



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FOURTH GENERAL ASSEMBLY

91ST LEGISLATIVE DAY

FRIDAY, MARCH 24, 2006

12:10 O'CLOCK P.M.

SENATE
Daily Journal Index
91st Legislative Day

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The Senate met pursuant to adjournment.
Senator Terry Link, Waukegan, Illinois, presiding.
Prayer by Dr. Maryam Mostoufi, Islamic Society of Greater Springfield, Springfield, Illinois.
Senator Maloney led the Senate in the Pledge of Allegiance.

Senator Collins moved that reading and approval of the Journal of Thursday, March 23, 2006, be postponed, pending arrival of the printed Journal.
The motion prevailed.

LEGISLATIVE MEASURES FILED

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. 2 to House Bill 2067
Senate Floor Amendment No. 3 to House Bill 4173
Senate Floor Amendment No. 1 to House Bill 4306
Senate Floor Amendment No. 1 to House Bill 4960
Senate Floor Amendment No. 1 to Senate Bill 4977
Senate Floor Amendment No. 1 to House Bill 4987

MESSAGES FROM THE PRESIDENT

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

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

March 23, 2006

Ms. Linda Hawker
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Debbie Halvorson to temporarily replace Senator Rickey Hendon as a member of the Senate Executive Appointments Committee. This appointment is effective immediately.

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

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

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

March 23, 2006

[March 24, 2006]

Ms. Linda Hawker
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator James Clayborne to temporarily replace Senator Rickey Hendon as a member of the Senate Executive Committee. This appointment is effective immediately.

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

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

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

March 23, 2006

Ms. Linda Hawker
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Kwame Raoul to temporarily replace Senator Rickey Hendon as a member of the Senate Labor Committee. This appointment is effective immediately.

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

REPORTS FROM STANDING COMMITTEES

Senator Haine, Chairperson of the Committee on Insurance, to which was referred **House Bills Numbered 4079 and 5337**, reported the same back with the recommendation that the bills do pass.

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

Senator Meeks, Chairperson of the Committee on Housing & Community Affairs, to which was referred **House Bills Numbered 5284 and 5377**, reported the same back with the recommendation that the bills do pass.

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

Senator Meeks, Chairperson of the Committee on Housing & Community Affairs, to which was referred **House Bills Numbered 4342 and 5299**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

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Senator Munoz, Chairperson of the Committee on Transportation, to which was referred **House Bills Numbered 4561, 4728, 4746, 4768, 4782, 5220, 5274 and 5506**, reported the same back with the recommendation that the bills do pass.

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

Senator Munoz, Chairperson of the Committee on Transportation, to which was referred **House Bills Numbered 4727 and 4835**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Cullerton and Senator Dillard, Co-Chairpersons of the Committee on Judiciary, to which was referred **House Bills Numbered 4204, 4238, 4297, 4357, 4375, 4383, 4398, 4527, 4649, 4717, 5216, 5288, 5336 and 5376**, reported the same back with the recommendation that the bills do pass.

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

Senator Cullerton and Senator Dillard, Co-Chairpersons of the Committee on Judiciary, to which was referred **House Bills Numbered 1299, 2067, 2946, 4179, 4203, 4438, 4446, 4606, 4711, 4715 and 5342**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Martinez, Chairperson of the Committee on Pensions & Investments, to which was referred **House Bills Numbered 2469, 4463, 4541 and 5331**, reported the same back with the recommendation that the bills do pass.

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

Senator Sullivan, Chairperson of the Committee on Agriculture & Conservation, to which was referred **House Bill No. 5407**, reported the same back with the recommendation that the bill do pass.

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

Senator Clayborne, Chairperson of the Committee on Environment & Energy, to which was referred **House Bills Numbered 4977 and 5555**, reported the same back with the recommendation that the bills do pass.

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

Senator Ronen, Chairperson of the Committee on Health & Human Services, to which was referred **House Bills Numbered 4195, 4853, 5330, 5339, 5343 and 5382**, reported the same back with the recommendation that the bills do pass.

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

Senator Ronen, Chairperson of the Committee on Health & Human Services, to which was referred **House Bills Numbered 4135, 4186, 5259 and 5348**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Harmon, Chairperson of the Committee on Revenue, to which was referred **House Bills Numbered 4362, 4369, 4789, 4793 and 5283**, reported the same back with the recommendation that the bills do pass.

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

Senator Garrett, Chairperson of the Committee on State Government, to which was referred **House Bills Numbered 4559 and 4703**, reported the same back with the recommendation that the bills do pass.

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

Senator Garrett, Chairperson of the Committee on State Government, to which was referred **House Bill No. 4137**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Garrett, Chairperson of the Committee on State Government, to which was referred **Senate Joint Resolution No. 83**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 83** was placed on the Secretary's Desk.

Senator Garrett, Chairperson of the Committee on State Government, to which was referred **Senate Resolution No. 662**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 662** was placed on the Secretary's Desk.

Senator Garrett, Chairperson of the Committee on State Government, to which was referred **House Joint Resolutions numbered 80, 84, 85, 89 and 95**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **House Joint Resolutions numbered 80, 84, 85, 89 and 95** were placed on the Secretary's Desk.

Senator Garrett, Chairperson of the Committee on State Government, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Resolution No. 578

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 **House Bills Numbered 4752, 5305 and 5524**, reported the same back with the recommendation that the bills do pass.

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

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred **House Bills Numbered 448, 1261, 1604, 2708, 4442, 4453, 4666, 4729, 4829 and 4974**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

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

Senate Amendment No. 4 to Senate Bill 2983

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

Senator Crotty, Chairperson of the Committee on Local Government, to which was referred **House Bills Numbered 4192, 4960 and 4971**, reported the same back with the recommendation that the bills do pass.

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

Senator Crotty, Chairperson of the Committee on Local Government, to which was referred **House Bill No. 4173**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator del Valle, Vice-Chairperson of the Committee on Education, to which was referred **Senate Bills Numbered 4308, 4310, 4365, 4987 and 5550**, reported the same back with the recommendation that the bills do pass.

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

Senator del Valle, Vice-Chairperson of the Committee on Education, to which was referred **House Bills Numbered 2012 and 5416**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator del Valle, Vice-Chairperson of the Committee on Education, to which was referred **Senate Joint Resolution No. 82**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 82** was placed on the Secretary's Desk.

Senator Collins, Chairperson of the Committee on Financial Institutions, to which was referred **House Bills Numbered 4345 and 4736**, reported the same back with the recommendation that the bills do pass.

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

Senator Forby, Chairperson of the Committee on Labor, to which was referred **House Bill No. 4904**, reported the same back with the recommendation that the bill do pass.

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

Senator Demuzio, Chairperson of the Committee on Licensed Activities, to which was referred **House Bills Numbered 4370 and 4726**, reported the same back with the recommendation that the bills do pass.

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

Senator Maloney, Chairperson of the Committee on Higher Education, to which was referred **House Bills Numbered 4339, 4406 and 5429**, reported the same back with the recommendation that the bills do pass.

