



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-THIRD GENERAL ASSEMBLY

60TH LEGISLATIVE DAY

TUESDAY, NOVEMBER 4, 2003

12:25 O'CLOCK P.M.

NO. 60

[November 4, 2003]

SENATE
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60th Legislative Day

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The Senate met pursuant to adjournment.
Honorable Emil Jones Jr., President of the Senate, presiding.
Prayer by Rabbi Michael Datz, Temple B'rith Sholom, Springfield, Illinois.
Senator Link led the Senate in the Pledge of Allegiance.

The Journal of Thursday, May 29, 2003, was being read when on motion of Senator Haine further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Friday, May 30, 2003, was being read when on motion of Senator Haine further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Saturday, May 31, 2003, was being read when on motion of Senator Haine further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, October 23, 2003, was being read when on motion of Senator Haine further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Wednesday, October 29, 2003, was being read when on motion of Haine further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

COMMUNICATIONS

ILLINOIS STATE SENATOR
LARRY D. WOOLARD
59TH SENATE DISTRICT

June 4, 2003

The Honorable Emil Jones, Jr.
Illinois Senate President
329 State Capitol
Springfield, IL 62706

Dear President Jones:

I would like to inform you that I am resigning from my position as Senator of the 59th District, effective at the close of business Friday, June 6, 2003. It has certainly been my honor to be part of this great body.

I will always be appreciative of all the support you have given to me and of the friendships that we have established in this Chamber, both among members and staff.

Having had the privilege of being a Senator is something I will cherish all of my life.

If I can ever be of any assistance to you in the future, please do not hesitate to contact me.

Sincerely,
s/Larry D. Woolard
State Senator
59th District

cc: Frank Watson, Senate Republican Leader
Linda Hawker, Secretary of the Senate

[November 4, 2003]

Secretary of State, Index Department
Chair of the 59th District Legislative Committee

OFFICE OF THE SECRETARY OF STATE
JESSE WHITE
Secretary of State

June 18, 2003

Honorable Linda Hawker
Secretary of the Senate
Room 401
Capitol Building
Springfield, Illinois 62706

Dear Ms. Hawker:

This office is forwarding herewith copies of the Notice of Vacancy from the Democratic Legislative Committee of the 59th Legislative District declaring the existance of a vacancy in the office of Senator in the Ninety-Third General Assembly in the 59th Legislative District, as a result of the resignation of Larry D. Woolard, effective June 6, 2003.

Also enclosed is the copy of the Democratic Legislative Committee's Certificate of Appointment for Gary Forby, 8725 Bennett Rd., Benton, Illinois 62812 who was appointed to fill the vacancy in the Office of Senator, in the 93rd General Assembly for the 59th Legislative District.

Yours truly
s/Jesse White
Secretary of State.

NOTICE

Changes in the Ninety-Third General Assembly

SENATE

Appointment

Gary Forby
8725 Bennett Rd.
Benton, Illinois 62812
59th Legislative District
Appointed: June 15, 2003
Filed: June 16, 2003

Vacancy

Larry D. Woolard
59th Legislative District
Resigned: June 6, 2003
Filed: June 16, 2003

cc: Communications Department
House Speaker Madigan
House Minority Leader Cross
Legal Department
Legislative Affairs
Office of the Governor
Secretary of State
Senate President Jones
Senate Minority Leader Watson
State Board of Elections

FRANKLIN COUNTY
DEMOCRATIC ORGANIZATION

[November 4, 2003]

Ms. Linda Hawker
 Secretary of the Senate
 Capitol Building, Room 403
 401 South 2nd Street
 Springfield, IL 62706

NOTICE OF OCURRENCE OF VACANCY

Pursuant to 10 ILCS Act 5, Section 25-6 the legislative committee of the Democrat Party of the 59th Senate District of the State of Illinois, having been informed of a vacancy in that District's Senate seat, and having been polled as required by law hereby declares that a vacancy exists in the 59th Senate District seat for the State of Illinois.

James L. Eaton
 Chairman of the 59th District
 Democratic Party Legislative Committee

Dated: 6-11-03

Enclosure

Vacancy in the 59th Senate Seat

Yes	1)	Nancy Mitchell	Mon. June 9, 2003	2:30 pm
Yes	2)	Jerry Prince	Mon. June 9, 2003	2:45 pm
Yes	3)	Jim Stevens	Mon. June 9, 2003	2:55 pm
Yes	4)	Chalen Tatum	Mon. June 9, 2003	3:05 pm
Yes	5)	Bill Stevens	Mon. June 9, 2003	3:10 pm
Yes	6)	Don Rumsey	Mon. June 9, 2003	3:30 pm
Yes	7)	Sam Johnson	Mon. June 9, 2003	3:55 pm
Yes	8)	Paul Lamar	Mon. June 9, 2003	9:00 pm
Yes	9)	Randy Tucker	Mon. June 9, 2003	9:30 pm
Yes	10)	Robert Wilson	Mon. June 9, 2003	9:45 pm
Yes	11)	Brett Neighbors	Mon. June 9, 2003	9:55 pm
Yes	12)	Larry Douglas	Mon. June 11, 2003	9:55 am

James L. Eaton
 Chairman of the 59th District
 Democrat Party Legislative Committee

Dated: 6-11-03

Ms. Linda Hawker
 Secretary of the Senate
 Room 401, Capitol Building
 Springfield, IL 62706

Dear Ms. Hawker:

Pursuant to Section 25-6 of the Illinois Election Code, please be advised that the attached is a duly executed Certificate of Appointment to fill the vacancy in the office of Senator in the Illinois General Assembly for the 59th Legislative District which certifies the appointment of Gary Forby who resides at 8725 Bennett Rd., Benton, IL 62812, to fill the vacancy in the office of Senator in the Illinois General Assembly for the 59th Legislative District created by the resignation of Larry D. Woolard effective June 6, 2003.

Dated: 6-15-03

[November 4, 2003]

James L. Eaton
 Chairman, Democratic Legislative
 Committee for the 59th Legislative District

CERTIFICATE OF APPOINTMENT
 TO FILL VACANCY IN THE OFFICE OF
 SENATOR IN THE GENERAL ASSEMBLY

WHEREAS, a vacancy, will exist/exists in the office of Senator in the General Assembly for the 59th Legislative District by reason of the resignation of Larry Woolard, effective June 6, 2003 who was duly elected Senator in the General Assembly from the 59th Legislative District, as a candidate of the Democratic Party, in the General Election held on November 5, 2002; and

WHEREAS, the Legislative Committee of the Democratic Party of the 59th Legislative District has declared the existence of the vacancy in said office, effective June 6, 2003 and has voted to fill the vacancy in said office as required by Section 25-6 of the Election Code; and

WHEREAS, Larry Woolard received a total number of 53,637 votes at the general election held on November 5, 2002; and

WHEREAS, the total number of votes necessary to appoint a successor to fill the vacancy in the office Senator in the General Assembly from the 59th Legislative District is 26,819, and

WHEREAS, Gary Forby who resides at 8725 Bennett Rd., Benton IL, received a total of 43,992 votes to fill the vacancy of said office; therefore

BE IT RESOLVED, that the Legislative Committee of the Democratic Party of the 59th Legislative District of Illinois hereby appoints Gary Forby, who resides at 8725 Bennett Rd., Benton, IL, a member of the Democratic Party, to the office of Senator in the General Assembly from the 59th Legislative District of Illinois effective June 15, 2003.

Dated: June 15, 2003

Gerald Prince Hamilton County	2045 vote cast	Bret Neighbors Johnson County	3133 vote cast
Randy Tucker Union County	vote cast	Paul Lamar Hardin County	vote cast
Jim Stevens Gallatin County	2411 vote cast	Don Rumsey Pope County	vote cast
Bill Stevens Williamson County	14013 vote cast	Larry Douglas Massac County	218 vote cast
Sam Johnson Pulaski County	vote cast	Chalem Tatum Alexander County	vote cast
Nancy Mitchell White County	1855 vote cast		
President James L. Eaton Franklin County	10319 vote cast	Secretary Robert Wilson Saline County	6998 vote cast

OATH OF OFFICE

STATE OF ILLINOIS)
)SS.
 COUNTY OF WILLIAMSON)

[November 4, 2003]

I, Gary Forby, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of Senator in the General Assembly for the 59th Legislative District of the State of Illinois to the best of my ability.

Gary Forby

Subscribed and sworn to me this

Paul S. Murphy
Circuit Judge
6-17-03, 9:30 am

MESSAGES FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

Emil Jones, Jr.
Senate President

327 State Capitol
Springfield, IL 62706

June 13, 2003

The Honorable Linda Hawker
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to the provisions of Senate Rules 3-1 and 3-2, I hereby appoint Senator Jeffrey M. Schoenberg as Chairperson of the Senate Committee on State Government, effective immediately.

Sincerely,
Emil Jones Jr.
Senate President

cc: Senate Republican Leader Watson
Senator Jeffrey M. Schoenberg

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

Emil Jones, Jr.
Senate President

327 State Capitol
Springfield, IL 62706

August 7, 2003

Ms. Linda Hawker
Secretary of the Senate
Room 401
State House
Springfield, IL 62706

Dear Secretary Hawker:

Please be advised that Senator Gary Forby has been appointed as a member of the following committees:

[November 4, 2003]

Education
Agriculture and Conservation
Labor and Commerce

If you have any questions, please feel free to contact Courtney Nottage, Chief of Staff, at 782-3920.

Sincerely,
Emil Jones Jr.
Senate Democratic Leader

cc: Senate Minority Leader Watson
Speaker Madigan
House Minority Leader Cross
Legislative Research Unit
Clerk of the House

EXCUSED FROM ATTENDANCE

On motion of Senator Welch, Senator Shadid was excused from attendance due to family illness.

INTRODUCTION OF BILLS

SENATE BILL NO. 2105. Introduced by Senators D. Sullivan - Watson, a bill for AN ACT concerning the environment.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2106. Introduced by Senator Halvorson, a bill for AN ACT in relation to the transfer of real property.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2107. Introduced by Senators Risinger - Althoff - Watson - Lauzen - Syverson, Bomke, Brady, Burzynski, Cronin, Geo-Karis, J. Jones, Luechtefeld, Peterson, Radogno, Roskam, Rutherford, Soden, D. Sullivan and Winkel, a bill for AN ACT concerning finance.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2108. Introduced by Senators Demuzio - DeLeo - Dillard, a bill for AN ACT concerning accounting.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2109. Introduced by Senators Demuzio - DeLeo - Dillard, a bill for AN ACT concerning accounting.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2110. Introduced by Senator Radogno, a bill for AN ACT concerning vehicles.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 293

Offered by Senator E. Jones and all Senators:

[November 4, 2003]

Mourns the death of Danny R. Day of Springfield.

SENATE RESOLUTION 294

Offered by Senator Geo-Karis and all Senators:
Mourns the death of Walter Clinton Griffin of Waukegan.

SENATE RESOLUTION 295

Offered by Senator Geo-Karis and all Senators:
Mourns the death of Truman P. Hudson of Grayslake.

SENATE RESOLUTION 296

Offered by Senator Haine and all Senators:
Mourns the death of Bette Jayne Powell of Alton.

SENATE RESOLUTION 297

Offered by Senator Haine and all Senators:
Mourns the death of George R. "Buzz" Westfall of St. Louis.

SENATE RESOLUTION 298

Offered by Senator D. Sullivan and all Senators:
Mourns the death of Richard C. Wessell, Sr. of Des Plaines.

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

MOTIONS IN WRITING

Senator Cullerton submitted the following Motion in Writing:

I move that **Senate Bill 70** do pass, notwithstanding the veto of the Governor.

DATE: October 31, 2003

John J. Cullerton
Senator

Senator Link submitted the following Motion in Writing:

I move that **Senate Bill 83** do pass, notwithstanding the veto of the Governor.

DATE: October 30, 2003

Terry Link
Senator

Senator Cullerton submitted the following Motion in Writing:

I move that **Senate Bill 100** do pass, notwithstanding the veto of the Governor.

DATE: October 30, 2003

John J. Cullerton
Senator

Senator Clayborne submitted the following Motion in Writing:

I move that **Senate Bill 212** do pass, notwithstanding the specific recommendations of the Governor.

DATE: October 31, 2003

James F. Clayborne
Senator

Senator Clayborne submitted the following Motion in Writing:

[November 4, 2003]

I move that **Senate Bill 216** do pass, notwithstanding the specific recommendations of the Governor.

DATE: October 31, 2003

James F. Clayborne
Senator

Senator Walsh submitted the following Motion in Writing:

I move that **Senate Bill 272** do pass, notwithstanding the specific recommendations of the Governor.

DATE: November 3, 2003

Lawrence Walsh
Senator

Senator Shadid submitted the following Motion in Writing:

I move that **Senate Bill 318** do pass, notwithstanding the veto of the Governor.

