



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SEVENTH GENERAL ASSEMBLY

46TH LEGISLATIVE DAY

WEDNESDAY, MAY 18, 2011

10:05 O'CLOCK A.M.

SENATE
Daily Journal Index
46th Legislative Day

Action	Page(s)
Committee Meeting Announcement	37, 38
Joint Action Motion(s) Filed	36
Legislative Measure(s) Filed	4, 36, 37
Message from the House	31
Presentation of Senate Resolutions No'd. 242 & 243	4
Presentation of Senate Resolutions No'd. 244 & 245	20
Presentation of Senate Resolutions No'd. 246 & 247	30
Report from Assignments Committee	37

Bill Number	Legislative Action	Page(s)
SR 0244	Committee on Assignments	20
SR 0247	Committee on Assignments	31
HB 0079	Second Reading	4
HB 0083	Third Reading	7
HB 0220	Second Reading -Amendment	4
HB 0224	Second Reading	6
HB 0263	Second Reading	7
HB 0308	Third Reading	8
HB 1127	Third Reading	8
HB 1129	Third Reading	9
HB 1149	Second Reading	6
HB 1228	Third Reading	9
HB 1261	First Reading	4
HB 1271	Third Reading	10
HB 1284	Third Reading	10
HB 1298	Second Reading	6
HB 1324	Third Reading	11
HB 1339	Third Reading	11
HB 1375	Third Reading	12
HB 1391	Third Reading	12
HB 1398	Second Reading	6
HB 1415	Third Reading	13
HB 1484	Third Reading	14
HB 1486	Third Reading	14
HB 1526	Second Reading	6
HB 1541	Third Reading	15
HB 1547	Third Reading	15
HB 1549	Third Reading	16
HB 1562	Third Reading	16
HB 1573	Third Reading	17
HB 1591	Third Reading	17
HB 1600	Second Reading	6
HB 1656	Second Reading	6
HB 1658	Third Reading	18
HB 1659	Third Reading	18
HB 1699	Third Reading	19
HB 1723	Second Reading	6
HB 1870	Third Reading	19
HB 1948	Third Reading	20
HB 1953	Third Reading	22

HB 2073	Second Reading	6
HB 2084	Third Reading	22
HB 2265	Third Reading	23
HB 2267	Second Reading	6
HB 2362	Third Reading	23
HB 2554	Third Reading	24
HB 2590	Third Reading	24
HB 2836	Third Reading	25
HB 2934	First Reading	4
HB 2938	Second Reading	6
HB 2982	Third Reading	25
HB 3034	Second Reading	6
HB 3134	Third Reading	26
HB 3188	Second Reading	7
HB 3238	Third Reading	26
HB 3244	Second Reading	6
HB 3255	Third Reading	27
HB 3256	Second Reading	7
HB 3273	Third Reading	27
HB 3294	Third Reading	28
HB 3343	Third Reading	29
HB 3411	Third Reading	29
HB 3425	Third Reading	30

The Senate met pursuant to adjournment.
 Senator M. Maggie Crotty, Oak Forest, Illinois, presiding.
 Prayer by Major Lonneal Richardson, Division Commander of Midland Division of the Salvation Army, St. Louis, Missouri.
 Senator Maloney led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Tuesday, May 17, 2011, be postponed, pending arrival of the printed Journal.
 The motion prevailed.

LEGISLATIVE MEASURE FILED

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. 2 to House Bill 1699

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 242

Offered by Senator Forby and all Senators:
 Mourns the death of Mark Alan Darnell of Benton, Louisiana, formerly of Akin.

SENATE RESOLUTION NO. 243

Offered by Senator Forby and all Senators:
 Mourns the death of Kenneth W. Bozovich of Whittington.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 1261, sponsored by Senator Noland, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2934, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Assignments.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Syverson, **House Bill No. 79** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 220** having been printed, was taken up and read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Assignments.
 Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO HOUSE BILL 220

AMENDMENT NO. 2. Amend House Bill 220 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by adding Section 2105-165 as follows:

[May 18, 2011]

(20 ILCS 2105/2105-165 new)

Sec. 2105-165. Health care worker licensure actions; sex crimes.

(a) When a licensed health care worker, as defined in the Health Care Worker Self-Referral Act, (1) has been convicted of a criminal act that requires registration under the Sex Offender Registration Act; (2) has been convicted of a criminal battery against any patient in the course of patient care or treatment, including any offense based on sexual conduct or sexual penetration; (3) has been convicted of a forcible felony; or (4) is required as a part of a criminal sentence to register under the Sex Offender Registration Act, then, notwithstanding any other provision of law to the contrary, the license of the health care worker shall by operation of law be permanently revoked without a hearing.

(b) No person who has been convicted of any offense listed in subsection (a) or required to register as a sex offender may receive a license as a health care worker in Illinois.

(c) Immediately after an Illinois State's Attorney files criminal charges alleging that a licensed health care worker, as defined in the Health Care Worker Self-Referral Act, committed any offense for which the sentence includes registration as a sex offender; a criminal battery against a patient, including any offense based on sexual conduct or sexual penetration, in the course of patient care or treatment; or a forcible felony; then the State's Attorney shall provide notice to the Department of the health care worker's name, address, practice address, and license number and the patient's name and a copy of the criminal charges filed. Within 5 business days after receiving notice from the State's Attorney of the filing of criminal charges against the health care worker, the Secretary shall issue an administrative order that the health care worker shall immediately practice only with a chaperone during all patient encounters pending the outcome of the criminal proceedings. The chaperone must be a licensed health care worker. The chaperone shall provide written notice to all of the health care worker's patients explaining the Department's order to use a chaperone. Each patient shall sign an acknowledgement that they received the notice. The notice to the patient of criminal charges shall include, in 14-point font, the following statement: "The health care worker is presumed innocent until proven guilty of the charges." The licensed health care worker shall provide a written plan of compliance with the administrative order that is acceptable to the Department within 5 days after receipt of the administrative order. Failure to comply with the administrative order, failure to file a compliance plan, or failure to follow the compliance plan shall subject the health care worker to temporary suspension of his or her professional license until the completion of the criminal proceedings.

(d) Nothing contained in this Section shall act in any way to waive or modify the confidentiality of information provided by the State's Attorney to the extent provided by law. Any information reported or disclosed shall be kept for the confidential use of the Secretary, Department attorneys, the investigative staff, and authorized clerical staff and shall be afforded the same status as is provided information under Part 21 of Article VIII of the Code of Civil Procedure, except that the Department may disclose information and documents to (1) a federal, State, or local law enforcement agency pursuant to a subpoena in an ongoing criminal investigation or (2) an appropriate licensing authority of another state or jurisdiction pursuant to an official request made by that authority. Any information and documents disclosed to a federal, State, or local law enforcement agency may be used by that agency only for the investigation and prosecution of a criminal offense. Any information or documents disclosed by the Department to a professional licensing authority of another state or jurisdiction may only be used by that authority for investigations and disciplinary proceedings with regards to a professional license.

(e) Any licensee whose license was revoked or who received an administrative order under this Section shall have the revocation or administrative order vacated and completely removed from the licensee's records and public view and the revocation or administrative order shall be afforded the same status as is provided information under Part 21 of Article VIII of the Code of Civil Procedure if (1) the charges upon which the revocation or administrative order is based are dropped; (2) the licensee is not convicted of the charges upon which the revocation or administrative order is based; or (3) any conviction for charges upon which the revocation or administrative order was based have been vacated, overturned, or reversed.

(f) Nothing contained in this Section shall prohibit the Department from initiating or maintaining a disciplinary action against a licensee independent from any criminal charges, conviction, or sex offender registration.

(g) The Department may adopt rules necessary to implement this Section.

Section 99. Effective date. This Act takes effect 30 days after becoming law."

The motion prevailed.

And the amendment was adopted and ordered printed.

[May 18, 2011]

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Wilhelmi, **House Bill No. 1149** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator LaHood, **House Bill No. 1398** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **House Bill No. 1526** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 1656** was taken up, read by title a second. Senate Floor Amendment No. 1 was held in the Committee on Human Services. There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Sullivan, **House Bill No. 1723** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator A. Collins, **House Bill No. 1298** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **House Bill No. 2073** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **House Bill No. 1600** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 1600

AMENDMENT NO. 1. Amend House Bill 1600 on page 2, line 18, immediately after "fat;", by inserting "breads, cakes, pastries, fried cakes, doughnuts, and similar baked goods;".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Wilhelmi, **House Bill No. 3034** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 3244** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **House Bill No. 224** was taken up, read by title a second time. Senate Committee Amendment No. 1 was postponed in the Committee on Insurance. There being no further amendments, the bill was ordered to a third reading.

