highest in the United States; it is of crucial importance to raise awareness of this issue; and

WHEREAS, The physical, mental, and emotional effects of physical assault on children and the members of the community in which they live can be incredibly damaging; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we designate July 26 - August 1, 2010 as "Ryan Harris: Hope for Children Week" in the State of Illinois to raise awareness of the need for youth violence prevention; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Sabrina Harris as a symbol of our support and respect for her.

Senators Luechtefeld – Brady – Dillard - Hultgren - McCarter and Syverson offered the following Senate Joint Resolution, which was ordered printed and referred to the Committee on Assignments:

**SENATE JOINT RESOLUTION NO. 103  
CONSTITUTIONAL AMENDMENT**

SC0103

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to add Section 13.5 to Article IV of the Illinois Constitution as follows:

ARTICLE IV  
THE LEGISLATURE

SECTION 13.5. LIMITATION ON LIABILITY FOR NON-ECONOMIC DAMAGES

(a) In this Section "economic damages" means compensatory damages for any pecuniary loss or damage. The term does not include any loss or damage for past, present, and future physical pain and suffering, mental anguish and suffering, loss of consortium, loss of companionship and society, disfigurement, or physical impairment.

(b) Notwithstanding any other provision of this constitution, the General Assembly may determine by statute the limit of liability for all damages and losses other than economic damages of a provider of medical or health care with respect to treatment, lack of treatment, or other claimed departure from an accepted standard of medical or health care or safety that is or is claimed to be a cause of or that

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contributes or is claimed to contribute to the disease, injury, or death of a person. This subsection (b) applies without regard to whether the claim or cause of action arises under or is derived from common law, a statute, or other law, including any claim or cause of action based or sounding in tort, contract, or any other theory or any combination of theories of liability. The claim or cause of action includes a medical or health care liability claim as defined by the legislature.

(c) This Section applies to any law enacted by the General Assembly on or after the effective date of this constitutional amendment.

(d) A legislative exercise of authority under subsection (b) of this Section requires a majority vote of all the members elected to each house and must include language citing this Section.

#### SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

Senators Radogno – Righter and Luechtefeld offered the following Senate Joint Resolution, which was ordered printed and referred to the Committee on Assignments:

#### SENATE JOINT RESOLUTION NO. 104 CONSTITUTIONAL AMENDMENT

SC0104

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Sections 2 and 3 of Article IV of the Illinois Constitution as follows:

#### ARTICLE IV THE LEGISLATURE

##### SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the General Assembly ~~by law~~ shall divide the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the third group, for terms of two years, four years and four years. The Legislative Districts in each group shall be distributed substantially equally over the State.

(b) ~~Each Legislative District shall be divided into two Representative Districts.~~ In 2012 ~~1982~~ and every two years thereafter one Representative shall be elected from each Representative District for a term of two years.

(c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial office with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

(e) No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly.

No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

(Source: Amendment adopted at general election November 4, 1980.)

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## SECTION 3. LEGISLATIVE REDISTRICTING

(a) On the second Tuesday in February in the year following each Federal decennial census year, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House, and the Minority Leader of the House may each, considering the diversity of the State, appoint two members to the Temporary Redistricting Advisory Commission. On or before the second Tuesday in March, one additional member shall be elected by a majority of the members appointed, and that member shall serve as Chair. Members of the Temporary Redistricting Advisory Commission shall not be eligible to be elected to the General Assembly or appointed to any office that is subject to confirmation by the Senate for ten years after completion of service on the Temporary Redistricting Advisory Commission. No person may serve as a member of the Temporary Redistricting Advisory Commission who is at the time of appointment, becomes at any time during service, or who was at any time during the preceding four years (i) a registered lobbyist in Illinois; (ii) an employee or contractor of the State of Illinois; (iii) an elected official of or a candidate for or appointed member of any elected body of: the federal government, the State, a unit of local government, a school district or a political party; or (iv) an immediate family member of any of the foregoing. As used in this Article IV, Section 3, "immediate family member" is a person with whom the person has a bona fide relationship established through close blood or legal kinship. If any member of the Temporary Redistricting Advisory Commission shall be unable to fulfill the duties required under this Section, then the person who appointed said member, or that person's successor, shall appoint a person to fill said vacancy within five days of the occurrence of the vacancy.

A meeting of a majority of a quorum of the Temporary Redistricting Advisory Commission shall be open to the public with at least twenty-four hour notice.

The Temporary Redistricting Advisory Commission shall have authority to hire independent private firms for any assistance. The Commission shall conduct at least five public hearings on separate days around five distinct geographic regions of the State before voting on any redistricting plans, and at least three of the hearings shall be after receipt of the data from the United States Census Bureau. Within three days after receipt of the data from the United States Census Bureau, the Commission shall make that data, together with redistricting software, available to the public.

(b) The Commission shall approve any redistricting plans by a majority vote of its members.

The Commission shall establish districts pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) Districts shall comply with all Federal laws and shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice.

(2) Districts shall be contiguous.

(3) Districts shall be substantially equal in population.

(4) Districts shall be compact.

(5) District boundaries shall, to the extent practical, follow visible geographic features and municipal boundaries.

(6) The plan shall not be drawn to purposefully or significantly favor or discriminate against any political party or group.

Party registration, voting history data and incumbency shall not be considered in the mapping process, except to evaluate compliance with the criteria listed in subsections (b)(1) and (b)(6). The Commission shall establish definitions where applicable for each of the criteria listed in subsections (b)(1)-(6).

A Representative District need not be entirely within a single Legislative District.

After preliminary approval of the redistricting plans, the Commission shall release the proposed plans to the public, conduct at least three public hearings around three distinct geographic regions of the State, and submit a report to the General Assembly. At any time prior to the submission of a plan under subsection (c), any member of the General Assembly or general public may submit a plan to be considered by the Commission and for public viewing. All documents submitted to or plans considered by the Commission shall be made available to the public within a reasonable time period.

(c) After conducting the required public hearings, the Commission shall approve by a majority vote a Representative redistricting plan by third Monday in May, which the Chair of the Commission shall deliver to the House of Representatives on the third business day after approval. The House must take a record vote to accept the plan by a House Resolution. The Resolution is adopted if it receives the affirmative vote of at least two-thirds of the members elected.

After conducting the required public hearings, the Commission shall approve by a majority vote a Senate redistricting plan by the third Monday in May, which the Chair of the Commission shall deliver to the Senate on the third business day after approval. The Senate must take a record vote to accept the

plan by a Senate Resolution. The Resolution is adopted if it receives the affirmative vote of at least two-thirds of the members elected.

Redistricting plans may not be amended by either chamber. An adopted redistricting resolution shall be filed with the Secretary of State by the presiding officer of the chamber that initiated the resolution. Each chamber shall have until the first Monday in June to file a resolution with the Secretary of State approving the redistricting plan.