DATE: October 31, 2003

George P. Shadid
Senator

Senator DeLeo submitted the following Motion in Writing:

I move that **Senate Bill 408** do pass, notwithstanding the veto of the Governor.

DATE: October 29, 2003

James A. DeLeo
Senator

Senator Cullerton submitted the following Motion in Writing:

I move that **Senate Bill 472** do pass, notwithstanding the specific recommendations of the Governor.

DATE: October 30, 2003

John J. Cullerton
Senator

Senator Radogno submitted the following Motion in Writing:

I move that **Senate Bill 606** do pass, notwithstanding the veto of the Governor.

DATE: October 30, 2003

Christine Radogno
Senator

Senator Walsh submitted the following Motion in Writing:

I move that **Senate Bill 629** do pass, notwithstanding the specific recommendations of the Governor.

DATE: November 3, 2003

Lawrence Walsh
Senator

Senator Shadid submitted the following Motion in Writing:

I move that **Senate Bill 639** do pass, notwithstanding the specific recommendations of the Governor.

DATE: October 29, 2003

George P. Shadid
Senator

[November 4, 2003]

Senator Crotty submitted the following Motion in Writing:

I move that **Senate Bill 1321** do pass, notwithstanding the specific recommendations of the Governor.

DATE: October 29, 2003

Maggie Crotty
Senator

Senator del Valle submitted the following Motion in Writing:

I move that **Senate Bill 1364** do pass, notwithstanding the specific recommendations of the Governor.

DATE: November 3, 2003

Miguel del Valle
Senator

Senator Jacobs submitted the following Motion in Writing:

I move that **Senate Bill 1521** do pass, notwithstanding the specific recommendations of the Governor.

DATE: October 29, 2003

Denny Jacobs
Senator

Senator J. Sullivan submitted the following Motion in Writing:

MOTION

I move to accept the specific recommendations of the Governor as to Senate Bill 1754 in manner and form as follows:

AMENDMENT TO SENATE BILL 1754

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 1754 on page 6, line 2, by replacing "23" with "17"; and on page 6, by replacing lines 9 through 14 with the following:

"(2) Public members. Fifteen members shall be appointed by the Governor with the advice and consent of the Senate. Each county within the territorial jurisdiction of the Authority shall be represented by at least one member. All"; and

on page 6, line 24, by replacing "Twelve" with "Eight"; and

on page 6, by replacing lines 26 and 27 with the following:

"annually by the Board."; and

on page 6, by replacing line 30 with the following:

"Of the 15 original public members appointed pursuant to subsection (b), 3 shall serve until the third Monday in January, 2005; 3 shall serve until the third Monday in January, 2006; 3 shall serve until the third Monday in January, 2007; 3 shall serve until the third Monday in January, 2008; and 3 shall serve until the third Monday in January, 2009. All successors to these original public members shall be appointed by the Governor with the advice and consent of the Senate, pursuant to subsection (b), and shall hold office for a term of 6 years commencing the third Monday in January of the year in which their term commences, except in the case of an appointment to fill a vacancy. Vacancies occurring among the public members shall be filled"; and

on page 7, by replacing lines 10 through 13 with the following:

"malfeasance in office."; and

by replacing lines 31 through 34 on page 7 and lines 1 through 29 on page 8 with the following:

"the Illinois Finance Authority, attorneys, appraisers, engineers, accountants, credit analysts, and other consultants if the Western Illinois Economic Development Authority deems it advisable.

Section 25. Duty. All official acts of the Authority shall require the approval of at least 8 members. It shall"; and

on page 9, by replacing line 13 with the following

"(3) to utilize services of the Illinois Finance Authority necessary to".

DATE: November 4, 2003

John Sullivan

[November 4, 2003]

Senator

Senator Harmon submitted the following Motion in Writing:

I move that **Senate Bill 1881** do pass, notwithstanding the veto of the Governor.

DATE: November 4, 2003

Don Harmon
Senator

The foregoing Motions in writing was filed with the Secretary and placed on the Senate Calendar.

Senator Link submitted the following Motion in Writing:

MOTION

I move to accept the specific recommendations of the Governor as to Senate Bill 150 in manner and form as follows:

AMENDMENT TO SENATE BILL 150
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 150 on page 1, line 5, by deleting "and changing Section 29-15"; and by deleting line 26 on page 2 through line 13 on page 3.

DATE: October 30, 2003

Terry Link
Senator

Senator D. Sullivan submitted the following Motion in Writing:

MOTION

I move to accept the specific recommendations of the Governor as to Senate Bill 180 in manner and form as follows:

AMENDMENT TO SENATE BILL 180
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 180 on page 1, line 21 by deleting "who was adopted under the"; and on page 1, by deleting lines 22 and 23; and on page 1, line 24, by deleting "and"; and on page 1, line 26, after "Act", by inserting the following: "and who was adopted under the laws of a jurisdiction or country other than the United States by an adopting parent who is a resident of this State".

DATE: November 3, 2003

Dave Sullivan
Senator

Senator D. Sullivan submitted the following Motion in Writing:

MOTION

I move to accept the specific recommendations of the Governor as to Senate Bill 196 in manner and form as follows:

AMENDMENT TO SENATE BILL 196
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 196 on page 1, line 30, after "increase", by inserting "property"; and on page 2, line 1, by replacing "tax rate" with "property tax levy"; and on page 2, line 2, after "more", by inserting "of the park district's"; and on page 2, line 6, after "increase", by inserting "either"; and on page 2, line 6 after "exceed", by inserting "or result in a reduction to".

DATE: November 3, 2003

Dave Sullivan
Senator

Senator Schoenberg submitted the following Motion in Writing:

MOTION

[November 4, 2003]

I move to accept the specific recommendations of the Governor as to Senate Bill 319 in manner and form as follows:

AMENDMENT TO SENATE BILL 319
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 319 by deleting line 33 on page 2 through line 4 on page 3; and on page 4, lines 3 and 4, by deleting "Nothing in this Section requires an investigation to include an on-site visit."; and by replacing line 23 on page 4 through line 4 on page 5 with the following: "Act has been or is being violated. The Department shall investigate all complaints alleging abuse or neglect within 7 days after the receipt of the complaint except that complaints of abuse or neglect which indicate that a resident's life or safety is in imminent danger shall be investigated within 24 hours after receipt of the complaint. All other"; and on page 7, line 2, by replacing "2, 4," with "2"; and by deleting line 6 on page 11 through line 19 on page 13; and by deleting all of pages 14 through 17.

DATE: October 27, 2003

Jeffrey M. Schoenberg
Senator

Senator Link submitted the following Motion in Writing:

MOTION

I move to accept the specific recommendations of the Governor as to Senate Bill 563 in manner and form as follows:

AMENDMENT TO SENATE BILL 563
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 563 on page 6, line 11, by replacing "~~and~~" with "and"; and on page 6, lines 12 and 13, by deleting "or 56,000 pounds on manufactured recovery units with a triple rear axle."; and on page 11, line 10, by replacing "axle or" with "axle ~~or~~"; and on page 11, line 10, by inserting the following before the period: "or 56.000 pounds on manufactured recovery units with a triple rear axle".

DATE: October 29, 2003

Terry Link
Senator

SenatorLink submitted the following Motion in Writing:

MOTION

I move to accept the specific recommendations of the Governor as to Senate Bill 640 in manner and form as follows:

AMENDMENT TO SENATE BILL 640
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 640 on page 1, line 6, by deleting "7-103.106"; and by deleting page 3, line 24 through page 8, line 22.

DATE: October 29, 2003

Terry Link
Senator

Senator Viverito submitted the following Motion in Writing:

MOTION

I move to accept the specific recommendations of the Governor as to Senate Bill 699 in manner and form as follows:

AMENDMENT TO SENATE BILL 699
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 699 on page 2, by replacing lines 16 through 18 with "conference, or other electronic means, all locations at which members of the public may attend must be disclosed in the agenda. An agenda for each regular meeting shall be"; and

[November 4, 2003]

on page 5, line 22, by deleting "special emergency"; and
 on page 5, by replacing lines 26 and 27 with "place designated in the notice of the meeting, a public body may allow a member of that body to attend the meeting by electronic means if the"; and
 on page 6, line 16, after "law", by inserting "other than a hearing conducted under Article 9 or 10 of the Election Code".

DATE: October 31, 2003

Louis I. Viverito
 Senator

Senator Crotty submitted the following Motion in Writing:

MOTION

I move to accept the specific recommendations of the Governor as to Senate Bill 777 in manner and form as follows:

AMENDMENT TO SENATE BILL 777

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 777 on page 2, line 1, after "government", by inserting ", including a home rule unit,"; and

on page 2, by replacing lines 15 through 20 with the following:

"provides services or facilities focusing primarily on cardiovascular exertion as defined by Department rule.

(b) "Physical fitness facility" does not include a facility serving less than a total of 100 individuals, as further defined by Department rule. In addition, the term does not include a"; and

on page 2, by replacing line 26 with the following:

"(a) Before January 1, 2005, each person or entity, including a home rule unit, that"; and

on page 3, line 4, after "entity", by inserting ", including a home rule unit,"; and

on page 4, by deleting lines 1 through 12; and

on page 4, by replacing lines 24 through 32 with the following:

"subsection (a) or (b) of Section 15, the Director may issue to the facility a written administrative warning without monetary penalty for the initial violation. The facility may reply to the Department with written comments concerning the facility's remedial response to the warning. For subsequent violations, the Director may impose a civil monetary penalty against the facility as follows:

(1) At least \$1,500 but less than \$2,000 for a second violation.

(2) At least \$2,000 for a third or subsequent violation.

(b) The Director may impose a civil monetary penalty under this"; and

on page 5, below line 16, by inserting the following:

"(d) The fines shall be deposited into the Physical Fitness Facility Medical Emergency Preparedness Fund to be appropriated to the Department, together with any other amounts, for the costs of administering this Act."; and

on page 6, after line 20 by adding the following:

"Section 55. Home rule. A home rule unit must comply with the requirements of this Act. A home rule unit may not regulate physical fitness facilities in a manner inconsistent with this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 75.

The State Finance Act is amended by adding Section 5.595 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Physical Fitness Facility Medical Emergency Preparedness Fund."; and
 by deleting page 6, line 28 through page 46, line 6.

DATE: October 29, 2003

Maggie Crotty
 Senator

Senator del Valle submitted the following Motion in Writing:

MOTION

I move to accept the specific recommendations of the Governor as to Senate Bill 1364 in manner and form as follows:

AMENDMENT TO SENATE BILL 1364

[November 4, 2003]

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 1364 on page 1, line 10, by replacing "disparate impact" with "applicability".

DATE: October 29, 2003

Miguel del Valle
Senator

Senator Crotty submitted the following Motion in Writing:

MOTION

I move to accept the specific recommendations of the Governor as to Senate Bill 1523 in manner and form as follows:

AMENDMENT TO SENATE BILL 1523

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 1523 on page 3, deleting line 33; and on page 3, line 34, by deleting "assure"; and

on page 4, by replacing lines 7 through 14 with the following:

"(5) Monitor State funded programs delivering services to persons who are deaf or hard of hearing to determine the extent that promised and mandated services are delivered."; and

on page 4, by replacing lines 25 through 33 with the following:

"(7) Promote cooperation among State and local agencies providing educational programs for deaf and hard of hearing individuals.".

DATE: October 29, 2003

Maggie Crotty
Senator

Senator Schoenberg submitted the following Motion in Writing:

MOTION

I move to accept the specific recommendations of the Governor as to Senate Bill 1848 in manner and form as follows:

AMENDMENT TO SENATE BILL 1848

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 1848 on page 1, line 7, by deleting "9.65,"; and on page 5, by deleting lines 21 through 26.

DATE: October 27, 2003

Jeffrey M. Schoenberg
Senator

Senator del Valle submitted the following Motion in Writing:

JOINT ACTION MOTION FILED

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

Motion to Concur in House Amendment 1 to Senate Bill 1957

At the hour of 12:37 o'clock p.m., Senator Halvorson announced there would be a Democrat caucus immediately upon recess.

At the hour of 12:37 o'clock p.m., Senator Burzynski announced there would be a Republican caucus immediately upon recess.

At the hour of 12:38 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

[November 4, 2003]

At the hour of 2:50 o'clock p.m., the Senate resumed consideration of business.
 Senator Welch, presiding.

MESSAGE FROM THE HOUSE

A message from the House by

Mr. Bolin, Assistant Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 3412

A bill for AN ACT concerning ethics.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, November 4, 2003, by a three-fifths vote.