ANNOUNCEMENT ON ATTENDANCE

Senator Murphy announced for the record that Senator Millner was absent due to family illness.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator LaHood, **House Bill No. 2267** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **House Bill No. 2938** was taken up, read by title a second time and ordered to a third reading.

[May 18, 2011]

On motion of Senator Frerichs, **House Bill No. 3188** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government and Veterans Affairs, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 3188

AMENDMENT NO. 1. Amend House Bill 3188 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 605-1010 as follows:

(20 ILCS 605/605-1010 new)

Sec. 605-1010. Illinois Research Network.

(a) There is created the Illinois Research Network. The Illinois Research Network is intended to: provide broad and rapid access to information about intellectual property and technologies; encourage the use of existing Illinois faculty and federal research laboratory resources to address local, State, and national needs; link the Illinois academic and research laboratory communities into the technology and the economic development efforts of the executive branch of State government and other State and local agencies; enhance communication and cooperation within the Illinois academic and research laboratory communities and between these communities and statewide audiences, particularly business, government, education, and the general public; and link the Illinois academic and federal research lab communities into the Illinois small and large business market.

(b) Subject to appropriation, the Department shall cause to be established an easily accessible online database for the purpose of compiling intellectual property and technologies available at academic institutions across the State. The Department may make grants to Illinois universities to create, develop, and implement the database."

Senate Committee Amendment No. 2 was held in the Committee on Assignments.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator LaHood, **House Bill No. 3256** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Pankau, as chief co-sponsor pursuant to Senate Rule 5-1(b)(ii), **House Bill No. 263** was taken up, read by title a second time.

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

Senate Floor Amendment Nos. 2 and 3 were held in the Committee on Assignments.

There being no further amendments, the bill was ordered to a third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator A. Collins, **House Bill No. 83**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lightford	Righter
Bivins	Harmon	Link	Sandack
Bomke	Holmes	Luechtefeld	Sandoval
Clayborne	Hunter	Maloney	Schmidt
Collins, A.	Jacobs	Martinez	Schoenberg
Collins, J.	Johnson, C.	McCann	Silverstein
Crotty	Johnson, T.	Meeks	Steans

[May 18, 2011]

Cultra	Jones, E.	Mulroe	Sullivan
Delgado	Jones, J.	Murphy	Syverson
Duffy	Koehler	Noland	Trotter
Forby	Kotowski	Pankau	Wilhelmi
Frerichs	LaHood	Raoul	Mr. President
Garrett	Landek	Rezin	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Link, **House Bill No. 308**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 50; NAYS 2.

The following voted in the affirmative:

Althoff	Garrett	Link	Sandack
Bivins	Haine	Luechtefeld	Sandoval
Bomke	Harmon	Maloney	Schmidt
Clayborne	Holmes	Martinez	Schoenberg
Collins, A.	Hunter	McCann	Silverstein
Collins, J.	Jacobs	McCarter	Steans
Crotty	Johnson, C.	Meeks	Sullivan
Cultra	Jones, J.	Mulroe	Syverson
Delgado	Koehler	Murphy	Trotter
Dillard	Kotowski	Noland	Wilhelmi
Duffy	LaHood	Pankau	Mr. President
Forby	Landek	Raoul	
Frerichs	Lightford	Righter	

The following voted in the negative:

Johnson, T.
Rezin

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Link, **House Bill No. 1127**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Link	Righter
Bivins	Harmon	Luechtefeld	Sandack
Bomke	Holmes	Maloney	Sandoval
Clayborne	Hunter	Martinez	Schmidt
Collins, A.	Jacobs	McCann	Schoenberg

[May 18, 2011]

Collins, J.	Johnson, C.	McCarter	Silverstein
Crotty	Johnson, T.	Meeks	Steans
Cultra	Jones, J.	Mulroe	Sullivan
Delgado	Koehler	Murphy	Syverson
Dillard	Kotowski	Noland	Trotter
Duffy	LaHood	Pankau	Wilhelmi
Forby	Landek	Radogno	Mr. President
Frerichs	Lauzen	Raoul	
Garrett	Lightford	Rezin	

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

On motion of Senator Haine, **House Bill No. 1129**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 42; NAYS 11.

The following voted in the affirmative:

Althoff	Garrett	Lightford	Schmidt
Bivins	Haine	Link	Schoenberg
Clayborne	Harmon	Luechtefeld	Silverstein
Collins, A.	Hunter	Maloney	Steans
Collins, J.	Hutchinson	Martinez	Sullivan
Crotty	Jacobs	Meeks	Syverson
Cultra	Johnson, T.	Mulroe	Trotter
Delgado	Jones, J.	Noland	Wilhelmi
Dillard	Koehler	Raoul	Mr. President
Forby	Kotowski	Sandack	
Frerichs	Landek	Sandoval	

The following voted in the negative:

Bomke	LaHood	McCarter	Radogno
Duffy	Lauzen	Murphy	Rezin
Johnson, C.	McCann	Pankau	

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

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

On motion of Senator Mulroe, **House Bill No. 1228**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Righter
Bivins	Holmes	Luechtefeld	Sandack

[May 18, 2011]

Bomke	Hunter	Maloney	Sandoval
Clayborne	Hutchinson	Martinez	Schmidt
Collins, J.	Jacobs	McCann	Schoenberg
Crotty	Johnson, C.	McCarter	Silverstein
Cultra	Johnson, T.	Meeks	Steans
Delgado	Jones, J.	Mulroe	Sullivan
Dillard	Koehler	Murphy	Syverson
Duffy	Kotowski	Noland	Trotter
Forby	LaHood	Pankau	Wilhelmi
Frerichs	Landek	Radogno	Mr. President
Garrett	Lauzen	Raoul	
Haine	Lightford	Rezin	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dillard, **House Bill No. 1271**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Righter
Bivins	Holmes	Luechtefeld	Sandack
Bomke	Hunter	Maloney	Sandoval
Clayborne	Hutchinson	Martinez	Schmidt
Collins, J.	Jacobs	McCann	Schoenberg
Crotty	Johnson, C.	McCarter	Silverstein
Cultra	Johnson, T.	Meeks	Steans
Delgado	Jones, J.	Mulroe	Sullivan
Dillard	Koehler	Murphy	Syverson
Duffy	Kotowski	Noland	Trotter
Forby	LaHood	Pankau	Wilhelmi
Frerichs	Landek	Radogno	Mr. President
Garrett	Lauzen	Raoul	
Haine	Lightford	Rezin	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Haine, **House Bill No. 1284**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Sandack
Bivins	Holmes	Maloney	Sandoval
Bomke	Hunter	McCann	Schmidt

[May 18, 2011]

Clayborne	Hutchinson	McCarter	Schoenberg
Collins, A.	Jacobs	Meeks	Silverstein
Collins, J.	Johnson, C.	Mulroe	Steans
Crotty	Johnson, T.	Muñoz	Sullivan
Cultra	Jones, J.	Murphy	Syverson
Delgado	Koehler	Noland	Trotter
Duffy	Kotowski	Pankau	Wilhelmi
Forby	LaHood	Radogno	Mr. President
Frerichs	Landek	Raoul	
Garrett	Lauzen	Rezin	
Haine	Lightford	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Koehler, **House Bill No. 1324**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 47; NAYS 6.

The following voted in the affirmative:

Althoff	Harmon	Link	Righter
Bivins	Holmes	Luechtefeld	Sandack
Bomke	Hunter	Maloney	Sandoval
Clayborne	Hutchinson	Martinez	Schmidt
Collins, J.	Jacobs	Meeks	Schoenberg
Crotty	Johnson, C.	Mulroe	Silverstein
Delgado	Johnson, T.	Muñoz	Steans
Dillard	Jones, J.	Murphy	Sullivan
Forby	Koehler	Noland	Trotter
Frerichs	Kotowski	Pankau	Wilhelmi
Garrett	Landek	Radogno	Mr. President
Haine	Lightford	Raoul	

The following voted in the negative:

Cultra	LaHood	McCann
Duffy	Lauzen	Rezin

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Clayborne, **House Bill No. 1339**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 42; NAYS 11.