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

MESSAGE FROM THE GOVERNOR

Message for the Governor by Joseph B. Handley
Deputy Chief of Staff for Legislative Affairs

March 24, 2006

Mr. President,

The Governor directs me to lay before the Senate the following Message:

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT

[March 24, 2006]

To the Honorable
Members of the Senate
Ninety-Fourth General Assembly

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable body.

CORRECTIONS, ILLINOIS DEPARTMENT OF

To be Assistant Director of the Illinois Department of Corrections for a term commencing March 21, 2006 and ending January 15, 2007:

Deanne Benos of Chicago
Salaried

Rod Blagojevich
GOVERNOR

Under the rules, the foregoing Message was referred to the Committee on Executive Appointments.

EXCUSED FROM ATTENDANCE

On motion of Senator Burzynski, Senator Cronin was excused from attendance due to illness, Senator Millner was excused from attendance due to illness in the family, and Senator Winkel was excused from attendance due to a family emergency.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 4301, sponsored by Senator Righter, was taken up, read by title a first time and referred to the Committee on Rules.

INTRODUCTION OF BILLS

SENATE BILL NO. 3179. Introduced by Senators Rauschenberger - Radogno, a bill for AN ACT concerning State government.

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 676

Offered by Senator Haine and all Senators:
Mourns the death of Virgil Kassing, Village Clerk of Caseyville.

SENATE RESOLUTION 677

Offered by Senator Hunter and all Senators:
Mourns the death of Martha Jane Taylor (Penny).

SENATE RESOLUTION 678

Offered by Senator Hunter and all Senators:
Mourns the death of Kirby Puckett of Scottsdale, Arizona, formerly of Chicago.

SENATE RESOLUTION 679

Offered by Senator Dillard and all Senators:
Mourns the death of Arthur "Bill" Tunell of Westmont.

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SENATE RESOLUTION 680

Offered by Senator Dillard and all Senators:
Mourns the death of Sheila Gaspar of Downers Grove.

SENATE RESOLUTION 681

Offered by Senator Haine and all Senators:
Mourns the death of Eugene "Gene" Brombolich, Sr., former Mayor of Collinsville.

SENATE RESOLUTION 682

Offered by Senator Clayborne and all Senators:
Mourns the death of Minister Elmarie Mosley of East St. Louis.

SENATE RESOLUTION 683

Offered by Senator Clayborne and all Senators:
Mourns the death of Julian G. Spencer of East St. Louis.

SENATE RESOLUTION 684

Offered by Senator Clayborne and all Senators:
Mourns the death of Florence Baricevic, nee Cronin, of Fairview Heights.

SENATE RESOLUTION 685

Offered by Senator Harmon and all Senators:
Mourns the death of Ethel Cotovsky of Oak Park.

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

Senator Trotter offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 686

WHEREAS, CeaseFire Illinois is a non-profit agency providing grass-roots intervention services in Illinois communities at high risk for violence; and

WHEREAS, CeaseFire works in collaboration with local law enforcement and neighborhood coalitions to change attitudes and behaviors about violence; and

WHEREAS, CeaseFire currently serves 15 Chicago communities; and

WHEREAS, Two young girls were recently murdered in the Chicago community of Englewood; and

WHEREAS, Two-thirds of CeaseFire's funding reportedly comes from the State of Illinois; and

WHEREAS, According to news reports, CeaseFire operations in the Englewood community are underfunded; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Auditor General is directed to conduct a program audit of funding provided by or through the State of Illinois to CeaseFire Illinois; and be it further

RESOLVED, That the audit include, but not be limited to, the following determinations:

- (1) the total amount of funding provided by or through State of Illinois sources to CeaseFire in Fiscal Years 2004, 2005, and 2006;
- (2) the source of all funding provided to CeaseFire in those fiscal years;
- (3) the purposes for which that funding was provided, including how decisions

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concerning the allocation of funding to various Chicago communities were made; and

(4) whether the State agencies providing funding or CeaseFire Illinois maintain performance measures and statistics reflecting the outcomes achieved with State funding; and be it further

RESOLVED, That CeaseFire Illinois and any State or local agency that may have information relevant to this audit cooperate fully and promptly with the Auditor General's Office in its audit; and be it further

RESOLVED, That the Auditor General commence this audit as soon as possible and report his or her findings and recommendations upon completion in accordance with the provisions of Section 3-14 of the Illinois State Auditing Act.

Senator Haine offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 687

WHEREAS, The month of April has been designated "National Child Abuse Prevention Month" as an annual tradition that was initiated in 1979 by former President Jimmy Carter; and

WHEREAS, The most recent National Child Abuse and Neglect Data System (NCANDS) figures show that almost 900,000 children were victims of abuse and neglect in the United States in 2002, causing unspeakable pain and suffering to our most vulnerable citizens; among the children who are victims of abuse and neglect, nearly four children die each day in this country; and

WHEREAS, Children age one and younger accounted for 41.2 percent of child abuse and neglect fatalities in 2002, and children age four and younger accounted for 76.1 percent of all child abuse and neglect fatalities in 2002; and

WHEREAS, Abusive head trauma, including the trauma known as Shaken Baby Syndrome, is recognized as the leading cause of death of physically abused children; Shaken Baby Syndrome is a totally preventable form of child abuse, caused by a caregiver losing control and shaking a baby that is usually less than one year in age; it can result in loss of vision, brain damage, paralysis, seizures, or death; and

WHEREAS, A 2003 report in the Journal of the American Medical Association estimates that, in the United States, an average of 300 children will die each year, and 600 to 1,200 more will be injured, of whom two-thirds will be babies or infants under one year in age, as a result of Shaken Baby Syndrome, with many cases resulting in severe and permanent disabilities; and

WHEREAS, Medical professionals believe that thousands of additional cases of Shaken Baby Syndrome are being misdiagnosed or not detected; and

WHEREAS, Shaken Baby Syndrome often results in permanent, irreparable brain damage or death to an infant and may result in more than \$1,000,000 in medical costs to care for a single, disabled child in just the first few years of life; and

WHEREAS, The most effective solution for ending Shaken Baby Syndrome is to prevent such abuse, and it is clear that the minimal costs of education and prevention programs may prevent enormous medical and disability costs and untold grief for many families; and

WHEREAS, Prevention programs have demonstrated that educating new parents about the danger of shaking young children and how they can help protect their child from injury can bring about a significant reduction in the number of cases of Shaken Baby Syndrome; and

WHEREAS, Education programs have been shown to raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, daycare workers, child protection

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employees, law enforcement personnel, health care professionals, and legal representatives; and

WHEREAS, Efforts to prevent Shaken Baby Syndrome are supported by advocacy groups across the United States that were formed by parents and relatives of children who have been killed or injured by shaking, such as the National Shaken Baby Coalition, the Shaken Baby Association, the SKIPPER (Shaking Kills: Instead Parents Please Educate and Remember) Initiative, the Shaken Baby Alliance, Shaken Baby Prevention, Inc., A Voice for Gabbi, Don't Shake Jake, and the Kierra Harrison Foundation, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and victim's families in the health care and criminal justice systems; and