BRADLEY S. BOLIN, Assistant Clerk of the House

August 26, 2003

To the Honorable Members of the
 Illinois House of Representatives
 93rd General Assembly

The ethics bill passed in May needs substantial improvement. It lacks certain fundamental components present in states with respected ethics laws, such as an Ethics Commission. It lacks enforcement mechanisms. It fails adequately to address problems like the need for a tough revolving door law, violations of the Gift Ban Act, ethics training, an ethics hotline, and the abuse of taxpayers' dollars through the inappropriate use of public service announcements, among other issues. This amendatory veto represents my best effort to correct these flaws and provide a truly strong and coherent ethics reform.

However, even with the filing of this amendatory veto, I am very willing to continue working with the legislative leaders and constitutional officers to develop a new ethics bill over the months leading into the veto session. I am hopeful that we can all reach consensus on a bill that meets the test for comprehensive ethics reform. If we do, I am willing to pursue the agreed bill instead. If an agreement cannot be reached, I will work to have this amendatory veto called and approved.

Pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 3412, entitled "AN ACT concerning ethics", with the following specific recommendations for change:
 on page 2, after line 2, by inserting the following:

"Commission" means an ethics commission created by this Act."; and

on page 2, after line 22, by inserting the following:

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food, and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an employee, member, or officer."; and

on page 5, after line 6, by inserting the following:

"Prohibited Source" means any person or entity who:

(1) is seeking official action (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;

(2) does business or seeks to do business (i) with the member or officer or (ii) in the case of an employee, with the employee or with the member, officer, State agency, or other employee directing the employee;

(3) conducts activities regulated (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;

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(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the member, officer, or employee; or

(5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a lobbyist is one of its members or serves on its board of directors.”; and

on page 7, by replacing line 21 with the following:

“(b) The policies required under subsection (a), (i) for each executive branch constitutional office shall be filed with the Executive Ethics Commission and (ii) for the legislative branch shall be filed with the ultimate jurisdictional authority.

(c) The policies required under subsection (a) shall”; and

on page 8, by replacing lines 8 through 11 with the following:

“program conducted by the appropriate State agency. Each ultimate jurisdictional authority must implement an ethics-training program for its officers and employees. These training programs shall be overseen (i) in the executive branch, by the Executive Inspector General and (ii) in the legislative branch, by the ultimate jurisdictional authority. Standards and the hours and frequency of training necessary for each position or category of positions shall be determined (i) in the executive branch, by the Executive Inspector General and (ii) in the legislative branch, by the ultimate jurisdictional authority. A person who fills a vacancy in an”; and

by replacing line 28 on page 9 through line 4 on page 10 with the following:

“(a) No public service announcement or advertisement that is on behalf of any State administered program, is paid for by public dollars, and contains the proper name, image, or voice of any executive branch constitutional officer or member of the General Assembly shall be broadcast or aired on radio or television or printed in a commercial newspaper or a commercial magazine at any time.”; and

on page 11, by replacing line 30 with the following:

“(a) No former official, appointee, member, or State employee, or spouse, domestic partner, or immediate family member living with the employee, shall, within a period of one”; and

on page 12, line 1, after “if the”, by inserting “official, appointee, member, or State”; and

on page 12, by replacing lines 3 through 6 with the following:

“participated personally and substantially in the subject matter of a transaction between the employer, or its parent or subsidiary, and the State during his or her term of office or employment.

(b) The requirements of this Section may be waived (i) for the executive branch, by the Executive Ethics Commission and (ii) for the legislative branch, by”; and

on page 12, line 9, after “authority”, by inserting “or the Executive Ethics Commission”; and

on page 12, after line 15, by inserting the following:

“ARTICLE 10
GIFT BAN

Section 10-10. Gift ban. Except as otherwise provided in this Article, no member, officer, or employee shall intentionally solicit or accept any gift from any prohibited source or in violation of any federal or State statute, rule, or regulation. This ban applies to and includes the spouse or domestic partner of and immediate family living with the member, officer, or employee. No prohibited source shall intentionally offer or make a gift that violates this Section.

Section 10-15. Gift ban; exceptions. The restriction in Section 10-10 does not apply to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) A contribution that is lawfully made under the Election Code or under this Act or attendance at a fundraising event sponsored by a political organization.

(3) A contribution or other payments to a legal defense fund established for the benefit of a member, officer, or employee that is otherwise lawfully made.

(4) Educational materials and missions, subject to (i) for the executive branch, the rules adopted by the Executive Ethics Commission; (ii) for the legislative branch, the rules adopted by the ultimate jurisdictional authorities; (iii) for the Office of the Auditor General, the rules adopted by the Auditor General.

(5) Travel expenses for a meeting to discuss State business, subject to (i) for the executive branch, the rules adopted by the Executive Ethics Commission; (ii) for the legislative branch, the rules adopted by the ultimate jurisdictional authorities; (iii) for the Office of the Auditor General, the rules adopted by the Auditor General.

(6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, domestic partner, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse or domestic partner and the individual's fiancé or fiancée.

(7) Anything provided by an individual on the basis of a personal friendship unless the member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the member, officer, or employee and not because of the personal friendship.

In determining whether a gift is provided on the basis of personal friendship, the member, officer, or employee shall consider the circumstances under which the gift was offered, such as:

(i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;

(ii) whether to the actual knowledge of the member, officer, or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(iii) whether to the actual knowledge of the member, officer, or employee the individual who gave the gift also at the same time gave the same or similar gifts to other members, officers, or employees.

(8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to eat and delivered by any means.

(9) Intra-governmental or inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to a member, officer, or employee of a State agency from another member, officer, or employee of the same State agency; and "inter-governmental gift" means any gift given to a member, officer, or employee of a State agency, by a member, officer, or employee of another State agency, of a federal agency, or of any governmental agency.

(10) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(11) Bequests, inheritances, and other transfers at death.

(12) Unsolicited offer of free attendance at a charity event. To be considered a charity event, the primary purpose of the event must be to raise funds for a non-profit organization exempt from federal income taxation under 501(c)(3) of the Internal Revenue Code.

(13) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent of one another.

Section 10-30. Gift ban; disposition of gifts. A member, officer, or employee does not violate this Act if the member, officer, or employee promptly takes reasonable action to return the prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

Section 10-40. Gift ban; further restrictions. A State agency may adopt or maintain policies that are more restrictive than those set forth in this Article and may continue to follow any existing policies, statutes, or regulations that are more restrictive or are in addition to those set forth in this Article."; and

on page 13, line 5, after “member,” by inserting “other State employee,”; and
 on page 13, line 25, after “demonstrated”, by inserting “by clear and convincing evidence”; and
 on page 14, by replacing lines 7 through 9 with the following:

“(3) interest on the back pay;

(4) the reinstatement of full fringe benefits and seniority rights; and

(5) the payment of reasonable costs and attorneys’ fees.”; and

on page 14, after line 14, by inserting the following:

“Section 15-40. Posting. All officers, members, and State agencies shall conspicuously display notices of State employee protections under this Act.

ARTICLE 20

EXECUTIVE ETHICS COMMISSION AND EXECUTIVE INSPECTOR GENERAL

Section 20-5. Executive Ethics Commission.

(a) The Executive Ethics Commission is created.

(b) The Executive Ethics Commission shall consist of 7 commissioners. The executive branch constitutional officers shall appoint the Executive Ethics Commission through a nomination process. The initial Executive Ethics Commission shall be appointed from a pool of nominees created in the following manner: the Governor, the Attorney General, the Secretary of State, the Comptroller, and the Treasurer shall each nominate 2 candidates from their own political party and 2 from a different political party, for a total of 20 candidates. The initial nominations shall be made within 60 days after the effective date of this Act. From this pool, the Governor shall appoint 4 commissioners within 30 days after receiving nominations from the executive branch constitutional officer. From the same pool, the highest ranking executive branch constitutional officer of a differing political party than the Governor shall appoint 3 commissioners within 30 days after receiving nominations from the executive branch constitutional officers. If there is not an executive branch constitutional officer of a differing party than the Governor at the time of appointment, the highest ranking Senate member of a differing party than the Governor shall appoint the 3 commissioners. These 7 commissioners shall be confirmed by the advice and consent of the Senate. No more than 4 commissioners shall be from the same political party.

The terms of the initial commissioners shall commence on July 1, 2003. The following initial appointees, as designated by the Governor, shall serve for 2-year terms running through June 30, 2005: one appointment by the Governor and one appointment by the highest ranking executive branch constitutional officer of a differing political party than the Governor. The following initial appointees, as designated by the Governor, shall serve for 3-year terms running through June 30, 2006: one appointment by the Governor and one appointment by the highest ranking executive branch constitutional officer of a differing political party than the Governor. The following initial appointees, as designated by the Governor, shall serve for 4-year terms running through June 30, 2007: one appointment by the Governor, and one appointment by the highest ranking executive branch constitutional officer of a differing political party than the Governor. The following initial appointee, as designated by the Governor, shall serve for a 5-year term through June 30, 2008: one appointment by the Governor.

After the initial terms, commissioners shall serve for 5-year terms commencing on July 1 of the year of appointment and running through June 30 of the fifth following year. For the appointment of commissioners after the initial terms, the commissioners shall be appointed from a pool of nominees created in the following manner: for the years where 2 commissioner positions are to be appointed, the Governor, the Attorney General, the Secretary of State, the Comptroller, and the Treasurer shall each nominate 2 candidates from their own political party and 2 from a differing political party, for a total pool of 20 candidates. The nominees shall be submitted by May 30 of the fifth year of the term that is ending. From this pool, the Governor shall appoint one commissioner and the highest ranking executive branch constitutional officer of a differing party shall appoint one commissioner each for a 5-year term. If there is not an executive branch constitutional officer of a differing party than the Governor at the time of appointment, the highest-ranking Senate member of a differing party than the Governor shall make the appointment. The appointments shall be made within 30 days after receiving the nominations from the executive branch constitutional officers.

For the years where one commissioner position is to be appointed, the Governor, the Attorney General, the Secretary of State, the Comptroller, and the Treasurer shall each nominate one candidate from their own political party and one from a differing political party, for a total pool of 8 candidates. The nominees shall be submitted by May 30 of the fifth year of the term that is ending.

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From this pool, the Governor shall select one commissioner for a 5-year term. The Governor shall make the appointment within 30 days after receiving the nominations from the executive branch constitutional officers.

A vacancy occurring other than at the end of a term shall be filled by the Governor only for the balance of the term of the commissioner whose office is vacant. The Governor shall select the commissioner from the original pool of nominees for that commissioner office. The Governor shall select a new commissioner within 30 days after the occurrence of the vacancy.

All appointments to the Executive Ethics Commission shall be confirmed by the advice and consent of the Senate. If the Senate is not in session at the time an appointment of a commissioner is made, the appointment shall be temporary until the Senate can act upon the appointment. If the Senate does not act upon the appointment within 60 session days after the receipt thereof, then the appointment shall be deemed to have received the advice and consent of the Senate.

Terms shall run regardless of whether the position is filled.

(c) Only commissioners who have experience holding governmental office or employment and who are from the general public shall be appointed. A person is not eligible to serve as a commissioner if that person (i) has been convicted of a felony or a crime of dishonesty or moral turpitude, (ii) is, or was within the preceding 12 months, engaged in activities that require registration under the Lobbyist Registration Act, or (iii) is a State officer or employee.

(d) The Executive Ethics Commission shall have jurisdiction over all officers and employees of State agencies, other than the General Assembly, the Senate, the House of Representatives, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, the Senate Operations Commission, the legislative support services agencies, and the Office of the Auditor General. The jurisdiction of the Commission is limited to matters arising under this Act.

(e) The Executive Ethics Commission must meet, either in person or by other technological means, at least monthly and as often as necessary. At the first meeting of the Executive Ethics Commission, the commissioners shall choose from their number a chairperson and other officer that they deem appropriate. The terms of officers shall be for 2 years commencing July 1 and running through June 30 of the second following year. Meetings shall be held at the call of the chairperson or any 3 commissioners. Official action by the Commission shall require the affirmative vote of 5 commissioners, and a quorum shall consist of 5 commissioners. Commissioners shall receive no compensation, but may be reimbursed for their reasonable expenses actually incurred in the performance of their duties.

(f) No commissioner or employee of the Executive Ethics Commission may during his or her term of appointment or employment:

- (1) become a candidate for any elective office;
- (2) hold any other elected or appointed public office except for appointments on governmental advisory boards or study commissions or as otherwise expressly authorized by law;
- (3) be actively involved in the affairs of any political party or political organization; or
- (4) actively participate in any campaign for any elective office.

(g) An appointing authority may remove a commissioner only for cause.

(h) The Executive Ethics Commission shall appoint an Executive Director. The compensation of the Executive Director shall be as determined by the Commission or by the Compensation Review Board, whichever amount is higher. The Executive Director of the Executive Ethics Commission may employ and determine the compensation of staff, as appropriations permit.

Section 20-10. Office of Executive Inspector General.

(a) The Office of the Executive Inspector General is created. The Office shall be under the direction and supervision of the Executive Inspector General.