The following voted in the affirmative:

Althoff	Holmes	Luechtefeld	Sandack
---------	--------	-------------	---------

[May 18, 2011]

Clayborne	Hunter	Maloney	Sandoval
Collins, J.	Hutchinson	Martinez	Schoenberg
Crotty	Jacobs	Meeks	Silverstein
Delgado	Johnson, C.	Mulroe	Steans
Dillard	Jones, J.	Muñoz	Sullivan
Forby	Koehler	Noland	Trotter
Frerichs	Kotowski	Radogno	Wilhelmi
Garrett	Landek	Raoul	Mr. President
Haine	Lightford	Rezin	
Harmon	Link	Righter	

The following voted in the negative:

Bivins	Duffy	Lauzen	Pankau
Bomke	Johnson, T.	McCann	Schmidt
Cultra	LaHood	Murphy	

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.

Senator Schmidt asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the affirmative on **House Bill No. 1339**.

On motion of Senator Clayborne, **House Bill No. 1375**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 41; NAYS 14.

The following voted in the affirmative:

Clayborne	Hunter	Martinez	Schoenberg
Collins, A.	Hutchinson	Meeks	Silverstein
Collins, J.	Jacobs	Mulroe	Steans
Crotty	Jones, J.	Muñoz	Sullivan
Delgado	Koehler	Noland	Syverson
Forby	Kotowski	Radogno	Trotter
Frerichs	Landek	Raoul	Wilhelmi
Garrett	Lightford	Rezin	Mr. President
Haine	Link	Righter	
Harmon	Luechtefeld	Sandack	
Holmes	Maloney	Sandoval	

The following voted in the negative:

Althoff	Duffy	Lauzen	Pankau
Bivins	Johnson, C.	McCann	Schmidt
Bomke	Johnson, T.	McCarter	
Cultra	LaHood	Murphy	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Forby, **House Bill No. 1391**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

[May 18, 2011]

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

YEAS 41; NAYS 8; Present 2.

The following voted in the affirmative:

Althoff	Frerichs	Koehler	Righter
Bivins	Garrett	Landek	Sandack
Bomke	Haine	Link	Sandoval
Clayborne	Harmon	Luechtefeld	Schmidt
Collins, A.	Holmes	Maloney	Steans
Crotty	Hunter	Martinez	Sullivan
Cultra	Hutchinson	McCann	Wilhelmi
Delgado	Jacobs	McCarter	Mr. President
Dillard	Johnson, C.	Mulroe	
Duffy	Johnson, T.	Radogno	
Forby	Jones, J.	Rezin	

The following voted in the negative:

Collins, J.	Murphy	Syverson
LaHood	Pankau	Trotter
Lauzen	Schoenberg	

The following voted present:

Jones, E.
Meeks

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.

Senator Hunter asked and obtained unanimous consent for the Journal to reflect her intention to have voted in the negative on **House Bill No. 1391**.

On motion of Senator Meeks, **House Bill No. 1415**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Lightford	Rezin
Bivins	Harmon	Link	Righter
Bomke	Holmes	Luechtefeld	Sandack
Clayborne	Hunter	Maloney	Sandoval
Collins, A.	Hutchinson	Martinez	Schmidt
Collins, J.	Johnson, C.	McCann	Schoenberg
Crotty	Johnson, T.	McCarter	Silverstein
Cultra	Jones, E.	Meeks	Steans
Delgado	Jones, J.	Mulroe	Sullivan
Dillard	Koehler	Muñoz	Trotter
Duffy	Kotowski	Murphy	Wilhelmi
Forby	LaHood	Pankau	Mr. President
Frerichs	Landek	Radogno	

[May 18, 2011]

Garrett

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.

On motion of Senator Righter, **House Bill No. 1484**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 50; NAYS None.

The following voted in the affirmative:

Althoff	Holmes	Luechtefeld	Righter
Bivins	Hunter	Maloney	Sandack
Bomke	Hutchinson	Martinez	Sandoval
Clayborne	Jacobs	McCann	Schmidt
Crotty	Johnson, C.	McCarter	Schoenberg
Cultra	Johnson, T.	Meeks	Silverstein
Delgado	Jones, E.	Mulroe	Steans
Dillard	Jones, J.	Muñoz	Sullivan
Duffy	Koehler	Murphy	Syverson
Forby	Kotowski	Pankau	Wilhelmi
Frerichs	LaHood	Radogno	Mr. President
Haine	Lauzen	Raoul	
Harmon	Link	Rezin	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Harmon, **House Bill No. 1486**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Bivins	Holmes	Luechtefeld	Righter
Bomke	Hunter	Maloney	Sandack
Clayborne	Hutchinson	Martinez	Sandoval
Collins, J.	Jacobs	McCann	Schmidt
Crotty	Johnson, C.	McCarter	Schoenberg
Cultra	Johnson, T.	Meeks	Silverstein
Delgado	Jones, E.	Mulroe	Steans
Dillard	Jones, J.	Muñoz	Sullivan
Duffy	Koehler	Murphy	Syverson
Forby	Kotowski	Noland	Trotter
Frerichs	LaHood	Pankau	Wilhelmi
Garrett	Lauzen	Radogno	Mr. President
Haine	Lightford	Raoul	
Harmon	Link	Rezin	

[May 18, 2011]

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sullivan, **House Bill No. 1541**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

Althoff	Holmes	Link	Righter
Bomke	Hunter	Luechtefeld	Sandack
Clayborne	Hutchinson	Maloney	Sandoval
Collins, J.	Jacobs	Martinez	Schmidt
Crotty	Johnson, C.	McCann	Schoenberg
Cultra	Johnson, T.	McCarter	Silverstein
Dillard	Jones, E.	Mulroe	Steans
Duffy	Jones, J.	Muñoz	Sullivan
Forby	Koehler	Murphy	Syverson
Frerichs	Kotowski	Pankau	Trotter
Garrett	LaHood	Radogno	Wilhelmi
Haine	Lauzen	Raoul	Mr. President
Harmon	Lightford	Rezin	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hunter, **House Bill No. 1547**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 38; NAYS 11.

The following voted in the affirmative:

Althoff	Holmes	Maloney	Sandoval
Clayborne	Hunter	Martinez	Schoenberg
Crotty	Hutchinson	Meeks	Silverstein
Delgado	Jacobs	Mulroe	Steans
Dillard	Johnson, T.	Muñoz	Sullivan
Forby	Jones, E.	Noland	Trotter
Frerichs	Koehler	Raoul	Wilhelmi
Garrett	Kotowski	Rezin	Mr. President
Haine	Lightford	Righter	
Harmon	Link	Sandack	

The following voted in the negative:

Bomke	Johnson, C.	Luechtefeld	Pankau
Cultra	Jones, J.	McCann	Schmidt
Duffy	Lauzen	McCarter	

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

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

On motion of Senator Wilhelmi, **House Bill No. 1549**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 51; NAYS None.

The following voted in the affirmative:

Althoff	Hunter	Luechtefeld	Righter
Bomke	Hutchinson	Maloney	Sandack
Clayborne	Jacobs	Martinez	Sandoval
Collins, J.	Johnson, C.	McCann	Schmidt
Crotty	Johnson, T.	McCarter	Schoenberg
Cultra	Jones, E.	Meeks	Silverstein
Delgado	Jones, J.	Mulroe	Steans
Dillard	Koehler	Muñoz	Sullivan
Duffy	Kotowski	Noland	Syverson
Forby	LaHood	Pankau	Trotter
Haine	Laufen	Radogno	Wilhelmi
Harmon	Lightford	Raoul	Mr. President
Holmes	Link	Rezin	

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

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

On motion of Senator C. Johnson, **House Bill No. 1562**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Righter
Bivins	Holmes	Luechtefeld	Sandack
Bomke	Hunter	Maloney	Sandoval
Clayborne	Hutchinson	McCann	Schmidt
Collins, J.	Jacobs	McCarter	Schoenberg
Crotty	Johnson, C.	Meeks	Silverstein
Cultra	Johnson, T.	Mulroe	Steans
Delgado	Jones, E.	Muñoz	Sullivan
Dillard	Jones, J.	Murphy	Syverson
Duffy	Koehler	Noland	Wilhelmi
Forby	Kotowski	Pankau	Mr. President
Frerichs	LaHood	Radogno	
Garrett	Laufen	Raoul	
Haine	Lightford	Rezin	

[May 18, 2011]

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Wilhelmi, **House Bill No. 1573**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Rezin
Bivins	Holmes	Luechtefeld	Righter
Bomke	Hunter	Maloney	Sandack
Clayborne	Hutchinson	Martinez	Sandoval
Collins, J.	Jacobs	McCann	Schmidt
Crotty	Johnson, C.	McCarter	Schoenberg
Cultra	Johnson, T.	Meeks	Silverstein
Delgado	Jones, E.	Mulroe	Steans
Dillard	Jones, J.	Muñoz	Sullivan
Duffy	Koehler	Murphy	Syverson
Forby	Kotowski	Noland	Trotter
Frerichs	LaHood	Pankau	Wilhelmi
Garrett	Lauzen	Radogno	Mr. President
Haine	Lightford	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.