(d) If a plan is not adopted by a chamber of the General Assembly, the Commission shall approve an alternative redistricting plan no later than third Monday in June, and the Chair of the Commission shall deliver that plan to the appropriate chamber of the General Assembly on the third business day after approval. The appropriate chamber of the General Assembly shall approve or reject that plan in the same manner established by subsection (c). Each chamber shall have until the first Monday in July to file a resolution with the Secretary of State approving the alternative redistricting plan.

(e) If a plan is not approved by a chamber of the General Assembly by the first Monday in July, the Commission shall approve by a majority one of the two previous plans submitted to the appropriate chamber of the General Assembly under subsections (c) and (d). The Chair of the Commission shall file the approved redistricting plan for the appropriate chamber with the Secretary of State not later than the third Monday in July.

(f) If at any time the Temporary Redistricting Advisory Commission fails to meet one of the deadlines set forth herein, the Chief Justice of the Supreme Court and a Supreme Court Judge chosen by the Judges of the Supreme Court who are not of the political party of the Chief Justice shall within ten days jointly appoint and certify to the Secretary of State one person to act as Special Master to generate any maps not previously approved. No person may serve as Special Master who is not eligible to serve on the Temporary Redistricting Advisory Commission. A person who serves as Special Master is not eligible to be elected to the General Assembly or appointed to any office that is subject to confirmation by the Senate for ten years after completion of service as a Special Master. A Special Master shall consider all redistricting plans delivered by or submitted to the Temporary Redistricting Advisory Commission, the Senate, or the House as applicable. The Special Master shall have authority to hire independent assistance, make available the data received from the United States Census Bureau, together with redistricting software, to the public within three days of receipt unless the Temporary Redistricting Advisory Commission has already done so; shall conduct at least five public hearings on separate days around five distinct geographic regions of the State after receipt of the data from the United States Census Bureau and before promulgating any preliminary redistricting plans, and shall hold at least three public hearings on separate days around three distinct geographic regions of the State after promulgating any preliminary redistricting plans and before finalizing any plan or plans. All documents submitted to or utilized by the Special Master shall be made available to the public within a reasonable amount of time. The Special Master shall file a redistricting plan complying with the criteria set forth in subsection 3(b) for the Legislative Districts and Representative Districts, as applicable, with the Secretary of State not later than September 30.

(a) Legislative Districts shall be compact, contiguous and substantially equal in population. Representative Districts shall be compact, contiguous, and substantially equal in population.

(b) In the year following each Federal decennial census year, the General Assembly by law shall redistrict the Legislative Districts and the Representative Districts.

If no redistricting plan becomes effective by June 30 of that year, a Legislative Redistricting Commission shall be constituted not later than July 10. The Commission shall consist of eight members, no more than four of whom shall be members of the same political party.

The Speaker and Minority Leader of the House of Representatives shall each appoint to the Commission one Representative and one person who is not a member of the General Assembly. The President and Minority Leader of the Senate shall each appoint to the Commission one Senator and one person who is not a member of the General Assembly.

The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission.

Not later than August 10, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.

If the Commission fails to file an approved redistricting plan, the Supreme Court shall submit the names of two persons, not of the same political party, to the Secretary of State not later than September 1.

Not later than September 5, the Secretary of State publicly shall draw by random selection the name of one of the two persons to serve as the ninth member of the Commission.

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~~Not later than October 5, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.~~

(g) ~~An approved~~ redistricting resolution or redistricting plan filed with the Secretary of State shall be presumed valid, shall have the force and effect of law and shall be published promptly by the Secretary of State.

The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate, which shall be initiated in the name of the People of the State by the Attorney General.

(Source: Amendment adopted at general election November 4, 1980.)

#### SCHEDULE

The State Board of Elections shall proceed, as soon as all the returns are received but no later than 31 days after the election, to canvass the votes given for and against this Constitutional Amendment, as shown by the abstracts of votes cast. If this Constitutional Amendment is approved by either three-fifths of those voting on the question or a majority of those voting in the election, then the State Board of Elections shall declare the adoption of this Constitutional Amendment and it shall, upon declaration of its adoption, take effect and become a part of the Constitution of this State. This Schedule supersedes and applies notwithstanding any statute to the contrary, and no other requirements, including without limitation proclamation of the results of the vote or notice by publication, are necessary for its effectiveness. This Constitutional Amendment applies to redistricting beginning in 2011 for the election of members of the General Assembly beginning in 2012.

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

#### SENATE JOINT RESOLUTION NO. 105

WHEREAS, Agricultural pesticide products in Illinois have been proven to protect and improve crop yield by controlling weed competition, protecting against insect damage, and enhancing plant health; and

WHEREAS, The application of these products by licensed professionals contributes significantly to the Illinois agricultural industry's ability to improve farm receipts and economic output despite the fact that crop acreage in Illinois continues to be lost to urban development; and

WHEREAS, The specialty crop industry, which includes vineyards, organic farms, fruit and vegetable farms, horticultural operations, and bee apiaries, is also a vital and growing sector of the State's agricultural industry; and

WHEREAS, Some of these specialty crops are particularly sensitive to some agricultural pesticides commonly used in grain production; and

WHEREAS, Both the modern grain production industry and the specialty crop industry have expressed a desire to find a method to better communicate the presence and location of sensitive crops in order to avoid conflicts or misunderstandings regarding pesticide applications made near these sensitive crops and to avoid any potential drift scenarios; and

WHEREAS, The Illinois Department of Agriculture, in cooperation with the agrichemical industry, is in the process of implementing a comprehensive internet-based geographic information system that will allow specialty growers to voluntarily share the physical location of their production areas with the agrichemical industry in order to assist the agrichemical industry in further minimizing and mitigating the potential for pesticide drift onto these crops; and

WHEREAS, This internet-based geographic information system will be used not only in Illinois, but also in Indiana, Ohio, Michigan, Wisconsin, and Minnesota, and its implementation will be initially funded by the Region 5 USEPA in order to avoid excessive cost to the Illinois Department of Agriculture, the State of Illinois, and all agricultural producers; and

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WHEREAS, Growers of sensitive crops may voluntarily use this system to identify their locations and provide helpful written information regarding the potential for certain types of pesticides to cause harm to their specific crops if drift occurs; and

WHEREAS, Information regarding this system and its mapping capabilities will be integrated into the University of Illinois Extension Service Pesticide Safety Education Program; its capabilities will, thus, be demonstrated to all licensed pesticide applicators; and its use will be encouraged so that these potentially sensitive locations can be integrated into the software systems used by ground and aerial applicators in order to highlight property boundaries around sensitive crops and avoid the potential for drift; and

WHEREAS, The agrichemical industry, the specialty and organic crop industry, bee apiary owners, the Illinois Department of Agriculture, and the University of Illinois Extension support the implementation, application, and use of this system; 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 Illinois Department of Agriculture to implement this internet-based geographic information system in order to help identify sensitive crops, foster meaningful communication between specialty growers and pesticide applicators, lessen the likelihood of pesticide drift in the agricultural community, and protect the interests of all parties involved in production agriculture; and be it further

RESOLVED, That the Director of Agriculture shall provide a report regarding the implementation of this internet-based geographic information system to the Secretary of the Senate and the Clerk of the House of Representatives by December 31, 2010; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Director of Agriculture.