(b) The Executive Ethics Commission shall appoint the Executive Inspector General through a nomination process. The Executive Ethics Commission shall nominate 5 candidates for the Executive Inspector General. From this pool of 5 candidates, the Governor shall appoint the Executive Inspector General, without regard to political affiliation and solely on the basis of integrity and demonstrated ability.

The Executive Inspector General shall have the following qualifications:

- (1) has not been convicted of any felony under the laws of this State, another State, or the United States;

(2) has earned a baccalaureate degree from an institution of higher education; and

(3) has either (A) 5 or more years of service with a federal, State, or local law enforcement agency, at least 2 years of which have been in a progressive investigatory capacity; (B) 5 or more years of service as a federal, State, or local prosecutor; or (C) 5 or more years of service as a senior manager or executive of a federal, State, or local agency.

The term of the initial Executive Inspector General shall commence on July 1, 2003 and shall run through June 30, 2008. The Executive Ethics Commission shall submit the initial 5 candidates for the Executive Inspector General to the Governor within 30 days after the appointment of the initial Executive Ethics Commission. The Governor shall appoint the Executive Inspector General within 30 days after receiving the 5 candidates from the Executive Ethics Commission. The appointment of the Executive Inspector General shall be confirmed by the advice and consent of the Senate.

After the initial term, the Executive Inspector General shall serve for 5-year terms commencing on July 1 of the year of appointment and running through June 30 of the fifth following year. The Executive Ethics Commission shall submit 5 candidates for the Executive Inspector General to the Governor by May 30 of the fifth following year of the term. The Governor shall appoint the Executive Inspector General within 30 days after receiving the 5 candidates from the Executive Ethics Commission. The appointment of the Executive Inspector General shall be confirmed by the advice and consent of the Senate. The Executive Inspector General may be reappointed to one or more subsequent terms.

A vacancy occurring other than at the end of a term shall be filled by the Governor only for the balance of the term of the Executive Inspector General whose office is vacant. The Executive Ethics Commission shall submit 5 candidates for the vacancy of the Executive Inspector General to the Governor within 30 days of the vacancy. The Governor shall fill the vacancy within 30 days after receiving the 5 candidates from the Executive Ethics Commission. The appointment of the Executive Inspector General shall be confirmed by the advice and consent of the Senate.

If the Senate is not in session at the time an Executive Inspector General is appointed by the Governor, the appointment shall be temporary until the Senate can act upon the appointment. If the Senate does not act upon the appointment within 60 session days after the receipt thereof, then the appointment shall be deemed to have received the advice and consent of the Senate.

Terms shall run regardless of whether the position is filled.

(c) The Executive Inspector General shall have jurisdiction over all officers and employees of State agencies, other than the General Assembly, the Senate, the House of Representatives, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, the Senate Operations Commission, the legislative support services agencies, and the Office of the Auditor General. The jurisdiction of the Executive Inspector General is to investigate possible fraud, abuse, misconduct, mismanagement of functions, misfeasance, malfeasance or violations of this Act or other related law, rules and regulations.

(d) The Executive Ethics Commission shall determine the compensation of the Executive Inspector General. The Executive Inspector General has full authority to organize the Office of the Executive Inspector General, including the employment and determination of the compensation of staff, such as deputies, assistants, and other employees, as appropriations permit.

(e) Neither the Executive Inspector General nor an employee of the Office of the Executive Inspector General may, during his or her term of appointment or employment:

(1) become a candidate for any elective office;

(2) hold any other elected or appointed public office except for appointments on governmental advisory boards or study commissions or as otherwise expressly authorized by law;

(3) be actively involved in the affairs of any political party or political organization; or

(4) actively participate in any campaign for an elective office.

(f) The Executive Ethics Commission may remove the Executive Inspector General only for cause.

Section 20-15. Duties of the Executive Ethics Commission. In addition to duties otherwise assigned by law, the Executive Ethics Commission shall have the following duties:

(1) To promulgate rules governing the performance of its duties and the exercise of its powers.

(2) To conduct administrative hearings and rule on matters brought before the Commission only upon the receipt of pleadings filed by the Executive Inspector General and not upon its

own prerogative. Any other allegations of misconduct received by the Commission from a person other than an Executive Inspector General shall be referred to the Office of the Executive Inspector General.

(3) To prepare and publish manuals and guides.

(4) To prepare public information materials to facilitate compliance, implementation, and enforcement of this Act.

(5) To submit reports as required by this Act.

(6) To make rulings, issue recommendations, and impose administrative fines, if appropriate, in connection with the implementation and interpretation of this Act. The powers and duties of the Commission are limited to matters clearly within the purview of this Act.

(7) To issue subpoenas with respect to matters pending before the Commission, subject to the provisions of this Article and in the discretion of the Commission, to compel the attendance of witnesses for purposes of testimony and the production of documents and other items for inspection and copying.

Section 20-20. Duties of the Executive Inspector General. In addition to the duties otherwise assigned by law, the Executive Inspector General shall have the following duties:

(1) To promulgate rules governing the performance of its duties and the exercise of its power.

(2) To receive and investigate allegations of violations of this Act. The Executive Inspector General may receive information through the Office of the Executive Inspector General, through the Executive Ethics Commission, or through the Ethics Hotline. An investigation may be conducted only in response to information reported to the Executive Inspector General as provided in this Section and not upon his or her own prerogative. The Executive Inspector General shall have the discretion to determine the appropriate means of investigation as permitted by law.

(3) To request information relating to an investigation from any person when the Executive Inspector General deems that information necessary in conducting an investigation.

(4) To appoint investigators to conduct investigations and other duties imposed under the provisions of this Article. Such investigators shall have and may exercise all the powers of peace officers.

(5) To issue subpoenas to compel the appearance of witnesses and the production of books, papers, records and documents including electronic data, administer oaths or affirmations and take testimony.

(6) To submit reports as required by this Act.

(7) After finding probable cause, to file pleadings in the name of the Executive Inspector General, represented by the Attorney General, with the Executive Ethics Commission, as provided in this Article.

(8) To assist and coordinate the ethics officers for State agencies under the jurisdiction of the Executive Inspector General and to work with those ethics officers.

(9) To oversee and set standards, in consultation with the Attorney General, for the ethics training programs within the State agencies of the Executive Branch.

(10) To participate in or conduct, when appropriate, multi-jurisdictional investigations.

(11) To request, as the Executive Inspector General deems appropriate, from ethics officers of State agencies under his or her jurisdiction, reports or information on (i) the content of a State agency's ethics training programs and (ii) the percentage of new officers and employees who have completed ethics training.

Section 20-23. Ethics Officers. Each officer and the head of each State agency under the jurisdiction of the Executive Ethics Commission shall designate an Ethics Officer for the office or State agency. Ethics Officers shall:

(1) act as liaisons between the State agency and the Executive Inspector General and between the State agency and the Executive Ethics Commission;

(2) review statements of economic interest and disclosure forms of officers, senior employees, and contract monitors before they are filed with the Secretary of State; and

(3) provide guidance to officers and employees in the interpretation and implementation of this Act. Such guidance shall be based, wherever possible, upon the findings and opinions of the Executive Ethics Commission.

Section 20-25. Executive Ethics Hotline. The Executive Inspector General shall create and maintain a toll-free Ethics Hotline for the purpose of receiving reports of allegations relating to conduct subject to the jurisdiction of the Executive Inspector General and the Executive Ethics Commission.

Section 20-35. Administrative subpoena; compliance. A person duly subpoenaed for testimony, documents, or other items who neglects or refuses to testify or produce documents or other

items under the requirements of the subpoena shall be subject to punishment as may be determined by a court of competent jurisdiction, unless (i) the testimony, documents, or other items are covered by the attorney-client privilege or any other privilege or right recognized by law or (ii) the testimony, documents, or other items concern the representation of employees and the negotiation of collective bargaining agreements by a labor organization authorized and recognized under the Illinois Public Labor Relations Act to be the exclusive bargaining representative of employees of the State agency. Nothing in this Section limits a person's right to protection against self-incrimination under the Fifth Amendment of the United States Constitution or Article I, Section 10 of the Constitution of the State of Illinois.

Section 20-40. Collective bargaining agreements. Any investigation or inquiry by the Executive Inspector General or any agent or representative of the Executive Inspector General must be conducted in compliance with the provisions of a collective bargaining agreement that applies to the employees of the relevant State agency and with an awareness of the rights of the employees as set forth by State and federal law and applicable judicial decisions. Any recommendation for discipline or any action taken against any State employee pursuant to this Act must comply with the provision of the collective bargaining agreement that applies to the State employee.

Section 20-45. Standing; representation.

(a) Only the Executive Inspector General may bring actions before the Executive Ethics Commission.

(b) The Attorney General shall represent the Executive Inspector General in all proceedings before the Commission, except that the Attorney General shall appoint special counsel to represent the Executive Inspector General before the Commission if the Attorney General deems it necessary to avoid any actual, potential, or perceived conflict of interest.

(c) Any State employee or officer named as a respondent in a complaint is entitled to reimbursement of his or her reasonable attorney's fees and expenses in defending against the complaint if that respondent is not found by the Commission to have violated this Act.

Section 20-50. Investigation reports; complaint procedure.

(a) If the Executive Inspector General, upon the conclusion of an investigation, determines that probable cause exists to file pleadings with the Executive Ethics Commission, then the Executive Inspector General shall issue a summary report of the investigation. The report shall be delivered to the appropriate ultimate jurisdictional authority and to the head of each State agency affected by or involved in the investigation, if appropriate.

(b) The summary report of the investigation shall include the following:

(1) A description of any allegations or other information received by the Executive Inspector General pertinent to the investigation.

(2) A description of any alleged misconduct discovered in the course of the investigation.

(3) Recommendations for any corrective or disciplinary action to be taken in response to any alleged misconduct described in the report, including but not limited to discharge.

(4) Other information the Executive Inspector General deems relevant to the investigation or resulting recommendations.

(c) Not less than 30 days after delivery of the summary report of an investigation under subsection (a), the Executive Inspector General, represented by the Attorney General, may file with the Executive Ethics Commission a petition for leave to file a complaint. The petition shall set forth the alleged violation and the grounds that exist to support probable cause. The petition of leave to file a complaint must be filed with the Commission within 18 months after an alleged violation of this Act.

(d) A copy of the petition must be served on all respondents named in the complaint and on each respondent's ultimate jurisdictional authority in the same manner as process is served under the Code of Civil Procedure.

(e) A respondent may file objections to the petition for leave to file a complaint within 30 days after notice of the petition has been served on the respondent.

(f) The Commission shall meet, either in person or by telephone, in a closed session to review the sufficiency of the complaint. If the commission finds that complaint is sufficient, the Commission shall grant the petition for leave to file the complaint. The Commission shall issue notice to the Executive Inspector General and all respondents of the Commission's ruling on the sufficiency of the complaint. If the complaint is deemed to sufficiently allege a violation of this Act, then the Commission shall notify the parties and shall include a hearing date scheduled within 4 weeks after the date of the notice, unless all of the parties consent to a later date. If the complaint is deemed not to sufficiently

allege a violation, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint.

(g) On the scheduled date the Commission shall conduct a hearing either in person or, if the parties consent, by other technological means, on the complaint and allow all parties the opportunity to present testimony and evidence. All such proceedings shall be transcribed.

(h) Within an appropriate time limit set by rules of the Executive Ethics Commission, the Commission shall (i) dismiss the complaint or (ii) issue a recommendation of discipline to the respondent and the respondent's ultimate jurisdictional authority or impose an administrative fine upon the respondent, or both.

(i) The proceedings on any complaint filed with the Commission shall be conducted pursuant to rules promulgated by the Commission.

(j) The Commission may designate hearing officers to conduct proceedings as determined by rule of the Commission.

(k) In all proceedings before the Commission, the standard of proof is by a preponderance of the evidence.

Section 20-55. Decisions; recommendations.

(a) All decisions of the Executive Ethics Commission must include a description of the alleged misconduct, the decision of the Commission, including any fines levied and any recommendation of discipline, and the reasoning for that decision. All decisions of the Commission shall be delivered to the head of the appropriate State agency, the appropriate ultimate jurisdictional authority, and the Executive Inspector General. The Executive Ethics Commission shall promulgate rules of the decision and recommendation process.

(b) If the Executive Ethics Commission issues a recommendation of discipline to an agency head or ultimate jurisdictional authority, that agency head or ultimate jurisdictional authority must respond to that recommendation in 30 days with a written response to the Executive Ethics Commission. This response must include any disciplinary action the agency head or ultimate jurisdictional authority has taken with respect to the officer or employee in question. If the agency head or ultimate jurisdictional authority did not take any disciplinary action, or took a different disciplinary action than that recommended by the Executive Ethics Commission, the agency head or ultimate jurisdictional authority must describe the different action and explain the reasons for the different action in the written response. This response must be served upon the Executive Ethics Commission and the Executive Inspector General within the 30-day period and is not exempt from the provisions of the Freedom of Information Act.