On motion of Senator Dillard, **House Bill No. 1591**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Rezin
Bivins	Holmes	Luechtefeld	Righter
Bomke	Hunter	Maloney	Sandack
Clayborne	Hutchinson	Martinez	Sandoval
Collins, J.	Jacobs	McCann	Schmidt
Crotty	Johnson, C.	McCarter	Schoenberg
Cultra	Johnson, T.	Meeks	Silverstein
Delgado	Jones, E.	Mulroe	Steans
Dillard	Jones, J.	Muñoz	Sullivan
Duffy	Koehler	Murphy	Syverson
Forby	Kotowski	Noland	Trotter
Frerichs	LaHood	Pankau	Wilhelmi
Garrett	Lauzen	Radogno	Mr. President
Haine	Lightford	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.

On motion of Senator Radogno, **House Bill No. 1658**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Righter
Bivins	Holmes	Luechtefeld	Sandack
Bomke	Hunter	Maloney	Sandoval
Clayborne	Hutchinson	McCann	Schmidt
Collins, J.	Jacobs	McCarter	Schoenberg
Crotty	Johnson, C.	Meeks	Silverstein
Cultra	Johnson, T.	Mulroe	Steans
Delgado	Jones, E.	Muñoz	Sullivan
Dillard	Jones, J.	Murphy	Syverson
Duffy	Koehler	Noland	Trotter
Forby	Kotowski	Pankau	Wilhelmi
Frerichs	LaHood	Radogno	Mr. President
Garrett	Lauzen	Raoul	
Haine	Lightford	Rezin	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Steans, **House Bill No. 1659**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Holmes	Luechtefeld	Righter
Bivins	Hunter	Maloney	Sandack
Bomke	Hutchinson	Martinez	Sandoval
Clayborne	Jacobs	McCann	Schmidt
Crotty	Johnson, C.	McCarter	Schoenberg
Cultra	Johnson, T.	Meeks	Silverstein
Delgado	Jones, E.	Mulroe	Steans
Dillard	Jones, J.	Muñoz	Sullivan
Duffy	Koehler	Murphy	Trotter
Forby	Kotowski	Noland	Wilhelmi
Frerichs	LaHood	Pankau	Mr. President
Garrett	Lauzen	Radogno	
Haine	Lightford	Raoul	
Harmon	Link	Rezin	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Wilhelmi, **House Bill No. 1699**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 54; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Righter
Bivins	Holmes	Luechtefeld	Sandack
Bomke	Hunter	Maloney	Sandoval
Clayborne	Hutchinson	McCann	Schmidt
Collins, J.	Jacobs	McCarter	Schoenberg
Crotty	Johnson, C.	Meeks	Silverstein
Cultra	Johnson, T.	Mulroe	Steans
Delgado	Jones, E.	Muñoz	Sullivan
Dillard	Jones, J.	Murphy	Syverson
Duffy	Koehler	Noland	Trotter
Forby	Kotowski	Pankau	Wilhelmi
Frerichs	LaHood	Radogno	Mr. President
Garrett	Lauzen	Raoul	
Haine	Lightford	Rezin	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Haine, **House Bill No. 1870**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Rezin
Bivins	Holmes	Luechtefeld	Righter
Bomke	Hunter	Maloney	Sandack
Clayborne	Hutchinson	Martinez	Sandoval
Collins, J.	Jacobs	McCann	Schmidt
Crotty	Johnson, C.	McCarter	Schoenberg
Cultra	Johnson, T.	Meeks	Silverstein
Delgado	Jones, E.	Mulroe	Steans
Dillard	Jones, J.	Muñoz	Sullivan
Duffy	Koehler	Murphy	Syverson
Forby	Kotowski	Noland	Trotter
Frerichs	LaHood	Pankau	Wilhelmi
Garrett	Lauzen	Radogno	Mr. President
Haine	Lightford	Raoul	

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

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

On motion of Senator Frerichs, **House Bill No. 1948**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Link	Rezin
Bivins	Holmes	Luechtefeld	Righter
Bomke	Hunter	Maloney	Sandack
Clayborne	Hutchinson	Martinez	Sandoval
Collins, J.	Jacobs	McCann	Schmidt
Crotty	Johnson, C.	McCarter	Schoenberg
Cultra	Johnson, T.	Meeks	Silverstein
Delgado	Jones, E.	Mulroe	Steans
Dillard	Jones, J.	Muñoz	Sullivan
Duffy	Koehler	Murphy	Syverson
Forby	Kotowski	Noland	Trotter
Frerichs	LaHood	Pankau	Wilhelmi
Garrett	Lauzen	Radogno	Mr. President
Haine	Lightford	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.

At the hour of 12:22 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 2:25 o'clock p.m., the Senate resumed consideration of business.
Senator Crotty, presiding.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 245

Offered by Senator Haine and all Senators:

Mourns the death of the Honorable Judge Charles William Chapman of Edwardsville.

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

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

SENATE RESOLUTION NO. 244

[May 18, 2011]

WHEREAS, The members of the Illinois Senate recognize bicycling as a positive, important activity for children under the age of 16, for the purposes of transportation, exercise, recreation, and general physical and mental well-being; and

WHEREAS, Five of every six middle school students and more than two of every three high school students report riding bicycles within the past year; and

WHEREAS, Significant numbers of children are injured while riding bicycles, in many instances with injuries that could have been prevented or reduced in seriousness if the young bicycle riders were wearing bicycle helmets; and

WHEREAS, Nationally, only 20% to 25% of all bicyclists wear bicycle helmets, despite the fact that nearly 70% of all fatal bicycle crashes involve head injuries; and

WHEREAS, Bicycle helmets reduce the risk of head injuries by up to 88% and reduce the risk of facial injuries by 65%; thousands of head and facial injuries suffered by Illinois children would be prevented every year if every child wore a bicycle helmet; and

WHEREAS, 500,000 bicycle-related injuries are treated in U.S. hospital emergency rooms every year, with over half the injured being children and nearly half those injuries involving the head or neck region; and

WHEREAS, The annual cost of bicycle-related injuries and deaths in the United States is \$8 billion; every dollar spent on a bicycle helmet saves our society \$30 in indirect medical costs; and

WHEREAS, Numerous Illinois retailers, community groups, and hospital programs currently make bicycle helmets available to children at low or no cost; and

WHEREAS, Numerous groups advocate for bicycle helmet usage by children, including the American Academy of Pediatrics (Illinois Chapter), the Brain Injury Association of Illinois, the Chicago Medical Legal Partnership for Children, the Children's Memorial Hospital, the Cook County Department of Public Health, Health and Disability Advocates, Helmets First!, the Illinois Academy of Family Physicians, the Illinois Association of School Nurses, the Illinois Chapter of the Emergency Nurses Association, the Illinois Hospital Association, the Illinois State Medical Society, the Illinois Maternal and Child Health Coalition, the Loyola University Medical Center, the Quad Cities Bicycle Club, the Rehabilitation Institute of Chicago, SafeKids Illinois, the Chicago Shriners Hospital for Children, the Macon County and Winnebago County Shriners Hospitals for Children, the Stakeholders Collaboration to Improve Student Health, Think First National Injury Prevention (7 Illinois Chapters), and the University of Chicago Comer Children's Hospital; and