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

**House Bill No. 4675**, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 4775**, sponsored by Senator Silverstein, was taken up, read by title a first time and referred to the Committee on Assignments.

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

On motion of Senator Garrett, **Senate Bill No. 2350**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bomke, **Senate Bill No. 2488**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 2504**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Wilhelmi, **Senate Bill No. 2507**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 2508**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 2509**, having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Haine, **Senate Bill No. 2520**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 2523**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2527**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 2533**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **Senate Bill No. 2537** having been printed, was taken up, read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Assignments.

Senator Maloney offered the following amendment and moved its adoption:

**AMENDMENT NO. 2 TO SENATE BILL 2537**

AMENDMENT NO. 2. Amend Senate Bill 2537 on page 10, lines 25 and 26, by deleting "chief school business official experience".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Maloney, **Senate Bill No. 2538**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Wilhelmi, **Senate Bill No. 2540**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **Senate Bill No. 2545**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2551**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 2556** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 2556**

AMENDMENT NO. 1. Amend Senate Bill 2556 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by adding Section 3.103 as follows:  
(415 ILCS 5/3.103 new)

Sec. 3.103. 100-year floodplain. "100-year floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, that are inundated by a flood that has a 1% or greater chance of recurring in any given year or a flood of a magnitude equalled or exceeded once in 100 years on the average over a significantly long period. For the purposes of this Act, including for the purposes of granting permit and license applications filed or pending prior to the effective date of this amendatory Act of the 96th General Assembly, an area shall be deemed by operation of law not to be within the 100-year floodplain if the area lies within an area protected by a levee or levees located in a flood prevention district established by the Flood Prevention District Act. To the extent that Executive Order 2006-5 is inconsistent with the provisions of this amendatory Act of the 96th General Assembly, the provisions of this amendatory Act shall govern.

Section 10. The Livestock Management Facilities Act is amended by adding Section 10.3 as follows:  
(510 ILCS 77/10.3 new)

Sec. 10.3. 100-year floodplain. "100-year floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, that are inundated by a flood that has a 1% or greater chance of recurring in any given year or a flood of a magnitude equalled or exceeded once in 100 years on the average over a significantly long period. For the purposes of this Act, including for the purposes of granting permit and license applications filed or pending prior to the effective date of this amendatory Act of the 96th General Assembly, an area shall be deemed by operation of law not to be within the 100-year floodplain if the area lies within an area protected by a levee or levees located in a flood prevention district established by the Flood Prevention District Act. To the extent that Executive Order 2006-5 is inconsistent with the provisions of this amendatory Act of the 96th General Assembly, the provisions of this amendatory Act shall govern.

Section 15. The Rivers, Lakes, and Streams Act is amended by adding Section 18h and by changing Sections 18f and 18g as follows:

(615 ILCS 5/18f) (from Ch. 19, par. 65f)

Sec. 18f.

(a) The Department of Natural Resources shall define 100-year floodplains ~~flood plains~~ within the State of Illinois on a township by township basis and may issue permits for any construction within such 100-year floodplains ~~flood plains~~ on or after the effective date of this amendatory Act of 1971. The Department shall publish and distribute suitable reports, together with mapping and hydrologic exhibits pertaining to 100-year floodplains ~~flood plains~~ defined and established under this Act. In defining applicable 100-year floodplains ~~flood plains~~, the Department shall cooperate with, and shall consider planning and zoning requirements of, regional planning agencies created by statute, counties, municipalities and other units of government. A period of thirty days shall be allowed for any agency to submit written comments to the Department regarding any proposed 100-year floodplain ~~flood plain~~ area. If such agency fails to return comments to the Department within the specified time period the Department may proceed with the publication and institution of the 100-year floodplain ~~flood plain~~ permit procedure. The Department is charged with the planning, development, and evaluation of the most economic combination of retention storage, channel improvement, and floodplain ~~flood plain~~ preservation in defining and establishing 100-year floodplain ~~flood plain~~ areas. All construction undertaken on a defined 100-year floodplain ~~flood plain~~ subsequent to the effective date of this amendatory Act, without benefit of a permit from the Department of Natural Resources, shall be unlawful and the Department, may in its discretion, proceed to obtain injunctive relief for abatement or removal of such unlawful construction. The Department, in its discretion, may make such investigations and conduct such hearings as may be necessary to the performance of its duties under this amendatory Act of 1971. Activity of the Department under this Section shall be limited to townships related to projects of the Department authorized by the General Assembly. The report of the Department shall be considered a final administrative decision and subject to judicial review in accordance with the provision of the Administrative Review Law.

(b) For the purposes of this Section, including for the purposes of granting permit and license applications filed or pending prior to the effective date of this amendatory Act of the 96th General Assembly, "100-year floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, that are inundated by a flood that has a 1% or greater chance of recurring in any given year or a flood of a magnitude equalled or exceeded once in 100 years on the average over a significantly long period. For the purposes of this Section, an area shall be deemed by operation of law not to be within the 100-year floodplain if the area lies within an area protected by a levee or levees located in a flood prevention district established by the Flood Prevention District Act.

(Source: P.A. 89-445, eff. 2-7-96.)

(615 ILCS 5/18g) (from Ch. 19, par. 65g)

Sec. 18g. (a) The Department of Natural Resources shall define the 100-year floodway within metropolitan counties located in the area served by the Northeastern Illinois Planning Commission, except for the part of that area which is within any city with a population exceeding 1,500,000. In defining the 100-year floodway, the Department may rely on published data and maps which have been prepared by the Department itself, by the Illinois State Water Survey of the University of Illinois, by federal, State or local governmental agencies, or by any other private or public source which it determines to be reliable and appropriate.

[February 18, 2010]

(b) The Department may issue permits for construction that is an appropriate use of the designated 100-year floodway in such metropolitan counties. If a unit of local government has adopted an ordinance that establishes minimum standards for appropriate use of the floodway that are at least as restrictive as those established by the Department and this Section, and the unit of local government has adequate staff to enforce the ordinance, the Department may delegate to such unit of local government the authority to issue permits for construction that is an appropriate use of the floodway within its jurisdiction.

(c) No person may engage in any new construction within the 100-year floodway as designated by the Department in such metropolitan counties, unless such construction relates to an appropriate use of the floodway. No unit of local government, including home rule units, in such metropolitan counties may issue any building permit or other apparent authorization for any prohibited new construction within the 100-year floodway.