Section 20-60. Appeals. A decision of the Executive Ethics Commission to impose a fine is subject to judicial review under the Administrative Review Law. All other decisions by the Executive Ethics Commission are final and are not subject to review either administratively or judicially.

Section 20-65. Investigations not concluded within 6 months. If any investigation is not concluded within 6 months after its initiation, the Executive Inspector General shall notify the Executive Ethics Commission of the general nature of the allegation or information giving rise to the investigation and the reasons for failure to complete the investigation within 6 months.

Section 20-70. Cooperation in investigations. It is the duty of every officer and employee under the jurisdiction of the Executive Inspector General, including any inspector general serving in any State agency under the jurisdiction of the Executive Inspector General, to cooperate with the Executive Inspector General in any investigation undertaken pursuant to this Act. Failure to cooperate with an investigation of the Executive Inspector General is grounds for disciplinary action, including dismissal, unless the failure is based on (i) the attorney-client privilege or any other privilege or right recognized by law or (ii) a collective bargaining agreement with a labor organization authorized and recognized under the Illinois Public Labor Relations Act to be the exclusive bargaining representative of affected employees.

Nothing in this Section limits a person's right to protection against self-incrimination under the Fifth Amendment of the United State Constitution or Article I, Section 10 of the Constitution of Illinois.

Section 20-80. Referrals of investigations. If the Executive Inspector General determines that any alleged misconduct involves any person not subject to the jurisdiction of the Executive Ethics Commission, the Executive Inspector General shall refer the reported allegations to the appropriate Inspector General, appropriate ethics commission, or other appropriate body. If the Executive Inspector General determined that any alleged misconduct may give rise to criminal penalties, the Executive Inspector General shall refer the allegations regarding that misconduct to the appropriate law enforcement authority.

Section 20-85. Annual reports. The Executive Inspector General shall submit an annual report to the executive branch constitutional officers and the Executive Ethics Commission, on a date determined by the Executive Ethics Commission, indicating:

- (1) the number of allegations received since the date of the last report;
- (2) the number of investigations initiated since the date of the last report;
- (3) the number of investigations concluded since the date of the last report;
- (4) the number of investigations pending as of the reporting date; and
- (5) the number of actions filed since the last report and the number of

actions pending before the Commission as of the reporting date.

Section 20-90. Confidentiality.

(a) The identity of any individual providing information or reporting any possible or alleged misconduct to the Executive Inspector General, the Executive Ethics Commission, or the Executive Ethics Hotline shall be kept confidential, is exempt from the Illinois Freedom of Information Act, and may not be disclosed without the consent of that individual, unless the individual consents to disclosure of his or her name or disclosure of the individual's identity is otherwise required by law. The confidentiality granted by this subsection does not preclude the disclosure of the identity of a person in any capacity other than as the source of an allegation.

(b) Commissioners, employees, and agents of the Executive Ethics Commission, the Executive Inspector General, and employees and agents of the Office of the Executive Inspector General shall keep confidential and shall not disclose information exempted from disclosure under the Illinois Freedom of Information Act or by this Act.

(c) A violation of subsection (a) or (b) of this Section is grounds for discharge.

Section 20-95. Exemptions.

(a) Any allegations and related documents submitted to the Executive Inspector General and any pleadings and related documents brought before the Executive Ethics Commission are exempt from the provisions of the Illinois Freedom of Information Act so long as the Executive Ethics Commission does not make a finding of a violation of this Act. If the Executive Ethics Commission finds that a violation has occurred, the entire record of proceedings before the Commission, the decision and recommendation, and the mandatory report from the agency head or ultimate jurisdictional authority to the Executive Ethics Commission are not exempt from the provisions of the Illinois Freedom of Information Act but information contained therein that is otherwise exempt from the Illinois Freedom of Information Act must be redacted before disclosure as provided in Section 8 of the Illinois Freedom of Information Act.

(b) Meetings of the Executive Ethics Commission under Sections 20-5 and 20-15 of this Act are exempt from the provisions of the Open Meetings Act.

(c) Unless otherwise provided in this Act, all investigatory files and reports of the Office of the Executive Inspector General, other than annual reports, are confidential, are exempt from disclosure under the Illinois Freedom of Information Act, and shall not be divulged to any person or agency, except as necessary (i) to the appropriate law enforcement authority if the matter is referred pursuant to this Act, (ii) to the ultimate jurisdictional authority, or (iii) to the Executive Ethics Commission.

ARTICLE 30

OTHER INSPECTORS GENERAL WITHIN THE EXECUTIVE BRANCH

Section 30-5. Appointment of Inspectors General. Nothing in this Act precludes the appointment by the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, the Comptroller, or the Treasurer of any inspector general required or permitted by law. Each inspector general appointed by an executive branch constitutional officer for that constitutional office shall report to that constitutional officer as well as the Executive Inspector General.

Section 30-10. Subpoena power. Each inspector general appointed by an executive branch constitutional officer for that constitutional office shall have the power to issue subpoenas to compel the appearance of witnesses and the production of books, papers, records, and documents including electronic data, administer oaths or affirmations and take testimony.”; and on page 14, by replacing line 24 with the following:

“(c) A person who intentionally violates any provision of Article 10 is guilty of a business offense and subject to a fine of at least \$1,001 and up to \$5,000.

(d) Any person who intentionally makes a false report alleging a violation of any provision of this Act to an ethics commission, the Executive Inspector General, an inspector general, the State

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Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor.

(e) The Executive Ethics Commission may levy an administrative fine of up to \$5,000 against any person who violates this Act, who intentionally obstructs or interferes with an investigation conducted under this Act by the Executive Inspector General or an inspector general, or who intentionally makes a false or frivolous allegation of a violation of this Act.

(f) In addition to any other penalty that may apply,"; and

on page 14 , line 27, after "5-40 or", by inserting "Article 10 or"; and
on page 15, by replacing lines 6 and 7 with the following:

"than Section 5-15 and Article 10 of this Act, (i) the political activities of officers and employees of the governmental entity and (ii) the soliciting and accepting of gifts by and the offering and making of gifts to officers and employees of the governmental entity."; and
on page 15, line 23, after "employees", by inserting "and the soliciting, offering, accepting, and making of gifts".

on page 15, after line 26, by inserting the following:

"Section 90-1. The Open Meetings Act is amended by changing Section 1.02 as follows:
(5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

Sec. 1.02. For the purposes of this Act:

"Meeting" means any gathering of a majority of a quorum of the members of a public body held for the purpose of discussing public business.

"Public body" includes all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, except the General Assembly and committees or commissions thereof. "Public body" includes tourism boards and convention or civic center boards located in counties that are contiguous to the Mississippi River with populations of more than 250,000 but less than 300,000. "Public body" includes the Health Facilities Planning Board. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act or an ethics commission, ~~ethics officer, or ultimate jurisdictional authority~~ acting under the State Officials and Employees Ethics Act ~~State Gift Ban Act as provided by Section 80 of that Act.~~

(Source: P.A. 91-782, eff. 6-9-00; 92-468, eff. 8-22-01.); and

on page 16, by replacing line 9 with the following:

"administrative law judge, other agency employee, or an employee of the Joint Committee during the";
and

on page 16, by replacing line 27 with the following:

"head, agency employee, administrative law judge, or an employee of the Joint Committee shall be"; and
on page 16, after line 34, by inserting the following:

"Section 90-5. The Illinois Public Labor Relations Act is amended by changing Section 3 as follows:

(5 ILCS 315/3) (from Ch. 48, par. 1603)

Sec. 3. Definitions. As used in this Act, unless the context otherwise

requires:

(a) "Board" means the Illinois Labor Relations Board or, with respect to a matter over which the jurisdiction of the Board is assigned to the State Panel or the Local Panel under Section 5, the panel having jurisdiction over the matter.

(b) "Collective bargaining" means bargaining over terms and conditions of employment, including hours, wages, and other conditions of employment, as detailed in Section 7 and which are not excluded by Section 4.

(c) "Confidential employee" means an employee who, in the regular course of his or her duties, assists and acts in a confidential capacity to persons who formulate, determine, and effectuate management policies with regard to labor relations or who, in the regular course of his or her duties, has authorized access to information relating to the effectuation or review of the employer's collective bargaining policies.

(d) "Craft employees" means skilled journeymen, crafts persons, and their apprentices and helpers.

(e) "Essential services employees" means those public employees performing functions so essential that the interruption or termination of the function will constitute a clear and present danger to the health and safety of the persons in the affected community.

(f) "Exclusive representative", except with respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, means the labor organization that has been (i) designated by the Board as the representative of a majority of public employees in an appropriate bargaining unit in accordance with the procedures contained in this Act, (ii) historically recognized by the State of Illinois or any political subdivision of the State before July 1, 1984 (the effective date of this Act) as the exclusive representative of the employees in an appropriate bargaining unit, (iii) after July 1, 1984 (the effective date of this Act) recognized by an employer upon evidence, acceptable to the Board, that the labor organization has been designated as the exclusive representative by a majority of the employees in an appropriate bargaining unit; or (iv) recognized as the exclusive representative of personal care attendants or personal assistants under Executive Order 2003-8 prior to the effective date of this amendatory Act of the 93rd General Assembly, and the organization shall be considered to be the exclusive representative of the personal care attendants or personal assistants as defined in this Section.

With respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, "exclusive representative" means the labor organization that has been (i) designated by the Board as the representative of a majority of peace officers or fire fighters in an appropriate bargaining unit in accordance with the procedures contained in this Act, (ii) historically recognized by the State of Illinois or any political subdivision of the State before January 1, 1986 (the effective date of this amendatory Act of 1985) as the exclusive representative by a majority of the peace officers or fire fighters in an appropriate bargaining unit, or (iii) after January 1, 1986 (the effective date of this amendatory Act of 1985) recognized by an employer upon evidence, acceptable to the Board, that the labor organization has been designated as the exclusive representative by a majority of the peace officers or fire fighters in an appropriate bargaining unit.

(g) "Fair share agreement" means an agreement between the employer and an employee organization under which all or any of the employees in a collective bargaining unit are required to pay their proportionate share of the costs of the collective bargaining process, contract administration, and pursuing matters affecting wages, hours, and other conditions of employment, but not to exceed the amount of dues uniformly required of members. The amount certified by the exclusive representative shall not include any fees for contributions related to the election or support of any candidate for political office. Nothing in this subsection (g) shall preclude an employee from making voluntary political contributions in conjunction with his or her fair share payment.

(g-1) "Fire fighter" means, for the purposes of this Act only, any person who has been or is hereafter appointed to a fire department or fire protection district or employed by a State university and sworn or commissioned to perform fire fighter duties or paramedic duties, except that the following persons are not included: part-time fire fighters, auxiliary, reserve or voluntary fire fighters, including paid on-call fire fighters, clerks and dispatchers or other civilian employees of a fire department or fire protection district who are not routinely expected to perform fire fighter duties, or elected officials.

(g-2) "General Assembly of the State of Illinois" means the legislative branch of the government of the State of Illinois, as provided for under Article IV of the Constitution of the State of Illinois, and includes but is not limited to the House of Representatives, the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, the Joint Committee on Legislative Support Services and any legislative support services agency listed in the Legislative Commission Reorganization Act of 1984.

(h) "Governing body" means, in the case of the State, the State Panel of the Illinois Labor Relations Board, the Director of the Department of Central Management Services, and the Director of the Department of Labor; the county board in the case of a county; the corporate authorities in the case of a municipality; and the appropriate body authorized to provide for expenditures of its funds in the case of any other unit of government.

(i) "Labor organization" means any organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with a public employer concerning wages, hours, and other terms and conditions of employment, including the settlement of grievances.

(j) "Managerial employee" means an individual who is engaged predominantly in executive and management functions and is charged with the responsibility of directing the effectuation of management policies and practices.

(k) "Peace officer" means, for the purposes of this Act only, any persons who have been or are hereafter appointed to a police force, department, or agency and sworn or commissioned to perform police duties, except that the following persons are not included: part-time police officers, special police officers, auxiliary police as defined by Section 3.1-30-20 of the Illinois Municipal Code, night watchmen, "merchant police", court security officers as defined by Section 3-6012.1 of the Counties Code, temporary employees, traffic guards or wardens, civilian parking meter and parking facilities personnel or other individuals specially appointed to aid or direct traffic at or near schools or public functions or to aid in civil defense or disaster, parking enforcement employees who are not commissioned as peace officers and who are not armed and who are not routinely expected to effect arrests, parking lot attendants, clerks and dispatchers or other civilian employees of a police department who are not routinely expected to effect arrests, or elected officials.

(l) "Person" includes one or more individuals, labor organizations, public employees, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, or the State of Illinois or any political subdivision of the State or governing body, but does not include the General Assembly of the State of Illinois or any individual employed by the General Assembly of the State of Illinois.