WHEREAS, Child abuse prevention programs and "National Shaken Baby Syndrome Awareness Week" are supported by the National Shaken Baby Coalition, the National Center on Shaken Baby Syndrome, the Children's Defense Fund, the American Academy of Pediatrics, the Child Welfare League of America, Prevent Child Abuse America, the National Child Abuse Coalition, the National Exchange Club Foundation, the American Humane Association, the American Professional Society on the Abuse of Children, the Arc of the United States, the Association of University Centers on Disabilities, Children's Healthcare is a Legal Duty, Family Partnership, Family Voices, National Alliance of Children's Trust and Prevention Funds, United Cerebral Palsy, the National Association of Children's Hospitals and related institutions, Never Shake a Baby Arizona/Prevent Child Abuse Arizona, the Center for Child Protection and Family Support, and many other organizations; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that in honor of survivors of Shaken Baby Syndrome like Taylor Nicole (Pinkas) Rogers of Edwardsville, and in honor of those precious children that did not survive, we hereby designate April 17-23, 2006, as "Shaken Baby Syndrome Awareness Week" in the State of Illinois; and be it further

RESOLVED, That we commend those hospitals, child care councils, schools, and other organizations that are working to increase awareness of the danger of shaking young children and educate parents and caregivers as to how they can help protect children from such injuries; and be it further

RESOLVED, That we encourage the people of Illinois to remember the victims of Shaken Baby Syndrome and to participate in educational programs to help prevent Shaken Baby Syndrome; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the National Shaken Baby Coalition.

Senator Martinez offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 688

WHEREAS, The mission of the YMCA is to build strong kids, strong families, and strong communities through programs that focus on developing a healthy mind, body, and spirit for all; and

WHEREAS, Our children's health is a concern for the whole community; because parents can be the best role models for their kids, and kids' health habits mirror those of their parents and other adult role models, YMCA Healthy Kids Day is a great time for communities to come together to learn more about healthier lifestyles; and

WHEREAS, Among children and teens ages 6 to 19 in the United States, 16 percent (over 9 million) are overweight according to the Centers for Disease Control 1999-2002 data, or triple what the proportion was in 1980, and 29 percent of low-income children between 2 and 5 years of age in Illinois are overweight or at risk of becoming overweight; and

WHEREAS, YMCAs throughout Illinois are dedicated to providing programs and services to over

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384,000 youth between the ages of one and seventeen; and

WHEREAS, Community-based responses alleviate the growing epidemic of obesity and physical inactivity, particularly among young people; and

WHEREAS, YMCA Healthy Kids Day is a national event celebrating healthy living and helping kids and families embrace habits that can become a lifelong practice; and

WHEREAS, On April 8, 2006, YMCAs throughout the nation and the State of Illinois will sponsor YMCA Healthy Kids Day to help our youth become more healthy; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we join YMCAs in the State of Illinois, and throughout the nation in the fight against childhood obesity by recognizing April 8, 2006, as YMCA Healthy Kids Day; and be it further

RESOLVED, That suitable copies of this resolution be presented to participating YMCAs in Illinois.

Senator Demuzio offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 689

WHEREAS, In 1881, the efforts of Clara Barton led to the establishment of the American Red Cross; this year we celebrate the 125th Anniversary of an organization focused on providing compassionate humanitarian care to all people; and

WHEREAS, Since its inception, the American Red Cross has grown into an organization which is uniquely chartered by the United States Congress to act in times of need by providing assistance to persons afflicted by local, state, national, or international disasters, as well as assist American military personnel and their families; and

WHEREAS, American Red Cross chapters in Illinois trained over 579,000 residents and nearly 24,000 volunteers on how to prepare and respond to natural and man-made disasters and in the use of First Aid, CPR, and Automated External Defibrillators, and provided services to over 24,000 Illinois mMilitary personnel and their families; and

WHEREAS, The American Red Cross is committed to assuring a safe and adequate blood supply for Illinois and the entire nation by performing blood drives where volunteers are asked to donate so that blood is readily available when needed by members of our communities; and

WHEREAS, Through its work, the American Red Cross, an enduring American institution, restores hope at home and throughout the world everyday; furthermore, the vital services of this humanitarian organization would not be possible without the generous contributions from the American people; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we proclaim the month of March 2006 as American Red Cross Month in the State of Illinois, and we encourage all Illinois citizens to support the noble efforts of the American Red Cross by giving their time, money, or blood donations to this worthy organization so that it may continue to help our communities in time of need; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the American Red Cross.

Senator Hunter offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

[March 24, 2006]

SENATE JOINT RESOLUTION NO. 87

WHEREAS, United States Secretary of Education Margaret Spellings has announced guidelines, referred to as a New Path for the federal No Child Left Behind Act of 2001, based on a set of "common sense" principles to guide states in meeting the Act's goals; and

WHEREAS, This New Path maintains the primary elements of the Act, such as the annual testing and reporting of student subgroup data, but also emphasizes increasing individual student achievement, narrowing the achievement gap, and encouraging sound overall state education policies that ensure that progress is being made; and

WHEREAS, The United States Department of Education has recognized that schools serving certain designated subgroups, such as children who are limited English speakers and children who have disabilities, require flexibility in determining adequate yearly progress; and

WHEREAS, This type of flexibility is also needed for schools that serve other vulnerable population groups, such as high school drop-outs who return to school and who, for reasons including but not limited to their low academic achievement levels, are often confronted with multiple barriers that impede their academic progress; and

WHEREAS, Some states have requested permission to implement growth-based accountability models, also called "value-added models," which give schools credit for student improvement over time by tracking individual student achievement from year to year, and which show promise as fair, reliable, flexible, and innovative methods for measuring school and student improvement; and

WHEREAS, The United States Department of Education has responded to the states' requests by agreeing to a rigorous evaluation of growth-based accountability models and their ability to help meet the laudable goals of the federal No Child Left Behind Act of 2001; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we urge the United States Department of Education to use more flexible criteria in determining adequate yearly progress under the federal No Child Left Behind Act; and be it further

RESOLVED, That there is hereby created a No Child Left Behind Growth-Model Task Force to examine the models proposed by other states and to explore the potential for a growth model to give a clearer, fairer picture of individual student progress, such as the progress of those students in alternative schools; and be it further

RESOLVED, That the Task Force shall consist of (i) the Governor or his designee, (ii) the State Superintendent of Education or his designee, (iii) one member appointed by a statewide association representing principals, (iv) one member representing a charter school serving at-risk high school drop-outs who have returned to school, (v) one member appointed by an organization representing regional superintendents of schools, (vi) one member appointed by a statewide organization representing school administrators, (v) one member appointed by a statewide organization that represents both parents and teachers, (vi) one member appointed by a statewide organization representing administrators of special education, (vii) one member who is a representative from a statewide alternative education association, and (viii) an additional member appointed by the State Superintendent of Education based on the individual's knowledge of NCLB regulations or growth model research and design, or both; and that the State Board of Education shall provide such staff assistance to the Task Force as is reasonably required for the proper performance of its responsibilities; and be it further

RESOLVED, That the Task Force shall hold, at minimum, four meetings, with at least one meeting held in Chicago and one meeting held in Springfield, and it shall report its findings to the General Assembly on or before January 1, 2007; and be it further

RESOLVED, That the Task Force is abolished upon completing its report; and be it further

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RESOLVED, That a suitable copy of this resolution be delivered to the U.S. Secretary of Education, the State Board of Education, the Speaker of the United States House of Representatives, the President pro tempore of the United States Senate, and to each member of the Illinois Congressional delegation.