(d) For the purpose of this Section, including for the purposes of granting permit and license applications filed or pending prior to the effective date of this amendatory Act of the 96th General Assembly:

(1) "100-year floodway" means the channel and that portion of the 100-year floodplain adjacent to a stream or watercourse which is needed to store and convey the 100-year frequency flood discharge without a significant increase in stage.

(1.5) "100-year floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, that are inundated by a flood that has a 1% or greater chance of recurring in any given year or a flood of a magnitude equalled or exceeded once in 100 years on the average over a significantly long period.

(2) "New construction" means the construction of any new building or structure or the placement of any fill or material, but does not include the repair, remodeling or maintenance of buildings or structures in existence on the effective date of this amendatory Act of 1987.

(3) "Appropriate use of the floodway" means use for (i) flood control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding or erosion; (ii) structures or facilities relating to the use of, or requiring access to, the water or shoreline, including pumping and treatment facilities, and facilities and improvements related to recreational boats, commercial shipping and other functionally dependent uses; and (iii) any other purposes which the Department determines, by rule, to be appropriate to the 100-year floodway, and the periodic inundation of which will not pose a danger to the general health and welfare of the user, or require the expenditure of public funds or the provision of public resources or disaster relief services. Appropriate use of the floodway does not include construction of a new building unless such building is a garage, storage shed or other structure accessory to an existing building and such building does not increase flood stages.

(4) "Person" includes natural persons, corporations, associations, governmental entities, and all other legal entities.

(e) All construction undertaken on a designated 100-year floodway in such metropolitan counties, without benefit of a permit from the Department of Natural Resources, shall be unlawful and the Department or any affected unit of local government may, in its discretion, proceed to obtain injunctive relief for abatement or removal of such unlawful construction. The Department, in its discretion, may make such investigations and conduct such hearings and adopt such rules as may be necessary to the performance of its duties under this Section.

(f) This Section does not limit any power granted to the Department by any other Act.

(g) This Section does not limit the concurrent exercise by any unit of local government of any power consistent herewith.

(h) This Section does not apply to any city with a population exceeding 1,500,000.

(Source: P.A. 95-728, eff. date - See Sec. 999.)

(615 ILCS 5/18h new)

Sec. 18h. Conflicts with Executive Order 2006-5. To the extent that Executive Order 2006-5 is inconsistent with the provisions of this amendatory Act of the 96th General Assembly, the provisions of this amendatory Act shall govern.

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

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

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On motion of Senator Sullivan, **Senate Bill No. 2566** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 2566**

AMENDMENT NO. 1. Amend Senate Bill 2566 on page 4, line 17, by inserting after the period the following:

"Non-highway or recreational off-highway vehicles, as used in this subsection (h), operated on a county or township roadway at any time between one-half hour before sunset and one-half hour after sunrise must be equipped with head lamps and tail lamps, and the head lamps and tail lamps must be lighted."

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

On motion of Senator Koehler, **Senate Bill No. 2579**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Luechtefeld, **Senate Bill No. 2589**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 2602** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 2602**

AMENDMENT NO. 1. Amend Senate Bill 2602 by replacing everything after the enacting clause with the following:

"Section 5. The Structural Pest Control Act is amended by changing Sections 3.03, 3.09, 3.11, 4, 5.01, 6, 7, 9, 10.3, 13, 21, 21.1, and 22 as follows:

(225 ILCS 235/3.03) (from Ch. 111 1/2, par. 2203.03)

(Section scheduled to be repealed on December 31, 2019)

Sec. 3.03. "Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois, or department thereof, any other state-owned and operated institution, public school, licensed day care center, or any other entity.

(Source: P.A. 82-725; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/3.09) (from Ch. 111 1/2, par. 2203.09)

(Section scheduled to be repealed on December 31, 2019)

Sec. 3.09. "Structural Pest Control" means and includes the ~~on-site identification of an infestation in, on or under a structure or the use of any method or device or the application of any substance to prevent, repel, mitigate, curb, control, or eradicate any pest in, on, or under, or around a structure, or within a part of, or materials used in building, a structure; the use of any pesticide, including insecticides, fungicides and other wood treatment products, attractants, repellents, rodenticides, fumigants, or mechanical devices for preventing, controlling, eradicating, identifying, mitigating, diminishing, or curbing insects, vermin, rats, mice, or other pests in, on, or under, or around a structure, or within a part of, or materials used in building, a structure; vault fumigation and fumigation of box cars, trucks, ships, airplanes, docks, warehouses, and common carriers or soliciting to perform any of the foregoing functions. Notwithstanding any other law, an applicator who is licensed or certified under the Illinois Pesticide Act may not engage in structural pest control as defined in this Act unless the applicator is also licensed and certified under this Act.~~

(Source: P.A. 85-227; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/3.11) (from Ch. 111 1/2, par. 2203.11)

(Section scheduled to be repealed on December 31, 2019)

Sec. 3.11. "Commercial Structural Pest Control Business" means any business in the course of which any person performs, advertises, or contracts to perform structural pest control services on property under the ownership or control of another in exchange for any consideration.

[February 18, 2010]

(Source: P.A. 82-725; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/4) (from Ch. 111 1/2, par. 2204)

(Section scheduled to be repealed on December 31, 2019)

Sec. 4. Licensing and registration location requirements.

(a) It shall be unlawful for any person to engage in a commercial structural pest control business at any location in this State ~~after October 21, 1977,~~ or within Illinois from any location outside of this State, unless such person is licensed by the Department. A person shall have a separate license for each commercial structural pest control business location. ~~It shall also be unlawful for any person to engage in a commercial pest control business in Illinois from any location outside this State unless such person is licensed by this Department.~~ The licensee may use its state identification number in all forms of advertising.

(b) It shall be unlawful for any person who owns or operates a non-commercial structural pest control location to engage in non-commercial structural pest control using restricted pesticides in this State ~~after October 21, 1977,~~ unless registered as a non-commercial structural pest control location by the Department.

(c) No person shall be licensed or registered as a commercial or non-commercial structural pest control business at any location without complying with the certification requirements as prescribed in Section 5 of this Act.

(d) If a licensee or registrant changes its location of operation during the year of issuance, the Department shall be notified in writing of the new location within 15 days. The license or registration shall accompany the notification along with the fee as prescribed in Section 9 of this Act, be surrendered and, upon receipt, a replacement will be issued by the Department ~~for a fee of \$10.~~

(e) All licenses and registrations issued under this Act shall expire on December 31 of the year issued, except that an original license or registration issued after October 1 and before December 31 shall expire on December 31 of the following year. A license or registration may be renewed by filing with the Department a completed renewal application form as prescribed by rule, including payment of the fee as prescribed in Section 9 of this Act, and may be postmarked no later than the December 1 preceding the date of expiration. Applications received by the Department that are postmarked after December 1 up to and including December 31 shall be accompanied by the required late filing charge as prescribed in Section 9 of this Act. License or registration applications that are postmarked after December 31 will not be eligible for renewal. A license or registration may be renewed by making application on a form prescribed by the Department and by paying the fee required by this Act. Renewal applications shall be filed with the Department prior to December 1 of each year.