WHEREAS, Educating children as to the benefit of wearing bicycle helmets while cycling will contribute to their safety and well-being; numerous agencies and associations, including the office of the Illinois Secretary of State, the Illinois Department of Public Health, local health and law enforcement departments, schools, medical professionals, advocates for children, cycling groups, and retail sellers of bicycles, could provide a great service to Illinois children by expanding, commencing, or collaborating on activities designed to convey this message of great public value; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Governor and the Illinois Secretary of State to convene a task force or working group, composed of representatives of the aforementioned or like-minded groups, to explore, discuss, and coordinate efforts to conduct a public awareness campaign to educate the general public about the value of cycling to children, along with the safety benefits of children wearing bicycle helmets; and be it further

RESOLVED, That we urge Illinois schools, under the direction of the State Board of Education, to participate in the development of activities and programs that would encourage child bicycle riders to wear bicycle helmets; and be it further

[May 18, 2011]

RESOLVED, That suitable copies of this resolution be delivered to Governor Pat Quinn and Secretary of State Jesse White.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Steans, **House Bill No. 1953**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Sandack
Bivins	Harmon	Maloney	Sandoval
Bomke	Holmes	Martinez	Schmidt
Clayborne	Hunter	McCann	Schoenberg
Collins, A.	Jacobs	Meeks	Silverstein
Collins, J.	Johnson, C.	Mulroe	Steans
Crotty	Johnson, T.	Muñoz	Sullivan
Cultra	Jones, E.	Murphy	Syverson
Delgado	Jones, J.	Noland	Trotter
Dillard	Koehler	Pankau	Wilhelmi
Duffy	Kotowski	Radogno	Mr. President
Forby	LaHood	Raoul	
Frerichs	Lightford	Rezin	
Garrett	Link	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Noland, **House Bill No. 2084**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAY 1.

The following voted in the affirmative:

Althoff	Haine	Lightford	Rezin
Bivins	Harmon	Link	Righter
Bomke	Holmes	Luechtefeld	Sandack
Brady	Hunter	Maloney	Sandoval
Clayborne	Hutchinson	Martinez	Schmidt
Collins, A.	Jacobs	McCann	Schoenberg
Collins, J.	Johnson, C.	McCarter	Silverstein
Crotty	Johnson, T.	Mulroe	Steans
Cultra	Jones, E.	Muñoz	Sullivan
Delgado	Jones, J.	Murphy	Syverson
Dillard	Koehler	Noland	Trotter
Forby	Kotowski	Pankau	Wilhelmi
Frerichs	LaHood	Radogno	Mr. President

[May 18, 2011]

Garrett

Lauzen

Raoul

The following voted in the negative:

Duffy

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

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

On motion of Senator C. Johnson, **House Bill No. 2265**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Link	Righter
Bivins	Harmon	Luechtefeld	Sandack
Bomke	Holmes	Maloney	Sandoval
Brady	Hunter	Martinez	Schmidt
Clayborne	Hutchinson	McCann	Schoenberg
Collins, A.	Jacobs	McCarter	Silverstein
Collins, J.	Johnson, C.	Meeks	Steans
Crotty	Johnson, T.	Mulroe	Sullivan
Cultra	Jones, E.	Muñoz	Syverson
Delgado	Jones, J.	Murphy	Trotter
Dillard	Koehler	Noland	Wilhelmi
Duffy	Kotowski	Pankau	Mr. President
Forby	LaHood	Radogno	
Frerichs	Lauzen	Raoul	
Garrett	Lightford	Rezin	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Frerichs, **House Bill No. 2362**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Garrett	Lauzen	Raoul
Bivins	Haine	Lightford	Rezin
Bomke	Harmon	Link	Righter
Brady	Holmes	Luechtefeld	Sandack
Clayborne	Hunter	Maloney	Sandoval
Collins, A.	Hutchinson	Martinez	Schmidt
Collins, J.	Jacobs	McCann	Silverstein
Crotty	Johnson, C.	McCarter	Steans

[May 18, 2011]

Cultra	Johnson, T.	Meeks	Sullivan
Delgado	Jones, E.	Mulroe	Syverson
Dillard	Jones, J.	Muñoz	Trotter
Duffy	Koehler	Murphy	Wilhelmi
Forby	Kotowski	Noland	Mr. President
Frerichs	LaHood	Pankau	

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

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

On motion of Senator Syverson, **House Bill No. 2554**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Luechtefeld	Sandack
Bivins	Holmes	Maloney	Sandoval
Bomke	Hunter	Martinez	Schmidt
Brady	Hutchinson	McCann	Schoenberg
Clayborne	Jacobs	McCarter	Silverstein
Collins, J.	Johnson, C.	Meeks	Steans
Crotty	Johnson, T.	Mulroe	Sullivan
Cultra	Jones, E.	Muñoz	Syverson
Delgado	Jones, J.	Murphy	Trotter
Dillard	Koehler	Noland	Wilhelmi
Duffy	Kotowski	Pankau	Mr. President
Forby	LaHood	Radogno	
Frerichs	Lauzen	Raoul	
Garrett	Lightford	Rezin	
Haine	Link	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Raoul, **House Bill No. 2590**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAY 1.

The following voted in the affirmative:

Althoff	Haine	Lightford	Sandack
Bivins	Harmon	Link	Sandoval
Bomke	Holmes	Luechtefeld	Schmidt
Brady	Hunter	Maloney	Schoenberg
Clayborne	Hutchinson	Martinez	Silverstein
Collins, A.	Jacobs	McCann	Steans
Collins, J.	Johnson, C.	McCarter	Sullivan

[May 18, 2011]

Crotty	Johnson, T.	Meeks	Syverson
Delgado	Jones, E.	Mulroe	Trotter
Dillard	Jones, J.	Muñoz	Wilhelmi
Duffy	Koehler	Pankau	Mr. President
Forby	Kotowski	Radogno	
Frerichs	LaHood	Raoul	
Garrett	Lauzen	Rezin	

The following voted in the negative:

Cultra

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.

Senator Noland asked and obtained unanimous consent for the Journal to reflect his intention to have voted in the affirmative on **House Bill No. 2590**.

On motion of Senator Sullivan, **House Bill No. 2836**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Link	Righter
Bivins	Harmon	Luechtefeld	Sandack
Bomke	Holmes	Maloney	Sandoval
Brady	Hunter	Martinez	Schmidt
Clayborne	Hutchinson	McCann	Schoenberg
Collins, A.	Jacobs	McCarter	Silverstein
Collins, J.	Johnson, C.	Meeks	Steans
Crotty	Johnson, T.	Mulroe	Sullivan
Cultra	Jones, E.	Muñoz	Syverson
Delgado	Jones, J.	Murphy	Trotter
Dillard	Koehler	Noland	Wilhelmi
Duffy	Kotowski	Pankau	Mr. President
Forby	LaHood	Radogno	
Frerichs	Lauzen	Raoul	
Garrett	Lightford	Rezin	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Syverson, **House Bill No. 2982**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Sandack
---------	-------	-------------	---------

[May 18, 2011]

Bivins	Harmon	Maloney	Sandoval
Bomke	Holmes	Martinez	Schmidt
Brady	Hunter	McCann	Schoenberg
Clayborne	Hutchinson	McCarter	Silverstein
Collins, A.	Jacobs	Meeks	Steans
Collins, J.	Johnson, C.	Mulroe	Sullivan
Crotty	Jones, E.	Muñoz	Syverson
Cultra	Jones, J.	Murphy	Trotter
Delgado	Koehler	Noland	Wilhelmi
Dillard	Kotowski	Pankau	Mr. President
Duffy	LaHood	Radogno	
Forby	Lauzen	Raoul	
Frerichs	Lightford	Rezin	
Garrett	Link	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Raoul, **House Bill No. 3134**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Link	Sandack
Bivins	Harmon	Luechtefeld	Sandoval
Bomke	Holmes	Maloney	Schmidt
Brady	Hunter	Martinez	Schoenberg
Clayborne	Hutchinson	McCann	Silverstein
Collins, A.	Jacobs	Meeks	Steans
Collins, J.	Johnson, C.	Mulroe	Sullivan
Crotty	Johnson, T.	Muñoz	Syverson
Cultra	Jones, E.	Murphy	Trotter
Delgado	Jones, J.	Noland	Wilhelmi
Dillard	Koehler	Pankau	Mr. President
Duffy	Kotowski	Radogno	
Forby	LaHood	Raoul	
Frerichs	Lauzen	Rezin	
Garrett	Lightford	Righter	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Raoul, **House Bill No. 3238**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 53; NAY 1.