(m) "Professional employee" means any employee engaged in work predominantly intellectual and varied in character rather than routine mental, manual, mechanical or physical work; involving the consistent exercise of discretion and adjustment in its performance; of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from apprenticeship or from training in the performance of routine mental, manual, or physical processes; or any employee who has completed the courses of specialized intellectual instruction and study prescribed in this subsection (m) and is performing related work under the supervision of a professional person to qualify to become a professional employee as defined in this subsection (m).

(n) "Public employee" or "employee", for the purposes of this Act, means any individual employed by a public employer, including interns and residents at public hospitals and, as of the effective date of this amendatory Act of the 93rd General Assembly, but not before, personal care attendants and personal assistants working under the Home Services Program under Section 3 of the Disabled Persons Rehabilitation Act, subject to the limitations set forth in this Act and in the Disabled Persons Rehabilitation Act, but excluding all of the following: employees of the General Assembly of the State of Illinois; elected officials; executive heads of a department; members of boards or commissions; the Executive Inspector General; employees of the Office of the Executive Inspector General; commissioners and employees of the Executive Ethics Commission; employees of any agency, board or commission created by this Act; employees appointed to State positions of a temporary or emergency nature; all employees of school districts and higher education institutions except firefighters and peace officers employed by a State university; managerial employees; short-term employees; confidential employees; independent contractors; and supervisors except as provided in this Act.

Personal care attendants and personal assistants shall not be considered public employees for any purposes not specifically provided for in this amendatory Act of the 93rd General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Personal care attendants and personal assistants shall not be covered by the State Employees Group Insurance

Notwithstanding Section 9, subsection (c), or any other provisions of this Act, all peace officers above the rank of captain in municipalities with more than 1,000,000 inhabitants shall be excluded from this Act.

(o) "Public employer" or "employer" means the State of Illinois; any political subdivision of the State, unit of local government or school district; authorities including departments, divisions, bureaus, boards, commissions, or other agencies of the foregoing entities; and any person acting within the scope of his or her authority, express or implied, on behalf of those entities in dealing with its employees. As of the effective date of this amendatory Act of the 93rd General Assembly, but not before, the State of Illinois shall be considered the employer of the personal care attendants and personal assistants working under the Home Services Program under Section 3 of the Disabled Persons Rehabilitation Act, subject to the limitations set forth in this Act and in the Disabled Persons Rehabilitation Act. The State shall not be considered to be the employer of personal care attendants and personal assistants for any purposes not specifically provided for in this amendatory Act of the 93rd General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of

statutory retirement or health insurance benefits. Personal care attendants and personal assistants shall not be covered by the State Employees Group Insurance Act of 1971 (5 ILCS 375/). "Public employer" or "employer" as used in this Act, however, does not mean and shall not include the General Assembly of the State of Illinois, the Executive Ethics Commission, the Office of the Executive Inspector General, and educational employers or employers as defined in the Illinois Educational Labor Relations Act, except with respect to a State university in its employment of firefighters and peace officers. County boards and county sheriffs shall be designated as joint or co-employers of county peace officers appointed under the authority of a county sheriff. Nothing in this subsection (o) shall be construed to prevent the State Panel or the Local Panel from determining that employers are joint or co-employers.

(p) "Security employee" means an employee who is responsible for the supervision and control of inmates at correctional facilities. The term also includes other non-security employees in bargaining units having the majority of employees being responsible for the supervision and control of inmates at correctional facilities.

(q) "Short-term employee" means an employee who is employed for less than 2 consecutive calendar quarters during a calendar year and who does not have a reasonable assurance that he or she will be rehired by the same employer for the same service in a subsequent calendar year.

(r) "Supervisor" is an employee whose principal work is substantially different from that of his or her subordinates and who has authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, direct, reward, or discipline employees, to adjust their grievances, or to effectively recommend any of those actions, if the exercise of that authority is not of a merely routine or clerical nature, but requires the consistent use of independent judgment. Except with respect to police employment, the term "supervisor" includes only those individuals who devote a preponderance of their employment time to exercising that authority, State supervisors notwithstanding. In addition, in determining supervisory status in police employment, rank shall not be determinative. The Board shall consider, as evidence of bargaining unit inclusion or exclusion, the common law enforcement policies and relationships between police officer ranks and certification under applicable civil service law, ordinances, personnel codes, or Division 2.1 of Article 10 of the Illinois Municipal Code, but these factors shall not be the sole or predominant factors considered by the Board in determining police supervisory status.

Notwithstanding the provisions of the preceding paragraph, in determining supervisory status in fire fighter employment, no fire fighter shall be excluded as a supervisor who has established representation rights under Section 9 of this Act. Further, in new fire fighter units, employees shall consist of fire fighters of the rank of company officer and below. If a company officer otherwise qualifies as a supervisor under the preceding paragraph, however, he or she shall not be included in the fire fighter unit. If there is no rank between that of chief and the highest company officer, the employer may designate a position on each shift as a Shift Commander, and the persons occupying those positions shall be supervisors. All other ranks above that of company officer shall be supervisors.

(s) (1) "Unit" means a class of jobs or positions that are held by employees whose collective interests may suitably be represented by a labor organization for collective bargaining. Except with respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, a bargaining unit determined by the Board shall not include both employees and supervisors, or supervisors only, except as provided in paragraph (2) of this subsection (s) and except for bargaining units in existence on July 1, 1984 (the effective date of this Act). With respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, a bargaining unit determined by the Board shall not include both supervisors and nonsupervisors, or supervisors only, except as provided in paragraph (2) of this subsection (s) and except for bargaining units in existence on January 1, 1986 (the effective date of this amendatory Act of 1985). A bargaining unit determined by the Board to contain peace officers shall contain no employees other than peace officers unless otherwise agreed to by the employer and the labor organization or labor organizations involved. Notwithstanding any other provision of this Act, a bargaining unit, including a historical bargaining unit, containing sworn peace officers of the Department of Natural Resources (formerly designated the Department of Conservation) shall contain no employees other than such sworn peace officers upon the effective date of this amendatory Act of 1990 or upon the expiration date of any collective bargaining agreement in effect upon the effective date of this amendatory Act of 1990 covering both such sworn peace officers and other employees.

(2) Notwithstanding the exclusion of supervisors from bargaining units as provided in paragraph (1) of this subsection (s), a public employer may agree to permit its supervisory employees to form bargaining units and may bargain with those units. This Act shall apply if the public employer chooses to bargain under this subsection.

(Source: P.A. 93-204, eff. 7-16-03.); and
on page 20, after line 1, by inserting the following:

“(5 ILCS 425/Act rep.)

Section 90-8. The State Gift Ban Act is repealed upon the effective date of the State Officials and Employees Ethics Act.”; and

on page 36, by replacing line 4 with the following:

“Sections 4c and 8b.6 as follows:

(20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

Sec. 4c. General exemptions. The following positions in State service shall be exempt from jurisdictions A, B, and C, unless the jurisdictions shall be extended as provided in this Act:

- (1) All officers elected by the people.
- (2) All positions under the Lieutenant Governor, Secretary of State, State Treasurer, State Comptroller, State Board of Education, Clerk of the Supreme Court, and Attorney General.
- (3) Judges, and officers and employees of the courts, and notaries public.
- (4) All officers and employees of the Illinois General Assembly, all employees of legislative commissions, all officers and employees of the Illinois Legislative Reference Bureau, the Legislative Research Unit, and the Legislative Printing Unit.
- (5) All positions in the Illinois National Guard and Illinois State Guard, paid from federal funds or positions in the State Military Service filled by enlistment and paid from State funds.
- (6) All employees of the Governor at the executive mansion and on his immediate personal staff.
- (7) Directors of Departments, the Adjutant General, the Assistant Adjutant General, the Director of the Illinois Emergency Management Agency, members of boards and commissions, and all other positions appointed by the Governor by and with the consent of the Senate.
- (8) The presidents, other principal administrative officers, and teaching, research and extension faculties of Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the Illinois Community College Board, Southern Illinois University, Illinois Board of Higher Education, University of Illinois, State Universities Civil Service System, University Retirement System of Illinois, and the administrative officers an scientific and technical staff of the Illinois State Museum.
- (9) All other employees except the presidents, other principal administrative officers, and teaching, research and extension faculties of the universities under the jurisdiction of the Board of Regents and the colleges and universities under the jurisdiction of the Board of Governors of State Colleges and Universities, Illinois Community College Board, Southern Illinois University, Illinois Board of Higher Education, Board of Governors of State Colleges and Universities, the Board of Regents, University of Illinois, State Universities Civil Service System, University Retirement System of Illinois, so long as these are subject to the provisions of the State Universities Civil Service Act.
- (10) The State Police so long as they are subject to the merit provisions of the State Police Act.
- (11) The scientific staff of the State Scientific Surveys and the Waste Management and Research Center.
- (12) The technical and engineering staffs of the Department of Transportation, the Department of Nuclear Safety, the Pollution Control Board, and the Illinois Commerce Commission, and the technical and engineering staff providing architectural and engineering services in the Department of Central Management Services.
- (13) All employees of the Illinois State Toll Highway Authority.
- (14) The Secretary of the Industrial Commission.
- (15) All persons who are appointed or employed by the Director of Insurance under authority of Section 202 of the Illinois Insurance Code to assist the Director of Insurance in discharging his responsibilities relating to the rehabilitation, liquidation, conservation, and dissolution of companies that are subject to the jurisdiction of the Illinois Insurance Code.
- (16) All employees of the St. Louis Metropolitan Area Airport Authority.
- (17) All investment officers employed by the Illinois State Board of Investment.

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(18) Employees of the Illinois Young Adult Conservation Corps program, administered by the Illinois Department of Natural Resources, authorized grantee under Title VIII of the Comprehensive Employment and Training Act of 1973, 29 USC 993.

(19) Seasonal employees of the Department of Agriculture for the operation of the Illinois State Fair and the DuQuoin State Fair, no one person receiving more than 29 days of such employment in any calendar year.

(20) All "temporary" employees hired under the Department of Natural Resources' Illinois Conservation Service, a youth employment program that hires young people to work in State parks for a period of one year or less.

(21) All hearing officers of the Human Rights Commission.

(22) All employees of the Illinois Mathematics and Science Academy.

(23) All employees of the Kankakee River Valley Area Airport

Authority.

(24) The commissioners and employees of the Executive Ethics Commission.

(25) The Executive Inspector General and employees of the Office of the Executive Inspector General.

(Source: P.A. 90-490, eff. 8-17-97; 91-214, eff. 1-1-00; 91-357, eff. 7-29-99.); and on page 45, line 9, by deleting "and"; and on page 45, line 14, by changing "action." to "action."; and on page 45, after line 14, by inserting the following:

"(3) a registered lobbyist serving on a board, commission, authority, or task force that covers a different subject area than the subject area the registered lobbyist has disclosed in his or her registration as outlined under Section 5(c-6) of this Act; and

(4) a registered lobbyist who has received a waiver from the Executive Ethics Commission to serve on the board, commission, authority, or task force, based upon the Executive Ethics Commission determination that the State's need for the registered lobbyist's expertise outweighs the potential conflict of interest. Pending a decision by the Executive Ethics Commission on the waiver request, the registered lobbyist may serve as an acting member of the board, commission, authority, or task force."

Any registered lobbyist that serves on a board, commission, authority, or task force under one of these exemptions must recuse himself or herself from any board, commission, authority, or task force decision that may affect one of his or her clients. "; and

on page 47, line 14, by replacing "\$100" with "\$500"; and

on page 47, line 19, after "purposes.", by inserting the following:

"The registration fee for a person required to register under this Act is \$150 if the person satisfies either of the following:

(1) The person is a non-profit organization exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.

(2) The person (i) is an employee of a person described in subsection (1) and (ii) undertakes to influence executive, legislative, or administrative action on behalf of the person in subsection (1) as part of salaried responsibilities."; and on page 47, line 22, by replacing "\$100" with "\$500".

With these changes, House Bill 3412 will have my approval. I respectfully request your concurrence.

Sincerely,

ROD R. BLAGOJEVICH
Governor

By direction of the President, the bill reported on the foregoing veto message was placed on the Senate Calendar.

MOTIONS IN WRITING

Senator Winkel submitted the following Motion in Writing:

I move that **Senate Bill 1085** do pass, notwithstanding the veto of the Governor.

[November 4, 2003]

DATE: November 4, 2003

Richard J. Winkel
Senator

Senator Obama submitted the following Motion in Writing:

I move that **Senate Bill 1765** do pass, notwithstanding the veto of the Governor.

DATE: November 3, 2003

Barack Obama
Senator

Senator Garrett submitted the following Motion in Writing:

I move that **House Bill 3412** do pass, notwithstanding the specific recommendations of the Governor.