(f) No license or registration shall be transferable from one person to another.

(g) No person shall be licensed as a commercial structural pest control business location without complying with the insurance requirements of Section 9 of this Act.

(Source: P.A. 83-825; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/5.01) (from Ch. 111 1/2, par. 2205.01)

(Section scheduled to be repealed on December 31, 2019)

Sec. 5.01. Reciprocity.

(a) Upon payment of the required fee as prescribed in Section 9 of this Act, a person who is certified or licensed as a structural pest control technician by a contiguous state or the federal government may apply for reciprocal certification without examination by the Department in those sub-categories or areas for which the applicant holds certification or licensure by the contiguous state or the federal government.

(b) In order to receive reciprocal certification under subsection (a) of this Section, the requirements for the certification or licensure by the contiguous state or the federal government must have been, at the date of the certification or licensure, substantially equivalent to the requirements then in force in this State, as determined by the Department. Upon the payment of the required fee, an applicant who is certified in another state, may, without examination, be granted a certificate as a certified structural pest control technician by the Department in those sub-categories for which he has been certified by another state, provided that the Department finds that the requirements for certification of structural pest control technicians in that state were, at the date of certification, substantially equal to the requirements then in force in this State and provided that the same privilege of certification is similarly granted by said state to technicians certified by the State of Illinois.

(Source: P.A. 82-725; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/6) (from Ch. 111 1/2, par. 2206)

(Section scheduled to be repealed on December 31, 2019)

Sec. 6. Renewal of technician certification ~~Certificate renewal~~.

(a) A certified technician's certificate shall be valid for a period of 3 years expiring on December 31 of

the third year, except that an original certificate issued between October 1 and December 31 shall expire on December 31 of the third full calendar year following issuance and must be renewed by January 1 of each third year. A certificate may be renewed by application upon a form prescribed by the Department, provided that the certified technician furnishes the following:

(1) a renewal application filed with the Department postmarked no later than December 1 preceding the date of expiration;

(2) evidence attached to the renewal, or on file with the Department, of acquiring, that he has attended during the 3 year period, a minimum of 9 classroom hours, in increments of 3 hours or more, of training at Department approved pest control training seminars; and

(3) the required fee as prescribed in Section 9 of this Act and pays the fee required by this Act. Renewal applications shall be filed with the Department prior to December 1 preceding the date of expiration.

Applications received by the Department postmarked after December 1 shall be accompanied by the required late filing charge as prescribed in Section 9 of this Act.

(b) Certified technician's certificates are not transferable from one person to another person, and no licensee or registrant shall use the certificate of a certified technician to secure or hold a license or registration unless the holder of such certificate is actively engaged in the direction of pest control operations of the licensee or registrant.

(c) A certified technician who has not renewed his or her certificate for a period of not more than one year after its expiration may secure a renewal upon payment of the renewal fee and a late filing charge and the furnishing of evidence of training in accordance with item (2) of subsection (a) of this Section as may be required by the Department. If a technician has not renewed his or her certificate for a period of more than one year after its expiration, the technician he shall file an original application for examination, pay all required fees, which may include renewal, examination, and late filing charges, and successfully pass the examination before his or her certificate is renewed. Any individual who fails to renew a certification by the date of expiration shall not perform any pest control activities until the requirements of this Section have been met and a certificate has been issued by the Department.

(Source: P.A. 93-922, eff. 1-1-05; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/7) (from Ch. 111 1/2, par. 2207)

(Section scheduled to be repealed on December 31, 2019)

Sec. 7. Written examination required. The Department shall adopt rules for any examinations required for the proper administration of this Act, including any category or sub-category examination involving the use of general or restricted use pesticides and any examination which may be required under Category 7, Industrial, Institutional, Structural, and Health Related Pest Control, or Category 8, Public Health Pest Control (excluding Mosquito Pest Control), in the rules adopted by the Department of Agriculture in Section 250.120 of Title 8 of the Illinois Administrative Code. Applications for examination shall be in the form prescribed by the Department, and shall be accompanied by the required fee as prescribed in Section 9 of this Act, and received by the Department at least 15 days prior to an examination. The Department shall conduct written examinations at least 4 times each year and may require a practical demonstration by each applicant. The written examination shall be prepared from suggested study materials.

All applicants shall be tested and required to attain a passing grade on a General Standards examination which evaluates their general knowledge of label and labeling comprehension, safety, environment, equipment, application techniques, laws and regulations, and pests and pesticides. Applicants who pass the General Standards examination may also, if qualified, be examined in any one or more of the other sub-categories in which they desire to use restricted pesticides:

(a) Insects (excluding termites and other wood destroying organisms), rodents and other pests including those pests in food manufacturing, food processing, food storage and grain handling;

(b) Termites and other wood destroying organisms;

(c) Bird control;

(d) Fumigation;

(e) Food manufacturing, food processing and food storage facilities;

(f) Institutional and multi-unit residential housing pest control;

(g) Public health pest control; and

(h) Wood products pest control, which includes the application of restricted use wood treatment pesticides by individuals working for commercial wood treatment companies or non-commercial wood treatment plants using pressure, as well as nonpressure, treatment methods to control or prevent wood degradation by wood destroying organisms which include but are not limited to insects, and by fungi or bacteria which cause surface molding, surface staining, sap staining, brown rot, white rot and soft rot.

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~~An applicant who is examined and certified in sub-categories (a), (b), (c), (d) and (h) shall be qualified to use restricted pesticides in performing structural pest control activities in commercial and non-commercial structural pest control in those sub-categories in which he has been certified.~~

~~An applicant who is examined and certified in sub-categories (e), (f), or (g) shall be permitted to apply restricted pesticides only to structures of the non-commercial structural pest control registrant of which he is an employee.~~

(Source: P.A. 85-227; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/9) (from Ch. 111 1/2, par. 2209)

(Section scheduled to be repealed on December 31, 2019)

Sec. 9. Fees and required insurance.

(a) The fees required by this Act are as follows:

(1) The fee for an original commercial structural pest control business license is \$250; and the fee for the renewal of that license is \$150.

(2) The fee for an original non-commercial structural pest control business registration is \$200; and the fee for the renewal of that registration is \$125.

(3) The fee for an application for examination as a certified technician, including an original certificate, is \$75; and the fee for the renewal of that certification is \$75.

(4) The fee for an application for examination in sub-categories not previously examined or for reexamination as a certified technician in areas previously failed is \$50.