The following voted in the affirmative:

[May 18, 2011]

Althoff	Haine	Link	Rezin
Bivins	Harmon	Luechtefeld	Sandack
Bomke	Holmes	Maloney	Sandoval
Brady	Hutchinson	Martinez	Schmidt
Clayborne	Jacobs	McCann	Schoenberg
Collins, J.	Johnson, C.	McCarter	Silverstein
Crotty	Johnson, T.	Meeks	Steans
Cultra	Jones, E.	Mulroe	Sullivan
Delgado	Jones, J.	Muñoz	Syverson
Dillard	Koehler	Murphy	Wilhelmi
Duffy	Kotowski	Noland	Mr. President
Forby	LaHood	Pankau	
Frerichs	Lauzen	Radogno	
Garrett	Lightford	Raoul	

The following voted in the negative:

Collins, A.

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Pankau, **House Bill No. 3255**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Link	Sandack
Bivins	Harmon	Luechtefeld	Sandoval
Bomke	Holmes	Maloney	Schmidt
Brady	Hunter	Martinez	Schoenberg
Clayborne	Hutchinson	McCann	Silverstein
Collins, A.	Jacobs	McCarter	Steans
Collins, J.	Johnson, C.	Meeks	Sullivan
Crotty	Johnson, T.	Mulroe	Syverson
Cultra	Jones, E.	Muñoz	Trotter
Delgado	Jones, J.	Murphy	Wilhelmi
Dillard	Koehler	Noland	Mr. President
Duffy	Kotowski	Pankau	
Forby	LaHood	Radogno	
Frerichs	Lauzen	Raoul	
Garrett	Lightford	Rezin	

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

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

On motion of Senator Dillard, **House Bill No. 3273**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

[May 18, 2011]

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Link	Righter
Bivins	Harmon	Luechtefeld	Sandack
Bomke	Holmes	Maloney	Sandoval
Brady	Hunter	Martinez	Schmidt
Clayborne	Hutchinson	McCann	Schoenberg
Collins, A.	Jacobs	McCarter	Silverstein
Collins, J.	Johnson, C.	Meeks	Steans
Crotty	Johnson, T.	Mulroe	Sullivan
Cultra	Jones, E.	Muñoz	Syverson
Delgado	Jones, J.	Murphy	Trotter
Dillard	Koehler	Noland	Wilhelmi
Duffy	Kotowski	Pankau	Mr. President
Forby	LaHood	Radogno	
Frerichs	Lauzen	Raoul	
Garrett	Lightford	Rezin	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Schoenberg, **House Bill No. 3294**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Link	Sandack
Bivins	Harmon	Luechtefeld	Sandoval
Bomke	Holmes	Maloney	Schmidt
Brady	Hunter	Martinez	Schoenberg
Clayborne	Hutchinson	McCann	Silverstein
Collins, A.	Jacobs	McCarter	Steans
Collins, J.	Johnson, C.	Meeks	Sullivan
Crotty	Johnson, T.	Mulroe	Syverson
Cultra	Jones, E.	Muñoz	Trotter
Delgado	Jones, J.	Murphy	Wilhelmi
Dillard	Koehler	Noland	Mr. President
Duffy	Kotowski	Pankau	
Forby	LaHood	Radogno	
Frerichs	Lauzen	Rezin	
Garrett	Lightford	Righter	

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.

At the hour of 3:11 o'clock p.m., Honorable John J. Cullerton, President of the Senate, presiding.

At the hour of 3:25 o'clock p.m., Senator Crotty, presiding.

[May 18, 2011]

On motion of Senator Schoenberg, **House Bill No. 3343**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Haine	Link	Righter
Bivins	Harmon	Luechtefeld	Sandack
Bomke	Holmes	Maloney	Sandoval
Brady	Hunter	Martinez	Schmidt
Clayborne	Hutchinson	McCann	Schoenberg
Collins, A.	Jacobs	McCarter	Silverstein
Collins, J.	Johnson, C.	Meeks	Steans
Crotty	Johnson, T.	Mulroe	Sullivan
Cultra	Jones, E.	Muñoz	Syverson
Delgado	Jones, J.	Murphy	Trotter
Dillard	Koehler	Noland	Wilhelmi
Duffy	Kotowski	Pankau	Mr. President
Forby	LaHood	Radogno	
Frerichs	Lauzen	Raoul	
Garrett	Lightford	Rezin	

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Rezin, **House Bill No. 3411**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAY 1.

The following voted in the affirmative:

Althoff	Harmon	Luechtefeld	Sandack
Bivins	Holmes	Maloney	Sandoval
Bomke	Hunter	Martinez	Schmidt
Brady	Hutchinson	McCann	Schoenberg
Clayborne	Jacobs	McCarter	Silverstein
Collins, A.	Johnson, C.	Meeks	Steans
Collins, J.	Johnson, T.	Mulroe	Sullivan
Crotty	Jones, E.	Muñoz	Syverson
Cultra	Jones, J.	Murphy	Trotter
Delgado	Koehler	Noland	Wilhelmi
Dillard	Kotowski	Pankau	Mr. President
Forby	LaHood	Radogno	
Frerichs	Lauzen	Raoul	
Garrett	Lightford	Rezin	
Haine	Link	Righter	

The following voted in the negative:

[May 18, 2011]

Duffy

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

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Clayborne, **House Bill No. 3425**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Harmon	Luechtefeld	Sandack
Bivins	Holmes	Maloney	Sandoval
Bomke	Hunter	Martinez	Schmidt
Clayborne	Hutchinson	McCann	Schoenberg
Collins, A.	Jacobs	McCarter	Silverstein
Collins, J.	Johnson, C.	Meeks	Steans
Crotty	Johnson, T.	Mulroe	Sullivan
Cultra	Jones, E.	Muñoz	Syverson
Delgado	Jones, J.	Murphy	Trotter
Dillard	Koehler	Noland	Wilhelmi
Duffy	Kotowski	Pankau	Mr. President
Forby	LaHood	Radogno	
Frerichs	Lauzen	Raoul	
Garrett	Lightford	Rezin	
Haine	Link	Righter	

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

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

Senator Trotter asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

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

At the hour of 3:34 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 5:40 o'clock p.m., the Senate resumed consideration of business.
Senator Crotty, presiding.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 246

Offered by Senator Schoenberg and all Senators:

Mourns the death of Sylvia Myrent of Lincolnshire, formerly of Wilmette.

[May 18, 2011]

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

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

SENATE RESOLUTION NO. 247

WHEREAS, Section 11 of Article V of the Illinois Constitution authorizes the Governor, by Executive Order, to reassign functions among or reorganize executive agencies that are directly responsible to the Governor; and

WHEREAS, Section 11 of Article V also provides (i) that if an Executive Order proposes a reassignment or reorganization that contravenes a statute, then the Executive Order must be delivered to the General Assembly and (ii) that either house of the General Assembly, by record vote of a majority of the members elected, may disapprove the Executive Order; and

WHEREAS, The Governor has issued the following: Executive Order 11-01, which proposes to reorganize and to reassign certain State healthcare purchasing powers from the Department of Healthcare and Family Services to the Department of Central Management Services, the Department of Corrections, the Department of Juvenile Justice, the Department of Human Services, and the Department of Veterans' Affairs; Executive Order 11-02, which proposes to reorganize and to reassign the Illinois Onsite Safety and Health Consultation Program (OSHA Program) from the Department of Commerce and Economic Opportunity to the Department of Labor; and Executive Order 11-03, which proposes to reorganize and to reassign the Carnival and Amusement Ride Inspection Division of the Department of Labor to the Department of Agriculture; and

WHEREAS, These proposed reorganizations and reassignments contravene numerous statutes, including those listed in Executive Orders 11-01, 11-02, and 11-03; and

WHEREAS, Section 4 of the Executive Reorganization Implementation Act (15 ILCS 15/4) sets forth procedures and requirements regarding Executive Orders issued under Section 11 of Article V of the Illinois Constitution; and

WHEREAS, Several constitutional and statutory requirements were not met in the case of Executive Orders 11-01, 11-02, and 11-03, thus rendering them defective; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that, in the course of prudence and in order to bring clarity to the status and effect of those Executive Orders, we hereby disapprove Executive Orders 11-01, 11-02, and 11-03 in their entirety, and they shall not become effective; and be it further

RESOLVED, That copies of this resolution be delivered to the Governor and the Speaker of the House of Representatives.