MESSAGES FROM THE HOUSE

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:
SENATE BILL NO. 2878

A bill for AN ACT concerning transportation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:
House Amendment No. 1 to SENATE BILL NO. 2878
Passed the House, as amended, March 16, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2878

AMENDMENT NO. 1. Amend Senate Bill 2878 on page 6, by replacing lines 11 through 14 with the following:
"the vehicle."

Under the rules, the foregoing **Senate Bill No. 2878**, with House Amendment No. 1, was referred to the Secretary's Desk.

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

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

HOUSE JOINT RESOLUTION NO. 98

WHEREAS, Throughout history brave Americans have shed their blood during wars and conflicts to preserve, protect, and defend the foundation of the principles of democracy and freedom; and

WHEREAS, In every military conflict and national time of need since 1818, the brave men and women of the State of Illinois have risen to the cause of defending democracy; and

WHEREAS, These brave Illinois men and women leave behind family and friends to proudly serve their country; and

WHEREAS, The federal government has an obligation to provide the benefits it has promised to Illinois veterans; and

WHEREAS, The General Assembly was dismayed to discover in December 2004 that the State of Illinois' veterans were ranked last in the United States in the amount of benefits they receive through the federal government; and

WHEREAS, New reports in February 2006 place Illinois Veterans last in the nation for being hired through federal veterans job-placement programs, indicating that the federal government is not living up to its obligations to Illinois veterans; and

WHEREAS, The report states that only 34 percent of Illinois veterans and 28 percent of disabled
[March 24, 2006]

Illinois veterans who sought help from the U.S. Department of Labor's Veterans Employment and Training Service were hired last year-compared to the national average of 62 percent and 57 percent respectively; and

WHEREAS, The Government Accountability Office estimates 700,000 veterans are unemployed and anticipates more each year as 200,000 service members return to civilian life annually; and

WHEREAS, It is unacceptable that Illinois veterans who seek employment should be left behind by their government; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we encourage the United States Department of Labor and the United States Department of Veterans Affairs to ensure that benefits due to Illinois veterans are indeed given to Illinois veterans, including job placement services afforded to veterans of other states; and be it further

RESOLVED, That we encourage the Illinois Congressional delegation to pursue legislative or administrative remedies needed to ensure that all benefits are available and are in fact actually received by Illinois veterans in equal proportion to benefits received by veterans in other states; and be it further

RESOLVED, That a suitable copy of this Resolution be delivered to the Secretary of the United States Department of Labor, the United States Department of Veterans Affairs, and the Illinois Congressional delegation.

Adopted by the House, March 14, 2006.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 98 was referred to the Committee on Rules.

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 918

A bill for AN ACT concerning regulation.

SENATE BILL NO. 2165

A bill for AN ACT concerning property.

SENATE BILL NO. 2465

A bill for AN ACT concerning health.

SENATE BILL NO. 2718

A bill for AN ACT concerning title insurance.

Passed the House, March 23, 2006.

MARK MAHONEY, Clerk of the House

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Dahl, **House Bill No. 1620** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Environment & Energy, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 1620

AMENDMENT NO. 1. Amend House Bill 1620 by replacing everything after the enacting clause with the following:

[March 24, 2006]

"Section 5. The Environmental Protection Act is amended by adding Section 13.6 as follows:
(415 ILCS 5/13.6 new)

Sec. 13.6. Release of radionuclides at nuclear power plants.

(a) The purpose of this Section is to require the detection and reporting of unpermitted releases of any radionuclides into groundwater, surface water, or soil at nuclear power plants, to the extent that federal law or regulation does not preempt such requirements.

(b) No owner or operator of a nuclear power plant shall violate any rule adopted under this Section.

(c) Within 24 hours after an unpermitted release of a radionuclide from a nuclear power plant, the owner or operator of the nuclear power plant where the release occurred shall report the release to the Agency and the Illinois Emergency Management Agency. For purposes of this Section, "unpermitted release of a radionuclide" means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing of a radionuclide into groundwater, surface water, or soil that is not permitted under State or federal law or regulation.

(d) The Agency and the Illinois Emergency Management Agency shall inspect each nuclear power plant for compliance with the requirements of this Section and rules adopted pursuant to this Section no less than once each calendar quarter. Nothing in this Section shall limit the Agency's authority to make inspections under Section 4 or any other provision of this Act.

(e) No later than one year after the effective date of this amendatory Act of the 94th General Assembly, the Agency, in consultation with the Illinois Emergency Management Agency, shall propose rules to the Board prescribing standards for detecting and reporting unpermitted releases of radionuclides. No later than one year after receipt of the Agency's proposal, the Board shall adopt rules prescribing standards for detecting and reporting unpermitted releases of radionuclides. Rules adopted under this subsection may also include standards for self-inspection by the owner or operator of the nuclear power plant in lieu of the inspections required under subsection (d) of this Section.

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

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

On motion of Senator Raoul, **House Bill No. 1744** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 1744

AMENDMENT NO. 1. Amend House Bill 1744 by replacing everything after the enacting clause with the following:

"Section 5. The Energy Assistance Act is amended by changing Section 13 and by adding Section 15 as follows:

(305 ILCS 20/13)

Sec. 13. Supplemental Low-Income Energy Assistance Fund.

(a) The Supplemental Low-Income Energy Assistance Fund is hereby created as a special fund in the State Treasury. The Supplemental Low-Income Energy Assistance Fund is authorized to receive moneys from voluntary donations from individuals, foundations, corporations, and other sources, moneys received pursuant to Section 15, and, by statutory deposit, the moneys collected pursuant to this Section. Subject to appropriation, the Department shall use moneys from the Supplemental Low-Income Energy Assistance Fund for payments to electric or gas public utilities, municipal electric or gas utilities, and electric cooperatives on behalf of their customers who are participants in the program authorized by Section 4 of this Act, for the provision of weatherization services and for administration of the Supplemental Low-Income Energy Assistance Fund. The yearly expenditures for weatherization may not exceed 10% of the amount collected during the year pursuant to this Section. The yearly administrative expenses of the Supplemental Low-Income Energy Assistance Fund may not exceed 10% of the amount collected during that year pursuant to this Section.