DATE: November 4, 2002

Susan Garrett
Senator

REPORT FROM RULES COMMITTEE

Senator Demuzio, Chairperson of the Committee on Rules, to which was referred **Senate Bill No. 67** on July 1, 2003, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **Senate Bill No. 67** was returned to the order of third reading.

Senator Demuzio, Chairperson of the Committee on Rules, to which was referred **House Bills Numbered 576, 2200, 2696 and 3413** on July 1, 2003, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **House Bills Numbered 576, 2200, 2696 and 3413** were returned to the order of third reading.

Senator Demuzio, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

Senate Joint Resolution 39

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

Senator Demuzio, Chairperson of the Committee on Rules, reported that the following Legislative Measures have been approved for consideration:

Motion to Accept specific recommendations for change on **Senate Bill 150.**
 Motion to Accept specific recommendations for change on **Senate Bill 180.**
 Motion to Accept specific recommendations for change on **Senate Bill 196.**
 Motion to Accept specific recommendations for change on **Senate Bill 640.**
 Motion to Accept specific recommendations for change on **Senate Bill 699.**
 Motion to Accept specific recommendations for change on **Senate Bill 1523.**
 Motion to Accept specific recommendations for change on **Senate Bill 1754.**
 Motion to Accept specific recommendations for change on **Senate Bill 1848.**

The foregoing motions were placed on the calendar.

LEGISLATIVE MEASURES FILED

[November 4, 2003]

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

Senate Floor Amendment No. 2 to Senate Bill 67

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

Senate Floor Amendment No. 1 to House Bill 576
 Senate Floor Amendment No. 2 to House Bill 2200
 Senate Floor Amendment No. 2 to House Bill 2696
 Senate Floor Amendment No. 1 to House Bill 3413

CONSIDERATION OF GOVERNOR'S VETO MESSAGES

Pursuant to the Motion in Writing filed and journalized on Wednesday, October 29, 2003, Senator Crotty moved that **Senate Bill No. 191** do pass, the veto of the Governor to the contrary notwithstanding.

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

Yeas 53; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Soden
Bomke	Halvorson	Munoz	Sullivan, D.
Brady	Harmon	Obama	Sullivan, J.
Burzynski	Hendon	Peterson	Trotter
Clayborne	Hunter	Petka	Viverito
Collins	Jacobs	Righter	Walsh
Cronin	Jones, J.	Risinger	Watson
Crotty	Jones, W.	Ronen	Welch
Cullerton	Lauzen	Roskam	Winkel
del Valle	Lightford	Rutherford	Wojcik
DeLeo	Link	Sandoval	Mr. President
Demuzio	Luechtefeld	Schoenberg	
Forby	Maloney	Sieben	
Garrett	Martinez	Silverstein	

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

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

Pursuant to the Motion in Writing filed and journalized on Wednesday, October 29, 2003, Senator Crotty moved that **Senate Bill No. 192** do pass, the veto of the Governor to the contrary notwithstanding.

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

Yeas 52; Nays 4; Present 1.

The following voted in the affirmative:

Althoff	Geo-Karis	Munoz	Soden
Bomke	Haine	Obama	Sullivan, D.
Brady	Halvorson	Peterson	Sullivan, J.
Clayborne	Harmon	Petka	Syverson
Collins	Hendon	Radogno	Trotter

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Cronin	Hunter	Rauschenberger	Viverito
Crotty	Jacobs	Risinger	Walsh
Cullerton	Jones, W.	Ronen	Winkel
del Valle	Lauzen	Roskam	Wojcik
DeLeo	Lightford	Rutherford	Mr. President
Demuzio	Link	Sandoval	
Dillard	Maloney	Schoenberg	
Forby	Martinez	Sieben	
Garrett	Meeks	Silverstein	

The following voted in the negative:

Burzynski	Righter
Jones, J.	Welch

The following voted present:

Luechtefeld

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

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

Pursuant to the Motion in Writing filed and journalized on Wednesday, October 29, 2003, Senator Walsh moved that **Senate Bill No. 1353** do pass, the veto of the Governor to the contrary notwithstanding.

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

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Silverstein
Bomke	Haine	Munoz	Soden
Brady	Halvorson	Obama	Sullivan, D.
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Syverson
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Rauschenberger	Viverito
Crotty	Jones, J.	Righter	Walsh
Cullerton	Jones, W.	Risinger	Watson
del Valle	Lauzen	Ronen	Welch
DeLeo	Lightford	Roskam	Winkel
Demuzio	Link	Rutherford	Wojcik
Dillard	Luechtefeld	Sandoval	Mr. President
Forby	Maloney	Schoenberg	
Garrett	Martinez	Sieben	

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

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

Pursuant to the Motion in Writing filed and journalized on Wednesday, October 29, 2003, Senator Garrett moved that **Senate Bill No. 1333** do pass, the specific recommendations of the Governor to the contrary notwithstanding.

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

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Yeas 56; Nays 1.

The following voted in the affirmative:

Althoff	Geo-Karis	Munoz	Sullivan, D.
Bomke	Halvorson	Obama	Sullivan, J.
Brady	Harmon	Peterson	Syverson
Burzynski	Hendon	Petka	Trotter
Clayborne	Hunter	Radogno	Viverito
Collins	Jacobs	Rauschenberger	Walsh
Cronin	Jones, J.	Righter	Watson
Crotty	Jones, W.	Risinger	Welch
Cullerton	Lauzen	Ronen	Winkel
del Valle	Lightford	Roskam	Wojcik
DeLeo	Link	Rutherford	Mr. President
Demuzio	Luechtefeld	Sandoval	
Dillard	Maloney	Schoenberg	
Forby	Martinez	Silverstein	
Garrett	Meeks	Soden	

The following voted in the negative:

Haine

This bill, having received the vote of three-fifths of the members elected, was declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

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

Pursuant to the Motion in Writing filed and journalized on Tuesday, November 4, Senator Crotty moved that **Senate Bill No. 1321** do pass, the specific recommendations of the Governor to the contrary notwithstanding.

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

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Sieben
Bomke	Geo-Karis	Meeks	Silverstein
Brady	Haine	Munoz	Soden
Burzynski	Halvorson	Obama	Sullivan, D.
Clayborne	Harmon	Peterson	Sullivan, J.
Collins	Hendon	Petka	Trotter
Cronin	Hunter	Radogno	Viverito
Crotty	Jacobs	Righter	Walsh
Cullerton	Jones, J.	Risinger	Watson
del Valle	Jones, W.	Ronen	Welch
DeLeo	Lauzen	Roskam	Winkel
Demuzio	Lightford	Rutherford	Wojcik
Dillard	Link	Sandoval	Mr. President
Forby	Maloney	Schoenberg	

This bill, having received the vote of three-fifths of the members elected, was declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

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

[November 4, 2003]

Pursuant to the Motion in Writing filed and journalized on Tuesday, November 4, 2003, Senator Jacobs moved that **Senate Bill No. 1521** do pass, the specific recommendations of the Governor to the contrary notwithstanding.

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

Yeas 49; Nays 8; Present 1.

The following voted in the affirmative:

Althoff	Haine	Munoz	Sullivan, D.
Bomke	Halvorson	Peterson	Sullivan, J.
Brady	Hendon	Petka	Syverson
Burzynski	Hunter	Radogno	Trotter
Clayborne	Jacobs	Rauschenberger	Viverito
Cronin	Jones, J.	Righter	Walsh
Crotty	Jones, W.	Risinger	Watson
Cullerton	Lauzen	Roskam	Winkel
del Valle	Lightford	Rutherford	Wojcik
DeLeo	Luechtefeld	Sandoval	Mr. President
Demuzio	Maloney	Sieben	
Forby	Martinez	Silverstein	
Geo-Karis	Meeks	Soden	

The following voted in the negative:

Collins	Link	Schoenberg
Garrett	Obama	Welch
Harmon	Ronen	

The following voted present:

Dillard

This bill, having received the vote of three-fifths of the members elected, was declared passed, the specific recommendations of the Governor to the contrary notwithstanding.

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

Pursuant to the Motion in Writing filed and journalized on Tuesday, November 4, 2003, Senator Cullerton moved that **Senate Bill No. 70** do pass, the veto of the Governor to the contrary notwithstanding.

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

Yeas 33; Nays 22; Present 1.

The following voted in the affirmative:

Collins	Halvorson	Meeks	Sullivan, J.
Crotty	Harmon	Munoz	Trotter
Cullerton	Hendon	Obama	Viverito
del Valle	Hunter	Ronen	Walsh
DeLeo	Jacobs	Sandoval	Welch
Demuzio	Lightford	Schoenberg	Mr. President
Forby	Link	Silverstein	
Garrett	Maloney	Soden	
Haine	Martinez	Sullivan, D.	

The following voted in the negative:

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Althoff	Jones, W.	Rauschenberger	Syverson
Bomke	Lauzen	Righter	Watson
Brady	Luechtefeld	Risinger	Winkel
Burzynski	Peterson	Roskam	Wojcik
Geo-Karis	Petka	Rutherford	
Jones, J.	Radogno	Sieben	

The following voted present:

Dillard

The motion having failed to receive the vote of three-fifths of the members elected was lost.

Pursuant to the Motion in Writing filed and journalized on Tuesday, November 4, 2003, Senator Cullerton moved that **Senate Bill No. 100** do pass, the veto of the Governor to the contrary notwithstanding.

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

Yeas 28; Nays 28.

The following voted in the affirmative:

Cronin	Halvorson	Martinez	Trotter
Crotty	Harmon	Meeks	Viverito
Cullerton	Hendon	Munoz	Walsh
del Valle	Hunter	Petka	Mr. President
DeLeo	Jacobs	Roskam	
Demuzio	Lightford	Sandoval	
Dillard	Link	Schoenberg	
Haine	Maloney	Silverstein	

The following voted in the negative:

Althoff	Jones, J.	Righter	Watson
Bomke	Jones, W.	Risinger	Welch
Brady	Lauzen	Ronen	Winkel
Burzynski	Luechtefeld	Rutherford	Wojcik
Collins	Obama	Sieben	
Forby	Peterson	Soden	
Garrett	Radogno	Sullivan, D.	
Geo-Karis	Rauschenberger	Sullivan, J.	

The motion having failed to receive the vote of three-fifths of the members elected was lost.

Pursuant to the Motion in Writing filed and journalized on Tuesday, November 4, 2003, Senator Radogno moved that **Senate Bill No. 606** do pass, the veto of the Governor to the contrary notwithstanding.

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

Yeas 50; Nays 5; Present 1.

The following voted in the affirmative:

Althoff	Harmon	Peterson	Soden
Bomke	Hendon	Petka	Sullivan, D.
Brady	Hunter	Radogno	Sullivan, J.
Burzynski	Jacobs	Rauschenberger	Syverson
Collins	Jones, W.	Righter	Trotter
Cronin	Lauzen	Risinger	Viverito

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Crotty	Lightford	Ronen	Walsh
Cullerton	Link	Roskam	Watson
del Valle	Luechtefeld	Rutherford	Winkel
DeLeo	Maloney	Sandoval	Wojcik
Garrett	Martinez	Schoenberg	Mr. President
Haine	Meeks	Sieben	
Halvorson	Munoz	Silverstein	

The following voted in the negative:

Demuzio	Geo-Karis	Welch
Forby	Jones, J.	

The following voted present:

Dillard

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

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

Pursuant to the Motion in Writing filed on Thursday, October 30, 2003 and journalized Tuesday, November 4, 2003, Senator Link moved to accept the Governor's specific recommendations for change to **Senate Bill No. 150**.

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

Yeas 52; Nays 4.

The following voted in the affirmative:

Althoff	Harmon	Obama	Soden
Bomke	Hendon	Peterson	Sullivan, D.
Brady	Hunter	Petka	Sullivan, J.
Burzynski	Jacobs	Radogno	Syverson
Collins	Jones, J.	Rauschenberger	Trotter
Cronin	Jones, W.	Righter	Viverito
Crotty	Lauzen	Risinger	Walsh
Cullerton	Lightford	Ronen	Watson
del Valle	Link	Roskam	Wojcik
DeLeo	Luechtefeld	Rutherford	Mr. President
Demuzio	Maloney	Sandoval	
Garrett	Martinez	Schoenberg	
Haine	Meeks	Sieben	
Halvorson	Munoz	Silverstein	

The following voted in the negative:

Forby	Welch
Geo-Karis	Winkel

The motion prevailed.

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

Pursuant to the Motion in Writing filed and journalized on Tuesday, November 4, 2003, Senator D. Sullivan moved to accept the Governor's specific recommendations for change to **Senate Bill No. 180**.