(5) The fee for the replacement of a license, registration, or certification is \$25.

(6) The late filing charge for any license, registration, or certification is \$75.

(7) The fee for multiple copies of this Act and regulations or for any category or sub-category specific training materials is \$5 per copy.

~~(a) For an original license and each renewal—\$100.~~

~~(b) For an original registration and each renewal—\$50.~~

~~(c) For each certificate renewal—\$40.~~

~~(d) For an application for examination including an original certificate—\$40.~~

~~(e) Any person who fails to file a renewal application by the date of expiration of a license, certification or registration shall be assessed a late filing charge of \$75.~~

~~(f) For duplicate copies of certificates, licenses or registrations—\$10.~~

All fees shall be paid by check or money order. Any fee required by this Act is not refundable in the event that the original application or application for renewal is denied.

(b) Every application for an original commercial structural pest control business location license shall be accompanied by a certificate of insurance issued by an insurance company authorized to do business in the State of Illinois or by a risk retention or purchasing group formed pursuant to the federal Liability Risk Retention Act of 1986, which provides primary, first dollar public liability coverage of the applicant or licensee for personal injuries for not less than \$100,000 per person, or \$300,000 per occurrence, and, in addition, for not less than \$50,000 per occurrence for property damage, resulting from structural pest control. The insurance policy shall be in effect at all times during the license year and a new certificate of insurance shall be filed with the Department within 30 days after the renewal of the insurance policy. Each application for renewal of a commercial structural pest control location license shall also include a certificate of insurance as detailed above unless a valid certificate of insurance is already on file with the Department. Applicants for registration or registration renewal shall not be required to provide evidence of public liability insurance coverage.

All administrative civil fines and fees collected pursuant to this Act shall be deposited into the Pesticide Control Fund established pursuant to the Illinois Pesticide Act. The amount annually collected as administrative civil fines and fees shall be appropriated by the General Assembly to the Department for the purposes of conducting a public education program on the proper use of pesticides and for other activities related to enforcement of this Act and the Illinois Pesticide Act.

(Source: P.A. 87-703; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/10.3)

(Section scheduled to be repealed on December 31, 2019)

Sec. 10.3. Notification. School districts and day care centers must maintain a registry of parents and guardians of students and employees who have registered to receive written or telephonic notification prior to application of pesticides to school property or day care centers or provide written or telephonic notification to all parents and guardians of students before such pesticide application. Written notification may be included in newsletters, bulletins, calendars, or other correspondence currently published by the school district or day care center. The written or telephonic notification must be given at least 2 business days before application of the pesticide application and should identify the intended

date of the application of the pesticide and the name and telephone contact number for the school or day care center personnel responsible for the pesticide application program. Prior ~~written~~ notice shall not be required if there is an imminent threat to health or property. If such a situation arises, the appropriate school or day care center personnel must sign a statement describing the circumstances that gave rise to the health threat and ensure that written or telephonic notice is provided as soon as practicable. For purposes of this Section, pesticides subject to notification requirements shall not include (i) an antimicrobial agent, such as disinfectant, sanitizer, or deodorizer, or (ii) insecticide baits and rodenticide baits.

(Source: P.A. 93-381, eff. 7-1-04; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/13) (from Ch. 111 1/2, par. 2213)

(Section scheduled to be repealed on December 31, 2019)

Sec. 13. Violations of the Act. It is a violation of this Act and the Department may suspend, revoke, or refuse to issue or renew any certificate, registration, or license, in accordance with Section 14 of this Act, upon proof of any of the following:

- (a) Violation of this Act or any rule or regulation promulgated hereunder.
- (b) Conviction of a certified technician, registrant, or licensee of a violation of any provision of this Act or of pest control laws in any other state, or any other laws or rules and regulations adopted thereto relating to pesticides.
- (c) Knowingly making false or fraudulent claims, misrepresenting the effects of materials or methods or failing to use methods or materials suitable for structural pest control.
- (d) Performing structural pest control in a careless or negligent manner so as to be detrimental to health.
- (e) Failure to supply within a reasonable time, upon request from the Department or its authorized representative, true information regarding methods and materials used, work performed, or other information essential to the administration of this Act.
- (f) Fraudulent advertising or solicitations relating to structural pest control.
- (g) Aiding or abetting a person to evade any provision of this Act, conspiring with any person to evade provisions of this Act or allowing a license, permit, certification, or registration to be used by another person.
- (h) Impersonating any federal, state, county, or city official.
- (i) Performing structural pest control, utilizing, or authorizing the use or sale of, pesticides which are in violation of the FIFRA, or the Illinois Pesticide Act.
- (j) Failing to comply with a written Department notice or lawful order of the Director.

(Source: P.A. 85-177; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/21) (from Ch. 111 1/2, par. 2221)

(Section scheduled to be repealed on December 31, 2019)

Sec. 21. Penalty. Any person who violates this Act or any rule or regulation adopted by the Department, or who violates any determination or order of the Department under this Act shall be guilty of a Class A misdemeanor and shall be fined a sum of not more less than \$2,500, serve a jail term of up to 1 day less than 1 year in jail, or both \$400.

Each day's violation constitutes a separate offense. The State's Attorney of the county in which the violation occurred or the Attorney General shall bring such actions in the name of the people of the State of Illinois.

(Source: P.A. 82-725; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/21.1) (from Ch. 111 1/2, par. 2221.1)

(Section scheduled to be repealed on December 31, 2019)

Sec. 21.1. Administrative Civil Fines. The Department is empowered to assess administrative civil fines in accordance with Section 15 of this Act against a licensee, registrant ~~or certified technician~~ person, public school, licensed day care center, or other entity for violations of this Act or its rules and regulations. These fines shall be established by the Department by rule and may be assessed in addition to, or in lieu of, license, registration, or certification suspensions and revocations. ~~Rules to implement this Section shall be proposed by the Department by January 1, 1993.~~

~~The amount of these fines shall be determined by the hearing officer upon determination that a violation or violations of the Act or rules has occurred.~~ Any fine assessed and not paid within 60 days after receiving ~~of~~ notice from the Department may be submitted to the Attorney General's Office, or any other public or private agency, for collection of the amounts owed plus any fees and costs incurred during the collection process. Failure to pay a fine shall also be grounds for immediate suspension or revocation of a license, registration, or certification issued under this Act.

(Source: P.A. 87-703; reenacted by P.A. 95-786, eff. 8-7-08.)

[February 18, 2010]

(225 ILCS 235/22) (from Ch. 111 1/2, par. 2222)

(Section scheduled to be repealed on December 31, 2019)

Sec. 22. Scope of Act). The provisions of this Act apply to any structural pest control operations performed by the State or agency thereof. However, the Department of Public Health State or agency thereof or any local health department unit of local government shall not be required to pay any fees, nor shall the employees thereof engaged in pest control activities in their official capacity be required to pay any fees for examination, certification, or renewal of certification in the sub-categories of either (f) or (g) specified in Section 7 of this Act.