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. 1741

A bill for AN ACT concerning revenue.

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:

[May 18, 2011]

House Amendment No. 2 to SENATE BILL NO. 1741
Passed the House, as amended, May 18, 2011.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 1741

AMENDMENT NO. 2. Amend Senate Bill 1741 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by changing Section 909 as follows:
(35 ILCS 5/909) (from Ch. 120, par. 9-909)

Sec. 909. Credits and Refunds.

(a) In general. In the case of any overpayment, the Department may credit the amount of such overpayment, including any interest allowed thereon, against any liability in respect of the tax imposed by this Act, regardless of whether other collection remedies are closed to the Department on the part of the person who made the overpayment and shall refund any balance to such person or credit any balance to that person pursuant to an election in subparagraph (b) of this Section.

(b) Credits against estimated tax. The Department ~~shall~~ ~~may~~ prescribe regulations providing for a taxpayer election on an original return or an amended return for the crediting against the estimated tax for any taxable year of the amount determined by the taxpayer or the Department to be an overpayment of the tax imposed by this Act for a preceding taxable year.

(c) Interest on overpayment. Interest shall be allowed and paid at the rate and in the manner prescribed in Section 3-2 of the Uniform Penalty and Interest Act upon any overpayment in respect of the tax imposed by this Act. For purposes of this subsection, no amount of tax, for any taxable year, shall be treated as having been paid before the date on which the tax return for such year was due under Section 505, without regard to any extension of the time for filing such return.

(d) Refund claim. Every claim for refund shall be filed with the Department in writing in such form as the Department may by regulations prescribe, and shall state the specific grounds upon which it is founded.

(e) Notice of denial. As soon as practicable after a claim for refund is filed, the Department shall examine it and either issue a notice of refund, abatement or credit to the claimant or issue a notice of denial. If the Department has failed to approve or deny the claim before the expiration of 6 months from the date the claim was filed, the claimant may nevertheless thereafter file with the Department a written protest in such form as the Department may by regulation prescribe. If a protest is filed, the Department shall consider the claim and, if the taxpayer has so requested, shall grant the taxpayer or the taxpayer's authorized representative a hearing within 6 months after the date such request is filed.

(f) Effect of denial. A denial of a claim for refund becomes final 60 days after the date of issuance of the notice of such denial except for such amounts denied as to which the claimant has filed a protest with the Department, as provided by Section 910.

(g) An overpayment of tax shown on the face of an unsigned return shall be considered forfeited to the State if after notice and demand for signature by the Department the taxpayer fails to provide a signature and 3 years have passed from the date the return was filed. An overpayment of tax refunded to a taxpayer whose return was filed electronically shall be considered an erroneous refund under Section 912 of this Act if, after proper notice and demand by the Department, the taxpayer fails to provide a required signature document. A notice and demand for signature in the case of a return reflecting an overpayment may be made by first class mail. This subsection (g) shall apply to all returns filed pursuant to this Act since 1969.

(h) This amendatory Act of 1983 applies to returns and claims for refunds filed with the Department on and after July 1, 1983.

(Source: P.A. 89-399, eff. 8-20-95.)".

Under the rules, the foregoing **Senate Bill No. 1741**, with House Amendment No. 2, 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. 1821

[May 18, 2011]

A bill for AN ACT concerning regulation.

Together with the following amendments which are 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. 1821

House Amendment No. 2 to SENATE BILL NO. 1821

Passed the House, as amended, May 18, 2011.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1821

AMENDMENT NO. 1. Amend Senate Bill 1821 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Carbon Dioxide Transportation and Sequestration Act.

Section 5. Legislative purpose. Pipeline transportation of carbon dioxide for sequestration, enhanced oil recovery, and other purposes is declared to be a public use and service, in the public interest, and a benefit to the welfare of Illinois and the people of Illinois because pipeline transportation is necessary for sequestration, enhanced oil recovery, or other carbon management purposes and thus is an essential component to compliance with required or voluntary plans to reduce carbon dioxide emissions from "clean coal" facilities and other sources. Carbon dioxide pipelines are critical to the promotion and use of Illinois coal and also advance economic development, environmental protection, and energy security in the State.

Section 10. Definitions. As used in this Act:

"Carbon dioxide pipeline" or "pipeline" means the in-state portion of a pipeline, including appurtenant facilities, property rights, and easements, that are used exclusively for the purpose of transporting carbon dioxide to a point of sale, storage, enhanced oil recovery, or other carbon management application.

"Clean coal facility" has the meaning ascribed to that term in Section 1-10 of the Illinois Power Agency Act.

"Clean coal SNG facility" has the meaning ascribed to that term in Section 1-10 of the Illinois Power Agency Act.

"Commission" means the Illinois Commerce Commission.

"Sequester" has the meaning ascribed to that term in Section 1-10 of the Illinois Power Agency Act.

"Transportation" means the physical movement of carbon dioxide by pipeline conducted for a person's own use or account or the use or account of another person or persons.

Section 15. Scope. This Act applies to the application process for the issuance of a certificate of authority by an owner or operator of a pipeline designed, constructed, and operated to transport and to sequester carbon dioxide produced by a clean coal facility, by a clean coal SNG facility, or by any other source that will result in the reduction of carbon dioxide emissions from that source.

Section 20. Application.

(a) No person or entity may construct, operate, or repair a carbon dioxide pipeline unless the person or entity possesses a certificate of authority.

(b) The Commission, after a hearing, may grant an application for a certificate of authority authorizing the construction and operation of a carbon dioxide pipeline if it makes a specific written finding as to each of the following:

(1) the application was properly filed;

(2) the applicant is fit, willing, and able to construct and operate the pipeline in compliance with this Act and with Commission regulations and orders of the Commission or any applicable federal agencies;

(3) the applicant has entered into an agreement with a clean coal facility, a clean coal SNG facility, or any other source that will result in the reduction of carbon dioxide emissions from that source;

(4) the applicant has filed with the Pipeline and Hazardous Materials Safety Administration of the U.S. Department of Transportation all forms required by that agency in advance

[May 18, 2011]

of constructing a carbon dioxide pipeline;

(5) the applicant has filed with the U.S. Army Corps of Engineers all applications for permits required by that agency in advance of constructing a carbon dioxide pipeline;

(6) the applicant has entered into an agreement with the Illinois Department of Agriculture that governs the mitigation of agricultural impacts associated with the construction of the proposed pipeline;

(7) the applicant possesses the financial, managerial, legal, and technical qualifications necessary to construct and operate the proposed carbon dioxide pipeline; and

(8) the proposed pipeline is consistent with the public interest, public benefit, and legislative purpose as set forth in this Act. In addition to any other evidence the Commission may consider on this specific finding, the Commission shall consider the following:

(A) any evidence of the effect of the pipeline upon the economy, infrastructure, and public safety presented by local governmental units that will be affected by the proposed pipeline route;

(B) any evidence of the effect of the pipeline upon property values presented by property owners who will be affected by the proposed pipeline or facility, provided that the Commission need not hear evidence as to the actual valuation of property such as that as would be presented to and determined by the courts under the Eminent Domain Act;

(C) any evidence presented by the Department of Commerce and Economic Opportunity regarding the current and future local, State-wide, or regional economic effect, direct or indirect, of the proposed pipeline or facility including, but not limited to, ability of the State to attract economic growth, meet future energy requirements, and ensure compliance with environmental requirements and goals;

(D) any evidence addressing the factors described in items (1) through (8) of this subsection (b) or other relevant factors that is presented by any other State agency, the applicant, a party, or other entity that participates in the proceeding, including evidence presented by the Commission's staff; and

(E) any evidence presented by any State or federal governmental entity as to how the proposed pipeline will affect the security, stability, and reliability of energy.

In its written order, the Commission shall address all of the evidence presented, and if the order is contrary to any of the evidence, the Commission shall state the reasons for its determination with regard to that evidence.

(c) When an applicant files its application for a certificate of authority with the Commission, it shall provide notice to each local government where the proposed pipeline will be located and include a map of the proposed pipeline route. The applicant shall also publish notice in a newspaper of general circulation in each county where the proposed pipeline is located.

(d) An application for a certificate of authority filed pursuant to this Section shall request either that the Commission review and approve a specific route for a carbon dioxide pipeline, or that the Commission review and approve a project route width that identifies the areas in which the pipeline would be located, with such width ranging from the minimum width required for a pipeline right-of-way up to 200 feet in width. A map of the route or route width shall be included in the application. The purpose for allowing the option of review and approval of a project route width is to provide increased flexibility during the construction process to accommodate specific landowner requests, avoid environmentally sensitive areas, or address special environmental permitting requirements.