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

[November 4, 2003]

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, D.
Brady	Harmon	Peterson	Sullivan, J.
Burzynski	Hendon	Petka	Syverson
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Rauschenberger	Viverito
Crotty	Jones, J.	Righter	Walsh
Cullerton	Jones, W.	Risinger	Watson
del Valle	Lauzen	Ronen	Welch
DeLeo	Lightford	Roskam	Winkel
Demuzio	Link	Rutherford	Wojcik
Dillard	Luechtefeld	Sandoval	Mr. President
Forby	Maloney	Schoenberg	
Garrett	Martinez	Sieben	
Geo-Karis	Meeks	Silverstein	

The motion prevailed.

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

Pursuant to the Motion in Writing filed and journalized on Tuesday, November 4, 2003, Senator D. Sullivan moved to accept the Governor's specific recommendations for change to **Senate Bill No. 196**.

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

Yeas 55; Nays 2.

The following voted in the affirmative:

Althoff	Haine	Meeks	Sieben
Bomke	Halvorson	Munoz	Silverstein
Brady	Harmon	Obama	Soden
Burzynski	Hendon	Peterson	Sullivan, D.
Collins	Hunter	Petka	Syverson
Cronin	Jacobs	Radogno	Trotter
Crotty	Jones, J.	Rauschenberger	Viverito
Cullerton	Jones, W.	Righter	Walsh
del Valle	Lauzen	Risinger	Watson
DeLeo	Lightford	Ronen	Welch
Demuzio	Link	Roskam	Winkel
Dillard	Luechtefeld	Rutherford	Wojcik
Garrett	Maloney	Sandoval	Mr. President
Geo-Karis	Martinez	Schoenberg	

The following voted in the negative:

Forby
Sullivan, J.

The motion prevailed.

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

[November 4, 2003]

Pursuant to the Motion in Writing filed on Wednesday, October 29, 2003 and journalized Tuesday, November 4, 2003, Senator Link moved to accept the Governor's specific recommendations for change to **Senate Bill No. 640**.

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

Yeas 43; Nays 8.

The following voted in the affirmative:

Bomke	Haine	Meeks	Soden
Brady	Harmon	Munoz	Sullivan, D.
Collins	Hendon	Obama	Sullivan, J.
Cronin	Hunter	Petka	Trotter
Crotty	Jacobs	Risinger	Viverito
Cullerton	Jones, J.	Ronen	Walsh
del Valle	Jones, W.	Roskam	Watson
DeLeo	Lightford	Rutherford	Welch
Demuzio	Link	Sandoval	Winkel
Dillard	Maloney	Sieben	Mr. President
Geo-Karis	Martinez	Silverstein	

The following voted in the negative:

Burzynski	Peterson	Syverson
Forby	Rauschenberger	Wojcik
Lauzen	Righter	

The motion prevailed.

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

Pursuant to the Motion in Writing filed on Friday, October 31, 2003 and journalized Tuesday, November 4, 2003, Senator Viverito moved to accept the Governor's specific recommendations for change to **Senate Bill No. 699**.

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

Yeas 52; Nays 5.

The following voted in the affirmative:

Bomke	Harmon	Obama	Sullivan, J.
Brady	Hendon	Peterson	Syverson
Collins	Hunter	Petka	Trotter
Crotty	Jacobs	Radogno	Viverito
Cullerton	Jones, J.	Righter	Walsh
del Valle	Jones, W.	Risinger	Watson
DeLeo	Lauzen	Ronen	Welch
Demuzio	Lightford	Rutherford	Winkel
Dillard	Link	Sandoval	Wojcik
Forby	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Sieben	
Geo-Karis	Martinez	Silverstein	
Haine	Meeks	Soden	
Halvorson	Munoz	Sullivan, D.	

The following voted in the negative:

Althoff	Cronin	Roskam
Burzynski	Rauschenberger	

[November 4, 2003]

The motion prevailed.

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

Pursuant to the Motion in Writing filed on Wednesday, October 29, 2003 and journalized Tuesday, November 4, 2003, Senator Crotty moved to accept the Governor's specific recommendations for change to **Senate Bill No. 1523**.

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

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, D.
Brady	Harmon	Peterson	Sullivan, J.
Burzynski	Hendon	Petka	Syverson
Collins	Hunter	Radogno	Trotter
Cronin	Jacobs	Rauschenberger	Viverito
Crotty	Jones, J.	Righter	Walsh
Cullerton	Jones, W.	Risinger	Watson
del Valle	Laufen	Ronen	Welch
DeLeo	Lightford	Roskam	Winkel
Demuzio	Link	Rutherford	Wojcik
Dillard	Luechtefeld	Sandoval	Mr. President
Forby	Maloney	Schoenberg	
Garrett	Martinez	Sieben	
Geo-Karis	Meeks	Silverstein	

The motion prevailed.

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

Pursuant to the Motion in Writing filed on Thursday, October 30, 2003 and journalized Tuesday, November 4, 2003, Senator Schoenberg moved to accept the Governor's specific recommendations for change to **Senate Bill No. 1848**.

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

Yeas 43; Nays 13.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Silverstein
Collins	Haine	Munoz	Soden
Cronin	Halvorson	Obama	Sullivan, D.
Crotty	Harmon	Peterson	Sullivan, J.
Cullerton	Hendon	Radogno	Trotter
del Valle	Hunter	Risinger	Viverito
DeLeo	Jacobs	Ronen	Walsh
Demuzio	Lightford	Rutherford	Welch
Dillard	Link	Sandoval	Wojcik
Forby	Maloney	Schoenberg	Mr. President
Garrett	Martinez	Sieben	

The following voted in the negative:

Bomke	Laufen	Righter	Winkel
Brady	Luechtefeld	Roskam	

Burzynski
Jones, J.

Petka
Rauschenberger

Syverson
Watson

The motion prevailed.

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

REPORT FROM RULES COMMITTEE

Senator Demuzio, Chairperson of the Committee on Rules, during its November 4, 2003 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Environment & Energy: **Senate Floor Amendment No. 2 to House Bill 2200.**

Executive: **Senate Floor Amendment No. 2 to Senate Bill 67; Senate Floor Amendment No. 1 to House Bill 3413.**

Judiciary: **Senate Floor Amendment No. 1 to House Bill 576.**

COMMITTEE MEETING ANNOUNCEMENTS

Senator Cullerton, Co-Chairperson of the Committee on Judiciary announced that the Judiciary Committee will meet today in Room 400 Capitol Building, at 6:00 o'clock p.m.

Senator Silverstein, Chairperson of the Committee on Executive announced that the Executive Committee will meet today in Room 212 Capitol Building, at 6:05 o'clock p.m.

Senator Hendon, Chairperson of the Committee on Environment & Energy announced that the Environment & Energy Committee will meet today in Room 400 Capitol Building, at 10:00 o'clock a.m.

INTRODUCTION OF BILLS

SENATE BILL NO. 2111. Introduced by Senator Collins, a bill for AN ACT in relation to taxes.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2112. Introduced by Senator DeLeo, a bill for AN ACT in relation to taxes.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2113. Introduced by Senator J. Jones, a bill for AN ACT concerning vehicles.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2114. Introduced by Senator Martinez, a bill for AN ACT concerning taxes.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2115. Introduced by Senator del Valle, a bill for AN ACT with regard to schools.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 2116. Introduced by Senator Sandoval, a bill for AN ACT concerning taxes.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

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PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 299

Offered by Senator Peterson and all Senators:
Mourns the death of Waid Vanderpoel of Barrington.

SENATE RESOLUTION 300

Offered by Senator Silverstein and all Senators:
Mourns the death of Rabbi Shlomo Rapoport of Chicago.

SENATE RESOLUTION 301

Offered by Senator Harmon and all Senators:
Mourns the death of Bernard V. "Barney" McCauley of Bensenville.

SENATE RESOLUTION 302

Offered by Senator Collins and all Senators:
Mourns the death of Dorothy Ruth Davis Curry.

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

PRESENTATION OF RESOLUTION

Senators Hunter - E. Jones offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 40

WHEREAS, Quality education is essential to an informed citizenry, the foundation of our democratic society; and

WHEREAS, Access to quality education is the gateway to opportunity, our nation's promise to all; and

WHEREAS, Quality education provided in a universal setting enriches the learning experience; and

WHEREAS, Quality education for every citizen regardless of race, religion, ethnic background, or economic circumstance is a fundamental goal under our form of government; and

WHEREAS, On May 17, 1954, in a historic and unanimous decision, the United States Supreme Court, in *Brown v. Board of Education*, 347 U.S. 483 (1954), ruled that public education is subject to the equal protection provisions of the United States Constitution; and

WHEREAS, The Court based its decision as well on the premise that to separate children according to their race was unfair, diminishing their hopes and their futures; and

WHEREAS, That decision of May 17, 1954 was the culmination of 58 years of effort by a vast number of persons, organizations, and institutions and of the largely unknown and unheralded efforts of countless early Americans and their descendants aimed at achieving equal justice under the law; and

WHEREAS, The Court's pronouncement in *Brown v. Board of Education* validated those remarkable actions and their underlying premise that change in our country is achieved through peaceful, lawful means; and

WHEREAS, That participants from all walks of life joined in pursuit of this goal emphasizes that Americans, standing together, can effect great and positive change under the law; and

WHEREAS, That decision has had a profound, significant, and beneficial impact on all aspects of life in the United States; and

WHEREAS, The significant contributions of citizens of this State were essential to the ultimate success of that 58-year effort; and

WHEREAS, Those contributions made through lawful and peaceful means stand as worthy models of the benefit of public education and good citizenship; and

WHEREAS, The benefits to this State are everywhere to be seen in the contributions by Illinois citizens not only in education but in government, the arts, business, and other civic undertakings; and

WHEREAS, The 50th Anniversary of the *Brown v. Board of Education* decision affords an opportunity for the citizens of this State to celebrate and commemorate our own success in providing

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quality public education and recognize the fruits of that success; and

WHEREAS, May 17, 2004 is the 50th anniversary of this historic event; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Illinois Commission on the 50th Anniversary of Brown v. Board of Education is created; and be it further

RESOLVED, That the members of the Commission shall include the President of the Senate or his or her designee and the Speaker of the House of Representatives or his or her designee, each serving as co-chairpersons, the Governor or his or her designee, one vice-chairperson appointed by each of the co-chairpersons, and 25 appointed members, with the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives appointing 5 members each; and be it further

RESOLVED, That the appointed members shall be from diverse backgrounds so as to reflect the diverse citizenry of Illinois working together for a common democratic cause, and that their individual qualifications shall include varying educational, professional, and civic experiences that bring different perspectives and cooperative outlooks to the Commission; and be it further

RESOLVED, That the purpose of the Commission is (i) to further a statewide appreciation for the advancement of democratic principles through our system of law and justice using the unanimous 1954 Supreme Court decision in Brown v. Board of Education as a touchstone and (ii) to inspire all of our citizens, regardless of age, race, ethnicity, religion, or economic status, to appreciate the value of education and public service as a means to further the objects of democracy; and be it further

RESOLVED, That the Commission shall have the following stated objectives: (i) to identify human and documentary resources, generally available, for use by educational, civic, social, and other organizations and institutions such that the Commission may effectively share in the spread of democratic principles as part of the Commission's ongoing activities in 2004; (ii) to encourage direct participation through essays, creative arts, lectures, original research and writing, community projects, and other activities to foster personal commitment to democracy; (iii) to provide adoptable program models for local use statewide; and (iv) to mark the anniversary of Brown v. Board of Education with an appropriate ceremony; and be it further

RESOLVED, That the Commission shall, while working in coordination with and with the assistance of Chicago State University and Southern Illinois University at Carbondale's Public Policy Institute, broaden outreach by using established channels, including publicly supported media and electronic, computer-assisted communication systems, and elicit voluntary assistance from educational, legal, civic, and professional organizations and institutions as well as notable individuals; and be it further

RESOLVED, That no later than June 30, 2005, the Commission shall report to the General Assembly and the Governor on its activities and accomplishments, and that the Commission shall be dissolved after the filing of this report; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Governor of the State of Illinois.

MOTIONS IN WRITING

Senator Welch submitted the following Motion in Writing:

I move that the item on Page 226, Line 23, of **Senate Bill 1239** be restored, notwithstanding the item reduction of the Governor.

DATE: November 4, 2003

Patrick Welch
Senator

At the hour of 5:00 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 7:38 o'clock p.m., the Senate resumed consideration of business.
Senator DeLeo, presiding.

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REPORTS FROM STANDING COMMITTEES

Senator Cullerton, Co-Chairperson of the Committee on Judiciary to which was referred the following Senate floor amendment reported that the Committee recommends that it be approved for consideration:

Senate Amendment No. 1 to House Bill 576

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

Senator Silverstein, Chairperson of the Committee on Executive to which was referred the following Senate floor amendments reported that the Committee recommends that they be approved for consideration:

Senate Amendment No. 2 to Senate Bill 67

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

At the hour of 7:39 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, November 5, 2003, at 1:00 o'clock p.m.