This Act does not apply to any person certified by the Illinois Department of Agriculture to use restricted pesticides in structures on his own individual property.

(Source: P.A. 82-725; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/5.02 rep.)

Section 10. The Structural Pest Control Act is amended by repealing Section 5.02.

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

Senate Floor Amendment No. 2 was referred to the Committee on Assignments earlier today.

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

On motion of Senator Althoff, **Senate Bill No. 2603**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **Senate Bill No. 2604**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **Senate Bill No. 2614**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **Senate Bill No. 2622**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, **Senate Bill No. 2801**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 2807**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Viverito, **Senate Bill No. 2804**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **Senate Bill No. 2952**, having been printed, was taken up, read by title a second time and ordered to a third reading.

#### LEGISLATIVE MEASURES FILED

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

Senate Committee Amendment No. 1 to Senate Bill 2544

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 2476

Senate Floor Amendment No. 1 to Senate Bill 2505

[February 18, 2010]

At the hour of 12:58 o'clock p.m., Senator DeLeo, presiding.

### REPORTS FROM STANDING COMMITTEE

Senator Muñoz, Chairperson of the Committee on Executive Appointments, moved that the Senate resolve itself into Executive Session to consider the report of that Committee relative to the Governor's Message appointments.

The motion prevailed.

### EXECUTIVE SESSION

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of September 2, 2009, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

#### Education Labor Relations Board

Ettinger, Ron – Appointed June 1, 2004 to a 4 year term which ended June 1, 2008

Prueter, Michael – Appointed June 1, 2004 to a 4 year term which ended June 1, 2008

Robinson, Jimmie – Appointed June 1, 2004 to a 4 year term which ended June 1, 2008

Lamont, Bridget – Appointed June 1, 2004 to a 6 year term that that ends June 1, 2010

Sered, Lynne – Appointed June 1, 2004 to a 6 year term that ends June 1, 2010

Senator Muñoz moved that the Senate advise and consent to the foregoing appointments. And on that motion, a call of the roll was had resulting as follows:

YEAS 38; NAYS 13; Present 1.

The following voted in the affirmative:

Althoff	Forby	Koehler	Raoul
Bond	Frerichs	Kotowski	Sandoval
Clayborne	Garrett	Lauzen	Steans
Collins	Haine	Lightford	Sullivan
Cronin	Harmon	Link	Trotter
Crotty	Holmes	Luechtefeld	Viverito
DeLeo	Hunter	Maloney	Wilhelmi
Delgado	Hutchinson	Martinez	Mr. President
Demuzio	Jacobs	Muñoz	
Dillard	Jones, E.	Noland	

The following voted in the negative:

Bivins	Duffy	Pankau	Syverson
Brady	Hultgren	Radogno	
Burzynski	Jones, J.	Righter	
Dahl	McCarter	Risinger	

The following voted present:

Schoenberg

The motion prevailed.

[February 18, 2010]

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of December 3, 2009, reported the same back with the recommendation that the Senate advise and consent to the following appointment:

**PUBLIC HEALTH, ILLINOIS DEPARTMENT OF**

To be Assistant Director of the Department of Public Health for a term commencing December 7, 2009 and ending January 17, 2011:

Teresa Garate  
Salaried

Senator Muñoz moved that the Senate advise and consent to the foregoing appointment. And on that motion, a call of the roll was had resulting as follows:

YEAS 53; NAYS None.

The following voted in the affirmative:

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

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointment.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of November 13, 2009, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

**STATE BOARD OF HEALTH**

To be a Member of the State Board of Health for a term commencing November 6, 2009 and ending November 1, 2010:

Dr. Mohammed Zaher Sahloul  
Non-Salaried

To be a Member of the State Board of Health for a term commencing November 6, 2009 and ending November 1, 2011:

Dr. Caswell Evans  
Non-Salaried

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To be a Member of the State Board of Health for a term commencing November 6, 2009 and ending November 1, 2011:

Kevin Hutchinson  
Non-Salaried

To be a Member of the State Board of Health for a term commencing November 6, 2009 and ending November 1, 2011:

Dr. David McCurdy  
Non-Salaried

To be a Member of the State Board of Health for a term commencing November 6, 2009 and ending November 1, 2012:

Dr. Victor Forys  
Non-Salaried

To be a Member of the State Board of Health for a term commencing November 6, 2009 and ending November 1, 2012:

Dr. Jane Jackman  
Non-Salaried

To be a Member of the State Board of Health for a term commencing November 6, 2009 and ending November 1, 2012:

Dr. Jerry Kruse  
Non-Salaried

To be a Member of the State Board of Health for a term commencing November 6, 2009 and ending November 11, 2012:

Dr. Tim Vega  
Non-Salaried

To be a Member of the State Board of Health for a term commencing November 6, 2009 and ending November 1, 2012:

Dr. Herbert Whiteley  
Non-Salaried

Senator Muñoz moved that the Senate advise and consent to the foregoing appointments. 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	Dillard	Koehler	Raoul
Bivins	Duffy	Kotowski	Righter
Bomke	Forby	Lauzen	Risinger
Bond	Frerichs	Lightford	Sandoval
Brady	Garrett	Link	Schoenberg
Burzynski	Haine	Luechtefeld	Steans
Clayborne	Harmon	Maloney	Sullivan
Collins	Holmes	Martinez	Syverson
Cronin	Hultgren	McCarter	Trotter
Crotty	Hunter	Muñoz	Viverito

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Dahl	Hutchinson	Murphy	Wilhelmi
DeLeo	Jacobs	Noland	Mr. President
Delgado	Jones, E.	Pankau	
Demuzio	Jones, J.	Radogno	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

At the hour of 1:18 o'clock p.m., Senator Schoenberg, presiding.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of November 16, 2009, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

**STATE BOARD OF HEALTH**

To be a Member of the State Board of Health for a term commencing November 16, 2009 and ending November 11, 2010:

Jorge Girotti  
Non-Salaried

To be a Member of the State Board of Health for a term commencing November 16, 2009 and ending November 1, 2010:

Karen Phelan  
Non-Salaried

To be a Member of the State Board of Health for a term commencing November 16, 2009 and ending November 1, 2011:

Ann O'Sullivan  
Non-Salaried

To be a Member of the State Board of Health for a term commencing November 16, 2009 and ending November 1, 2012:

Dr. Javette Orgain  
Non-Salaried

Senator Muñoz moved that the Senate advise and consent to the foregoing appointments. And on that motion, a call of the roll was had resulting as follows:

YEAS 45; NAYS 7.