(e) The Commission's rules shall ensure that notice of an application for a certificate of authority is provided within 30 days after filing to the landowners along a proposed project route, or to the potentially affected landowners within a proposed project route width, using the notification procedures set forth in the Commission's rules. If the Commission grants approval of a project route width as opposed to a specific project route, then the applicant must, as it finalizes the actual pipeline alignment within the project route width, file its final list of affected landowners with the Commission at least 14 days in advance of beginning construction on any tract within the project route width and also provide the Commission with at least 14 days' notice before filing a complaint for eminent domain in the circuit court with regard to any tract within the project route width.

(f) The Commission shall make its determination on any application for a certificate of authority filed pursuant to this Section and issue its final order within 11 months after the date that the application is filed. The Commission's failure to act within this time period shall be deemed a denial of the application.

(g) The Commission shall not issue its final order until the applicant is in receipt of valid permits from the Pipeline and Hazardous Materials Safety Administration of the U.S. Department of Transportation, U.S. Army Corps of Engineers, and Illinois Department of Agriculture, in addition to any other

necessary permits for construction.

(h) Within 6 months after the Commission's entry of an order approving either a specific route or a project route width under this Section, the owner or operator of the carbon dioxide pipeline that receives that order may file supplemental applications for minor route deviations outside the approved project route width, allowing for additions or changes to the approved route to address environmental concerns encountered during construction or to accommodate landowner requests. The supplemental application shall specifically detail the environmental concerns or landowner requests prompting the route changes, including the names of any landowners or entities involved. Notice of a supplemental application shall be provided to any State agency or unit of local government that appeared in the original proceeding and to any landowner affected by the proposed route deviation at the time that supplemental application is filed. The route deviations shall be approved by the Commission no sooner than 90 days after all interested parties receive notice of the supplemental application, unless a written objection is filed to the supplemental application within 45 days after such notice is received. If a written objection is filed, then the Commission shall issue an order either granting or denying the route deviation within 90 days after the filing of the objection. Hearings on any such supplemental application shall be limited to the reasonableness of the specific variance proposed, and the issues of the public interest and benefit of the project or fitness of the applicant shall be considered only to the extent that the route deviation has raised new concerns with regard to those issues.

(i) A certificate of authority to construct and operate a carbon dioxide pipeline issued by the Commission shall contain and include all of the following:

(1) a grant of authority to construct and operate a carbon dioxide pipeline as requested in the application, subject to the laws of this State; and

(2) a limited grant of authority to take and acquire an easement in any property or interest in property for the construction, maintenance, or operation of a carbon dioxide pipeline in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act. The limited grant of authority shall be restricted to, and exercised solely for, the purpose of siting, rights-of-way, and easements appurtenant, including construction and maintenance. The applicant shall not exercise this power until it has used reasonable and good faith efforts to acquire the property or easement thereto. The applicant may thereafter use this power when the applicant determines that the easement is necessary to avoid unreasonable delay or economic hardship to the progress of activities carried out pursuant to the certificate of authority.

Section 25. Procedures. Notwithstanding any other provision of this Act, any power granted pursuant to this Act to acquire an easement is subject to, and shall be exercised in accordance with, the Eminent Domain Act.

Section 30. Safety. A carbon dioxide pipeline owner shall construct, maintain, and operate all of its pipelines, related facilities, and equipment in this State in a manner that poses no undue risk to its employees or the public. The Commission shall not issue any certificates or permits allowing the construction of a carbon dioxide pipeline until it has adopted federal safety regulations governing the construction, maintenance, and operations of carbon dioxide pipelines, related facilities, and equipment to ensure the safety of pipeline employees and the public.

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

AMENDMENT NO. 2 TO SENATE BILL 1821

AMENDMENT NO. 2. Amend Senate Bill 1821, AS AMENDED, with reference to page and line numbers of House Amendment No. 1 as follows:

on page 7, by replacing lines 6 through 17 with the following:

"(f) The Commission shall make its determination on any application for a certificate of authority filed pursuant to this Section and issue its final order within 11 months after the date that the application is filed. The Commission's failure to act within this time period shall not be deemed an approval or denial of the application.

(g) A final order of the Commission granting a certificate of authority pursuant to this Act shall be conditioned upon the applicant obtaining all required permits or approvals from the Pipeline and Hazardous Materials Safety Administration of the U.S. Department of Transportation, U.S. Army Corps of Engineers, and Illinois Department of Agriculture, in addition to all other permits and approvals necessary for the construction and operation of the pipeline prior to the start of any construction. The

[May 18, 2011]

final order must specifically prohibit the start of any construction until all such permits and approvals have been obtained.".

Under the rules, the foregoing **Senate Bill No. 1821**, with House Amendments numbered 1 and 2, 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 bills of the following titles, to-wit:

SENATE BILL NO. 106

A bill for AN ACT concerning children.

SENATE BILL NO. 151

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 621

A bill for AN ACT concerning education.

SENATE BILL NO. 1784

A bill for AN ACT concerning public aid.

Passed the House, May 18, 2011.

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 bills of the following titles, to-wit:

SENATE BILL NO. 1807

A bill for AN ACT concerning corrections.

SENATE BILL NO. 1862

A bill for AN ACT concerning State government.

Passed the House, May 18, 2011.

MARK MAHONEY, Clerk of the House

MOTION

Pursuant to Senate Rule 7-15, having voted on the prevailing side, Senator Dillard moved to reconsider the vote by which House Bill 1699 passed.

The motion prevailed.

JOINT ACTION MOTION FILED

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

Motion to Concur in House Amendment 2 to Senate Bill 1352

LEGISLATIVE MEASURES FILED

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 1041

Senate Committee Amendment No. 2 to House Bill 1041

Senate Committee Amendment No. 1 to House Bill 1444

Senate Committee Amendment No. 2 to House Bill 1530

[May 18, 2011]

Senate Committee Amendment No. 1 to House Bill 1698
Senate Committee Amendment No. 1 to House Bill 2972

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

Senate Floor Amendment No. 2 to House Bill 78
Senate Floor Amendment No. 3 to House Bill 78
Senate Floor Amendment No. 1 to House Bill 1056
Senate Floor Amendment No. 1 to House Bill 1317
Senate Floor Amendment No. 2 to House Bill 1490
Senate Floor Amendment No. 2 to House Bill 1600
Senate Floor Amendment No. 2 to House Bill 1689
Senate Floor Amendment No. 3 to House Bill 1699
Senate Floor Amendment No. 1 to House Bill 1929
Senate Floor Amendment No. 1 to House Bill 3034
Senate Floor Amendment No. 3 to House Bill 3188

At the hour of 5:47 o'clock p.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 5:54 o'clock p.m. the Senate resumed consideration of business.
Senator Crotty, presiding.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 18, 2011 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Committee Amendment No. 1 to House Bill 2972.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 18, 2011 meeting, reported that the following Legislative Measure has been approved for consideration:

Senate Resolution 247

The foregoing resolution was placed on the Secretary's Desk.

COMMITTEE MEETING ANNOUNCEMENTS

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

Public Health in Room 212

The Chair announced the following committee to meet at 9:20 o'clock a.m. tomorrow:

Human Services in Room 212

The Chair announced the following committee to meet at 9:21 o'clock a.m. tomorrow:

[May 18, 2011]

Judiciary in Room 400

The Chair announced the following committees to meet at 9:41 o'clock a.m. tomorrow:

Transportation in Room 400
Education in Room 409

The Chair announced the following committees to meet at 10:41 o'clock a.m. tomorrow:

Executive in Room 212
Redistricting in Room 400
Licensed Activities in Room 409

The Chair announced the following committee to meet at 11:31 o'clock a.m. tomorrow:

State Government and Veterans Affairs in Room 409

The Chair announced the following committees to meet at 5:00 o'clock p.m. tomorrow:

Environment in Room 400
Local Government in Room 409

The Chair announced the following committee to meet at 5:01 o'clock p.m. tomorrow:

Criminal Law in Room 212

At the hour of 5:57 o'clock p.m., the Chair announced the Senate stand adjourned until Thursday, May 19, 2011, at 1:00 o'clock p.m.