(b) Notwithstanding the provisions of Section 16-111 of the Public Utilities Act but subject to subsection (k) of this Section, each public utility, electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, and municipal utility, as referenced in Section 3-105 of the Public Utilities Act, that is engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois

[March 24, 2006]

shall, effective January 1, 1998, assess each of its customer accounts a monthly Energy Assistance Charge for the Supplemental Low-Income Energy Assistance Fund. The delivering public utility, municipal electric or gas utility, or electric or gas cooperative for a self-assessing purchaser remains subject to the collection of the fee imposed by this Section. The monthly charge shall be as follows:

- (1) \$0.40 per month on each account for residential electric service;
- (2) \$0.40 per month on each account for residential gas service;
- (3) \$4 per month on each account for non-residential electric service which had less than 10 megawatts of peak demand during the previous calendar year;
- (4) \$4 per month on each account for non-residential gas service which had distributed to it less than 4,000,000 therms of gas during the previous calendar year;
- (5) \$300 per month on each account for non-residential electric service which had 10 megawatts or greater of peak demand during the previous calendar year; and
- (6) \$300 per month on each account for non-residential gas service which had 4,000,000 or more therms of gas distributed to it during the previous calendar year.

(c) For purposes of this Section:

(1) "residential electric service" means electric utility service for household purposes delivered to a dwelling of 2 or fewer units which is billed under a residential rate, or electric utility service for household purposes delivered to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;

(2) "residential gas service" means gas utility service for household purposes distributed to a dwelling of 2 or fewer units which is billed under a residential rate, or gas utility service for household purposes distributed to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;

(3) "non-residential electric service" means electric utility service which is not residential electric service; and

(4) "non-residential gas service" means gas utility service which is not residential gas service.

(d) At least 45 days prior to the date on which it must begin assessing Energy Assistance Charges, each public utility engaged in the delivery of electricity or the distribution of natural gas shall file with the Illinois Commerce Commission tariffs incorporating the Energy Assistance Charge in other charges stated in such tariffs.

(e) The Energy Assistance Charge assessed by electric and gas public utilities shall be considered a charge for public utility service.

(f) By the 20th day of the month following the month in which the charges imposed by the Section were collected, each public utility, municipal utility, and electric cooperative shall remit to the Department of Revenue all moneys received as payment of the Energy Assistance Charge on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require. If a customer makes a partial payment, a public utility, municipal utility, or electric cooperative may elect either: (i) to apply such partial payments first to amounts owed to the utility or cooperative for its services and then to payment for the Energy Assistance Charge or (ii) to apply such partial payments on a pro-rata basis between amounts owed to the utility or cooperative for its services and to payment for the Energy Assistance Charge.

(g) The Department of Revenue shall deposit into the Supplemental Low-Income Energy Assistance Fund all moneys remitted to it in accordance with subsection (f) of this Section.

(h) (Blank).

On or before December 31, 2002, the Department shall prepare a report for the General Assembly on the expenditure of funds appropriated from the Low-Income Energy Assistance Block Grant Fund for the program authorized under Section 4 of this Act.

(i) The Department of Revenue may establish such rules as it deems necessary to implement this Section.

(j) The Department of Commerce and ~~Economic Opportunity Community Affairs~~ may establish such rules as it deems necessary to implement this Section.

(k) The charges imposed by this Section shall only apply to customers of municipal electric or gas utilities and electric or gas cooperatives if the municipal electric or gas utility or electric or gas cooperative makes an affirmative decision to impose the charge. If a municipal electric or gas utility or an electric cooperative makes an affirmative decision to impose the charge provided by this Section, the municipal electric or gas utility or electric cooperative shall inform the Department of Revenue in writing of such decision when it begins to impose the charge. If a municipal electric or gas utility or electric or gas cooperative does not assess this charge, the Department may not use funds from the

Supplemental Low-Income Energy Assistance Fund to provide benefits to its customers under the program authorized by Section 4 of this Act.

In its use of federal funds under this Act, the Department may not cause a disproportionate share of those federal funds to benefit customers of systems which do not assess the charge provided by this Section.

This Section is repealed effective December 31, 2007 unless renewed by action of the General Assembly. The General Assembly shall consider the results of the evaluations described in Section 8 in its deliberations.

(Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

(305 ILCS 20/15 new)

Sec. 15. Transfer into Supplemental Low-Income Energy Assistance Fund. Immediately upon the effective date of this amendatory Act of the 94th General Assembly, but no later than 5 business days after that effective date, the Treasurer of the State of Illinois shall transfer into the Supplemental Low-Income Energy Assistance Fund \$5,201,055, which is equivalent to 50% of the average amount of Gas Revenue Tax paid per residential gas utility customer in State fiscal year 2005 multiplied by the number of residential gas utility customers that received assistance from the Low Income Home Energy Assistance Program during the State fiscal year 2005 winter heating season.

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

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

On motion of Senator Sandoval, **House Bill No. 4121** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 4121

AMENDMENT NO. 1. Amend House Bill 4121 on page 1, by replacing lines 25 through 28 with the following:

"(a-6) A person commits a false personation when he or she falsely represents himself or herself to be a recipient of, or wears on his or her person, any of the following medals if that medal was not awarded to that person by the United States government, irrespective of branch of service: the Congressional Medal of Honor, the Distinguished Service Cross, the Navy Cross, the Air Force Cross, the Silver Star, the Bronze Star, or the Purple Heart.

It is a defense to a prosecution under this subsection (a-6) that the medal is used, or is intended to be used, exclusively:

(1) for a dramatic presentation, such as a theatrical, film, or television production, or a historical re-enactment; or

(2) for a costume worn, or intended to be worn, by a person under 18 years of age."

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

On motion of Senator Sieben, **House Bill No. 4127** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 4147** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Commerce & Economic Development, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 4147

AMENDMENT NO. 1. Amend House Bill 4147 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Central Illinois Economic Development Authority Act.

Section 5. Findings. The General Assembly determines and declares the following:

[March 24, 2006]

- (1) that labor surplus areas currently exist in central Illinois;
- (2) that the economic burdens resulting from involuntary unemployment fall, in part, upon the State in the form of increased need for public assistance and reduced tax revenues and, in the event that the unemployed worker and his or her family migrate elsewhere to find work, the burden may also fall upon the municipalities and other taxing districts within the areas of unemployment in the form of reduced tax revenues, thereby endangering their financial ability to support necessary governmental services for their remaining inhabitants;
- (3) that the State has a responsibility to help create a favorable climate for new and improved job opportunities for its citizens by encouraging the development of commercial and service businesses and industrial and manufacturing plants within central Illinois;
- (4) that a lack of decent housing contributes to urban blight, crime, anti-social behavior, disease, a higher need for public assistance, reduced tax revenues, and the migration of workers and their families away from areas which fail to offer adequate, decent, and affordable housing, leading to the disconnection of younger generations from their elderly relations;
- (5) that decent, affordable housing is a necessary ingredient of life affording each citizen basic human dignity, a sense of self-worth, confidence, and a firm foundation upon which to build a family, educate children, and live out their elderly years in dignity;
- (6) that in order to foster civic and neighborhood pride, citizens require access to educational institutions, recreation, parks and open spaces, entertainment, sports, a reliable transportation network, cultural facilities, and theaters; and
- (7) that the main purpose of this Act is to promote industrial, commercial, residential, service, transportation, and recreational activities and facilities, thereby reducing the evils attendant upon unemployment and enhancing the public health, safety, morals, happiness, and general welfare of the State.