The following voted in the affirmative:

Althoff	Forby	Link	Sandoval
Bomke	Frerichs	Luechtefeld	Schoenberg
Bond	Garrett	Maloney	Steans
Clayborne	Haine	Martinez	Sullivan
Collins	Harmon	Muñoz	Syverson
Cronin	Holmes	Murphy	Trotter
Crotty	Hunter	Noland	Viverito
DeLeo	Hutchinson	Pankau	Wilhelmi
Delgado	Jacobs	Radogno	Mr. President
Demuzio	Jones, E.	Raoul	
Dillard	Koehler	Righter	
Duffy	Lightford	Risinger	

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The following voted in the negative:

Bivins	Burzynski	Hultgren	McCarter
Brady	Dahl	Jones, J.	

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of December 8, 2009, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

**FINANCE AUTHORITY, ILLINOIS**

To be a member of the Illinois Finance Authority for a term commencing December 7, 2009 and ending July 16, 2010:

Roderick Siddeeq Bashir  
Non-salaried

To be a member of the Illinois Finance Authority for a term commencing December 7, 2009 and ending July 16, 2010:

Joseph McInerney  
Non-salaried

To be a member of the Illinois Finance Authority for a term commencing December 7, 2009 and ending July 21, 2011:

John (Jack) Durburg  
Non-salaried

To be a member of the Illinois Finance Authority for a term commencing December 7, 2009 and ending July 17, 2012:

Roger E. Poole  
Non-salaried

Senator Muñoz moved that the Senate advise and consent to the foregoing appointments. And on that motion, a call of the roll was had resulting as follows:

YEAS 52; NAYS None; Present 1.

The following voted in the affirmative:

Althoff	Dillard	Lauzen	Risinger
Bivins	Duffy	Lightford	Sandoval
Bomke	Forby	Link	Schoenberg
Bond	Frerichs	Luechtefeld	Steans
Brady	Garrett	Maloney	Sullivan
Burzynski	Haine	Martinez	Syverson
Clayborne	Holmes	McCarter	Trotter
Collins	Hultgren	Muñoz	Viverito
Cronin	Hunter	Murphy	Wilhelmi
Crotty	Hutchinson	Noland	Mr. President
Dahl	Jacobs	Pankau	
DeLeo	Jones, E.	Radogno	

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Delgado  
Demuzio

Koehler  
Kotowski

Raoul  
Righter

The following voted present:

Harmon

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

On motion of Senator Muñoz, the Executive Session arose and the Senate resumed consideration of business.

Senator Schoenberg, presiding.

### COMMUNICATION

ILLINOIS STATE SENATE  
DON HARMON  
ASSISTANT MAJORITY LEADER  
STATE SENATOR · 39<sup>TH</sup> DISTRICT

February 17, 2010

The Honorable Jill Rock  
Secretary of the Senate  
Room 403 Capitol Building  
Springfield, IL 62704

Madame Secretary:

Today, the Senate consented to the appointment by the Governor of members of the Illinois Finance Authority (the "IFA"). Other lawyers in the law firm that employs me provide legal services to the IFA and clients engaged in transactions with the IFA. Accordingly, to avoid the appearance of conflict of interest, I abstained from voting on the question of the confirmation of the Board members and I hereby disclose that fact to the Senate.

Sincerely,  
s/Don Harmon

### REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its February 18, 2010 meeting, reported that the Committee recommends that **Senate Bill No. 365** be re-referred to the Committee on Assignments.

Senator Clayborne, Chairperson of the Committee on Assignments, during its February 18, 2010 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Executive: **SENATE BILL 3155.**

Executive Subcommittee on Legislative Tuition Waivers: **SENATE BILL 365.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its February 18, 2010 meeting, to which was referred **Senate Bills Numbered 1219, 1223, 1224, 1227, 1235 and 1237** on

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August 15, 2009, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **Senate Bills Numbered 1219, 1223, 1224, 1227, 1235 and 1237** were returned to the order of third reading.

Senator Clayborne, Chairperson of the Committee on Assignments, during its February 18, 2010 meeting, to which was referred **Senate Bills Numbered 1247, 1248, 1251 and 1253** on August 15, 2009, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **Senate Bills Numbered 1247, 1248, 1251 and 1253** were returned to the order of second reading.

#### **POSTING NOTICE WAIVED**

Senator Cullerton moved to waive the six-day posting requirement on **Senate Bill No. 365** so that the bill may be heard in the Committee on Executive Subcommittee on Legislative Tuition Waivers that is scheduled to meet February 23, 2010.

The motion prevailed.

#### **RESOLUTIONS CONSENT CALENDAR**

##### **SENATE RESOLUTION NO. 637**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Calvin Marcum of Aurora.

##### **SENATE RESOLUTION NO. 638**

Offered by Senator Demuzio and all Senators:  
Mourns the death of Jenny M. Stankoven of Gillespie.

##### **SENATE RESOLUTION NO. 639**

Offered by Senators Koehler – Risinger and all Senators:  
Mourns the death of Eldon Lee Polhemus of Hanna City.

##### **SENATE RESOLUTION NO. 640**

Offered by Senator J. Sullivan and all Senators:  
Mourns the death of Donna S. Phillips.

##### **SENATE RESOLUTION NO. 641**

Offered by Senator Lightford and all Senators:  
Mourns the death of Dorothy M. Burns.

##### **SENATE RESOLUTION NO. 645**

Offered by Senator Kotowski and all Senators:  
Mourns the death of Germaine Rooney.

##### **SENATE RESOLUTION NO. 646**

Offered by Senator Wilhelmi and all Senators:  
Mourns the death of Rose M. Pullara of Joliet.

##### **SENATE RESOLUTION NO. 647**

Offered by Senator Hunter and all Senators:  
Mourns the death of Benita L. Carr.

##### **SENATE RESOLUTION NO. 648**

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Offered by Senator Hunter and all Senators:  
Mourns the death of Mattie Blasingame-Townsend.

**SENATE RESOLUTION NO. 649**

Offered by Senator Haine and all Senators:  
Mourns the death of Charles William Eugene Simmons of East Alton.

**SENATE RESOLUTION NO. 650**

Offered by Senator E. Jones, III, and all Senators:  
Mourns the death of Melvin Simms, Sr.

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

**PRESENTATION OF RESOLUTION**

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

**SENATE JOINT RESOLUTION NO. 106**

**RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN**, that when the two Houses adjourn on Thursday, February 18, 2010, the Senate stands adjourned until Tuesday, February 23, 2010 at 12:00 o'clock noon, or until the call of the President; and the House of Representatives stands adjourned until Thursday, February 23, 2010, at 12:00 o'clock noon, or until the call of the Speaker.

The motion prevailed.

And the resolution was adopted.

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

At the hour of 1:35 o'clock p.m., pursuant to **Senate Joint Resolution No. 106**, the Chair announced the Senate stand adjourned until Tuesday, February 23, 2010, at 12:00 o'clock noon, or until the call of the President.