Section 10. Definitions. In this Act:

"Authority" means the Central Illinois Economic Development Authority.

"Governmental agency" means any federal, State, or local governmental body and any agency or instrumentality thereof, corporate or otherwise.

"Person" means any natural person, firm, partnership, corporation, both domestic and foreign, company, association or joint stock association and includes any trustee, receiver, assignee or personal representative thereof.

"Revenue bond" means any bond issued by the Authority, the principal and interest of which is payable solely from revenues or income derived from any project or activity of the Authority.

"Board" means the Board of Directors of the Central Illinois Economic Development Authority.

"Governor" means the Governor of the State of Illinois.

"City" means any city, village, incorporated town, or township within the geographical territory of the Authority.

"Industrial project" means the following:

- (1) a capital project, including one or more buildings and other structures, improvements, machinery and equipment whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any manufacturing, industrial, research, transportation or commercial enterprise including but not limited to use as a factory, mill, processing plant, assembly plant, packaging plant, fabricating plant, ethanol plant, office building, industrial distribution center, warehouse, repair, overhaul or service facility, freight terminal, research facility, test facility, railroad facility, port facility, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, and including also the sites thereof and other rights in land therefore whether improved or unimproved, site preparation and landscaping and all appurtenances and facilities incidental thereto such as utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, dockage, wharfage, railroad roadbed, track, trestle, depot, terminal, switching and signaling equipment or related equipment and other improvements necessary or convenient thereto; or

- (2) any land, buildings, machinery or equipment comprising an addition to or renovation, rehabilitation or improvement of any existing capital project.

"Commercial project" means any project, including, but not limited to, one or more buildings and other structures, improvements, machinery, and equipment, whether or not on the same site or sites now existing or hereafter acquired, suitable for use by any retail or wholesale concern, distributorship, or agency.

"Project" means an industrial, housing, residential, commercial, or service project, or any combination

thereof, provided that all uses fall within one of the categories described above. Any project automatically includes all site improvements and new construction involving sidewalks, sewers, solid waste and wastewater treatment and disposal sites and other pollution control facilities, resource or waste reduction, recovery, treatment and disposal facilities, parks, open spaces, wildlife sanctuaries, streets, highways, and runways.

"Lease agreement" means an agreement in which a project acquired by the Authority by purchase, gift, or lease is leased to any person or corporation that will use, or cause the project to be used, as a project, upon terms providing for lease rental payments at least sufficient to pay, when due, all principal of and interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority, issued with respect to the project, providing for the maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for disposition of the project upon termination of the lease term, including purchase options or abandonment of the premises, with other terms as may be deemed desirable by the Authority.

"Loan agreement" means any agreement in which the Authority agrees to loan the proceeds of its bonds, notes, or other evidences of indebtedness, issued with respect to a project, to any person or corporation which will use or cause the project to be used as a project, upon terms providing for loan repayment installments at least sufficient to pay, when due, all principal of and interest and premium, if any, on any bonds, notes, or other evidences of indebtedness of the Authority issued with respect to the project, providing for maintenance, insurance, and operation of the project on terms satisfactory to the Authority and providing for other terms deemed advisable by the Authority.

"Financial aid" means the expenditure of Authority funds or funds provided by the Authority for the development, construction, acquisition or improvement of a project, through the issuance of revenue bonds, notes, or other evidences of indebtedness.

"Costs incurred in connection with the development, construction, acquisition or improvement of a project" means the following:

(1) the cost of purchase and construction of all lands and improvements in connection therewith and equipment and other property, rights, easements, and franchises acquired which are deemed necessary for the construction;

(2) financing charges;

(3) interest costs with respect to bonds, notes, and other evidences of indebtedness of the Authority prior to and during construction and for a period of 6 months thereafter;

(4) engineering and legal expenses; and

(5) the costs of plans, specifications, surveys, and estimates of costs and other expenses necessary or incident to determining the feasibility or practicability of any project, together with such other expenses as may be necessary or incident to the financing, insuring, acquisition, and construction of a specific project and the placing of the same in operation.

Section 15. Creation.

(a) There is created a political subdivision, body politic, and municipal corporation named the Central Illinois Economic Development Authority. The territorial jurisdiction of the Authority is that geographic area within the boundaries of the following counties: Macon, Sangamon, Menard, Logan, Christian, DeWitt, Macoupin, Montgomery, Calhoun, Greene, and Jersey and any navigable waters and air space located therein.

(b) The governing and administrative powers of the Authority shall be vested in a body consisting of 15 members as follows:

(1) Ex officio members. The Director of Commerce and Economic Opportunity, or a designee of that Department, shall serve as an ex officio member.

(2) Public members. Three members shall be appointed by the Governor with the advice and consent of the Senate. The county board chairperson of the following counties shall each appoint one member: Macon, Sangamon, Menard, Logan, Christian, DeWitt, Macoupin, Montgomery, Calhoun, Greene, and Jersey. All public members shall reside within the territorial jurisdiction of the Authority. The public members shall be persons of recognized ability and experience in one or more of the following areas: economic development, finance, banking, industrial development, state or local government, commercial agriculture, small business management, real estate development, community development, venture finance, organized labor, or civic or community organization.

(c) 8 members shall constitute a quorum.

(d) The chairperson of the Authority shall be elected annually by the Board and must be a public member that resides within the territorial jurisdiction of the Authority.

(e) The terms of all initial members of the Authority shall begin 30 days after the effective date of this

[March 24, 2006]

Act. Of the 3 original public members appointed by the Governor, 1 shall serve until the third Monday in January, 2007; 1 shall serve until the third Monday in January, 2008; 1 shall serve until the third Monday in January, 2009. The initial terms of the original public members appointed by the county board chairpersons shall be determined by lot, according to the following schedule: (i) 3 shall serve until the third Monday in January, 2007, (ii) 3 shall serve until the third Monday in January, 2008, (iii) 3 shall serve until the third Monday in January, 2009, and (iv) 2 shall serve until the third Monday in January, 2010. All successors to these original public members shall be appointed by the original appointing authority and all appointments made by the Governor shall be made 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 for the remainder of the term. In case of vacancy in a Governor-appointed membership when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate when a person shall be nominated to fill the office and, upon confirmation by the Senate, he or she shall hold office during the remainder of the term and until a successor is appointed and qualified. Members of the Authority are not entitled to compensation for their services as members but are entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

(f) The Governor may remove any public member of the Authority appointed by the Governor or a predecessor Governor in case of incompetence, neglect of duty, or malfeasance in office. The chairperson of a county board may remove any public member appointed by that chairperson or a predecessor county board chairperson in case of incompetence, neglect of duty, or malfeasance in office.

(g) The Board shall appoint an Executive Director who shall have a background in finance, including familiarity with the legal and procedural requirements of issuing bonds, real estate, or economic development and administration. The Executive Director shall hold office at the discretion of the Board. The Executive Director shall be the chief administrative and operational officer of the Authority, shall direct and supervise its administrative affairs and general management, perform such other duties as may be prescribed from time to time by the members, and receive compensation fixed by the Authority. The Department of Commerce and Economic Opportunity shall pay the compensation of the Executive Director from appropriations received for that purpose. The Executive Director shall attend all meetings of the Authority. However, no action of the Authority shall be invalid on account of the absence of the Executive Director from a meeting. The Authority may engage the services of the Illinois Finance Authority, attorneys, appraisers, engineers, accountants, credit analysts, and other consultants if the Central Illinois Economic Development Authority deems it advisable.

Section 20. Duty. All official acts of the Authority shall require the approval of at least 8 members. It shall be the duty of the Authority to promote development within the geographic confines of Macon, Sangamon, Menard, Logan, Christian, DeWitt, Macoupin, Montgomery, Calhoun, Greene, and Jersey counties. The Authority shall use the powers conferred upon it to assist in the development, construction, and acquisition of industrial, commercial, housing, or residential projects within its territorial jurisdiction.

Section 25. Powers.

(a) The Authority possesses all the powers of a body corporate necessary and convenient to accomplish the purposes of this Act, including, without any intended limitation upon the general powers hereby conferred, the following powers:

- (1) to enter into loans, contracts, agreements, and mortgages in any matter connected with any of its corporate purposes and to invest its funds;
- (2) to sue and be sued;
- (3) to utilize services of the Illinois Finance Authority necessary to carry out its purposes;
- (4) to have and use a common seal and to alter the seal at its discretion;
- (5) to adopt all needful ordinances, resolutions, bylaws, rules, and regulations for the conduct of its business and affairs and for the management and use of the projects developed, constructed, acquired, and improved in furtherance of its purposes;
- (6) to designate the fiscal year for the Authority;
- (7) to accept and expend appropriations;
- (8) to acquire, own, lease, sell, or otherwise dispose of interests in and to real property and improvements situated on that real property and in personal property necessary to fulfill the purposes of the Authority;

(9) to engage in any activity or operation which is incidental to and in furtherance of efficient operation to accomplish the Authority's primary purpose;

(10) to acquire, own, construct, lease, operate, and maintain bridges, terminals, terminal facilities, and port facilities and to fix and collect just, reasonable, and nondiscriminatory charges for the use of such facilities. These charges shall be used to defray the reasonable expenses of the Authority and to pay the principal and interest of any revenue bonds issued by the Authority;

(11) subject to any applicable condition imposed by this Act, to locate, establish and maintain a public airport, public airports, and public airport facilities within its corporate limits or within or upon any body of water adjacent thereto and to construct, develop, expand, extend, and improve any such airport or airport facility; and

(12) to have and exercise all powers and be subject to all duties usually incident to boards of directors of corporations.

(b) The Authority shall not issue any bonds relating to the financing of a project located within the planning and subdivision control jurisdiction of any municipality or county unless: (i) notice, including a description of the proposed project and the financing for that project, is submitted to the corporate authorities of the municipality or, in the case of a proposed project in an unincorporated area, to the county board and (ii) the corporate authorities of the municipality do not, or the county board does not, adopt a resolution disapproving the project within 45 days after receipt of the notice.

(c) If any of the powers set forth in this Act are exercised within the jurisdictional limits of any municipality, all ordinances of the municipality remain in full force and effect and are controlling.

Section 30. Tax avoidance. Notwithstanding any other provision of law, the Authority shall not enter into any agreement providing for the purchase and lease of tangible personal property which results in the avoidance of taxation under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, or the Service Occupation Tax Act, without the prior written consent of the Governor.

Section 35. Bonds.

(a) The Authority, with the written approval of the Governor, shall have the continuing power to issue bonds, notes, or other evidences of indebtedness in an aggregate amount not to exceed \$250,000,000 for the following purposes: (i) development, construction, acquisition, or improvement of projects, including those established by business entities locating or expanding property within the territorial jurisdiction of the Authority; (ii) entering into venture capital agreements with businesses locating or expanding within the territorial jurisdiction of the Authority; and (iii) acquisition and improvement of any property necessary and useful in connection therewith. For the purpose of evidencing the obligations of the Authority to repay any money borrowed, the Authority may, pursuant to resolution, from time to time, issue and dispose of its interest-bearing revenue bonds, notes, or other evidences of indebtedness and may also from time to time issue and dispose of such bonds, notes, or other evidences of indebtedness to refund, at maturity, at a redemption date or in advance of either, any bonds, notes, or other evidences of indebtedness pursuant to redemption provisions or at any time before maturity. All such bonds, notes, or other evidences of indebtedness shall be payable solely and only from the revenues or income to be derived from loans made with respect to projects, from the leasing or sale of the projects, or from any other funds available to the Authority for such purposes. The bonds, notes, or other evidences of indebtedness may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may bear interest at such rate or rates not exceeding the maximum rate permitted by the Bond Authorization Act, may be in such form, may carry such registration privileges, may be executed in such manner, may be payable at such place or places, may be made subject to redemption in such manner and upon such terms, with or without premium, as is stated on the face thereof, may be authenticated in such manner and may contain such terms and covenants as may be provided by an applicable resolution.

(b) The holder or holders of any bonds, notes, or other evidences of indebtedness issued by the Authority may bring suits at law or proceedings in equity to compel the performance and observance by any corporation or person or by the Authority or any of its agents or employees of any contract or covenant made with the holders of the bonds, notes, or other evidences of indebtedness, to compel such corporation, person, the Authority, and any of its agents or employees to perform any duties required to be performed for the benefit of the holders of the bonds, notes, or other evidences of indebtedness by the provision of the resolution authorizing their issuance and to enjoin the corporation, person, the Authority, and any of its agents or employees from taking any action in conflict with any contract or covenant.

(c) If the Authority fails to pay the principal of or interest on any of the bonds or premium, if any, as

the bond becomes due, a civil action to compel payment may be instituted in the appropriate circuit court by the holder or holders of the bonds on which the default of payment exists or by an indenture trustee acting on behalf of the holders. Delivery of a summons and a copy of the complaint to the chairman of the Board shall constitute sufficient service to give the circuit court jurisdiction over the subject matter of the suit and jurisdiction over the Authority and its officers named as defendants for the purpose of compelling such payment. Any case, controversy, or cause of action concerning the validity of this Act relates to the revenue of the State of Illinois.

(d) Notwithstanding the form and tenor of any bond, note, or other evidence of indebtedness and in the absence of any express recital on its face that it is non-negotiable, all such bonds, notes, and other evidences of indebtedness shall be negotiable instruments. Pending the preparation and execution of any bonds, notes, or other evidences of indebtedness, temporary bonds, notes, or evidences of indebtedness may be issued as provided by ordinance.

(e) To secure the payment of any or all of such bonds, notes, or other evidences of indebtedness, the revenues to be received by the Authority from a lease agreement or loan agreement shall be pledged, and, for the purpose of setting forth the covenants and undertakings of the Authority in connection with the issuance of the bonds, notes, or other evidences of indebtedness and the issuance of any additional bonds, notes or other evidences of indebtedness payable from such revenues, income, or other funds to be derived from projects, the Authority may execute and deliver a mortgage or trust agreement. A remedy for any breach or default of the terms of any mortgage or trust agreement by the Authority may be by mandamus proceeding in the appropriate circuit court to compel performance and compliance under the terms of the mortgage or trust agreement, but the trust agreement may prescribe by whom or on whose behalf the action may be instituted.

(f) Bonds or notes shall be secured as provided in the authorizing ordinance which may include, notwithstanding any other provision of this Act, in addition to any other security, a specific pledge, assignment of and lien on, or security interest in any or all revenues or money of the Authority, from whatever source, which may, by law, be used for debt service purposes and a specific pledge, or assignment of and lien on, or security interest in any funds or accounts established or provided for by ordinance of the Authority authorizing the issuance of the bonds or notes.

(g) The State of Illinois pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the rights and powers vested in the Authority by this Act so as to impair the terms of any contract made by the Authority with the holders of bonds or notes or in any way impair the rights and remedies of those holders until the bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the holders, are fully met and discharged. In addition, the State pledges to and agrees with the holders of the bonds and notes of the Authority issued pursuant to this Section that the State will not limit or alter the basis on which State funds are to be paid to the Authority as provided in this Act, or the use of such funds, so as to impair the terms of any such contract. The Authority is authorized to include these pledges and agreements of the State in any contract with the holders of bonds or notes issued pursuant to this Section.

(h) Not less than 30 days prior to the commitment to issue bonds, notes, or other evidences of indebtedness for the purpose of developing, constructing, acquiring, or improving housing or residential projects, as defined in this Act, the Authority shall provide notice to the Executive Director of the Illinois Housing Development Authority. Within 30 days after the notice is provided, the Illinois Housing Development Authority shall, in writing, either express interest in financing the project or notify the Authority that it is not interested in providing financing and that the Authority may finance the project or seek alternative financing.

Section 40. Bonds and notes; exemption from taxation. The creation of the Authority is in all respects for the benefit of the people of Illinois and for the improvement of their health, safety, welfare, comfort, and security, and its purposes are public purposes. In consideration thereof, the notes and bonds of the Authority issued pursuant to this Act and the income from these notes and bonds may be free from all taxation by the State or its political subdivisions, except for estate, transfer, and inheritance taxes. The exemption from taxation provided by the preceding sentence shall apply to the income on any notes or bonds of the Authority only if the Authority in its sole judgment determines that the exemption enhances the marketability of the bonds or notes or reduces the interest rates that would otherwise be borne by the bonds or notes. For purposes of Section 250 of the Illinois Income Tax Act, the exemption of the Authority shall terminate after all of the bonds have been paid. The amount of such income that shall be added and then subtracted on the Illinois income tax return of a taxpayer, subject to Section 203 of the Illinois Income Tax Act, from federal adjusted gross income or federal taxable income in computing

Illinois base income shall be the interest net of any bond premium amortization.

Section 45. Acquisition.

(a) The Authority may, but need not, acquire title to any project with respect to which it exercises its authority.

(b) The Authority shall have power to acquire by purchase, lease, gift, or otherwise any property or rights therein from any person or persons, the State of Illinois, any municipal corporation, any local unit of government, the government of the United States and any agency or instrumentality of the United States, any body politic, or any county useful for its purposes, whether improved for the purposes of any prospective project or unimproved. The Authority may also accept any donation of funds for its purposes from any of these sources.

(c) The Authority shall have power to develop, construct, and improve, either under its own direction or through collaboration with any approved applicant, or to acquire, through purchase or otherwise, any project, using for this purpose the proceeds derived from its sale of revenue bonds, notes, or other evidences of indebtedness or governmental loans or grants and shall have the power to hold title to those projects in the name of the Authority.

(d) The Authority shall have the power to enter into intergovernmental agreements with the State of Illinois, the counties of Macon, Sangamon, Menard, Logan, Christian, DeWitt, Macoupin, Montgomery, Calhoun, Greene, and Jersey, the Illinois Finance Authority, the Illinois Housing Development Authority, the United States government and any agency or instrumentality of the United States, any unit of local government located within the territory of the Authority, or any other unit of government to the extent allowed by Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act.

(e) The Authority shall have the power to share employees with other units of government, including agencies of the United States, agencies of the State of Illinois, and agencies or personnel of any unit of local government.

(f) The Authority shall have the power to exercise powers and issue bonds as if it were a municipality so authorized in Divisions 12.1, 74, 74.1, 74.3, and 74.5 of Article 11 of the Illinois Municipal Code.

Section 55. Designation of depository. The Authority shall biennially designate a national or State bank or banks as depositories of its money. Such depositories shall be designated only within the State and upon condition that bonds approved as to form and surety by the Authority and at least equal in amount to the maximum sum expected to be on deposit at any one time shall be first given by such depositories to the Authority, such bonds to be conditioned for the safe keeping and prompt repayment of such deposits. When any of the funds of the Authority shall be deposited by the treasurer in any such depository, the treasurer and the sureties on his or her official bond shall, to such extent, be exempt from liability for the loss of any such deposited funds by reason of the failure, bankruptcy, or any other act or default of such depository; provided that the Authority may accept assignments of collateral by any depository of its funds to secure such deposits to the same extent and conditioned in the same manner as assignments of collateral are permitted by law to secure deposits of the funds of any city.

Section 60. Taxation prohibited. The Authority shall have no right or authority to levy any tax or special assessment, to pledge the credit of the State or any other subdivision or municipal corporation thereof, or to incur any obligation enforceable upon any property, either within or without the territory of the Authority.

Section 65. Fees. The Authority may collect fees and charges in connection with its loans, commitments, and servicing and may provide technical assistance in the development of the region.

Section 70. Reports. The Authority shall annually submit a report of its finances to the Auditor General. The Authority shall annually submit a report of its activities to the Governor and to the General Assembly.

Section 999. Effective date. This Act takes effect upon becoming law."

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

On motion of Senator DeLeo, **House Bill No. 4161** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 4161

AMENDMENT NO. 1. Amend House Bill 4161 by replacing everything after the enacting clause with the following:

"Section 5. "An Act in relation to certain land", approved June 13, 2000, Public Act 91-824, is amended by changing Section 20-10 as follows:

(P.A. 91-824, Sec. 20-10)

Sec. 20-10. The Director of Central Management Services is authorized to:

(a) convey by quit claim deed for \$1 buildings A & B of the former Henry Horner School property located on Oak Park Ave, Chicago, Illinois to Maryville Academy, provided however that should the property fail to be used by Maryville Academy for charitable or educational purposes, the title shall revert to the State of Illinois;

(b) convey by quit claim deed approximately 5 acres of the grounds of the former Henry Horner School located on Oak Park Avenue, Chicago, Illinois for \$1 upon identification and survey of a site mutually agreeable to the parties to New Horizon Center for the Developmentally Disabled, provided that should the property fail to be used by New Horizon Center for the Developmentally Disabled for charitable or educational purposes, title shall revert to the State of Illinois;

(c) convey by Quit Claim Deed for \$1 to the City of Chicago the following described real property:

A PARCEL OF LAND, APPROXIMATELY 16,000 SQUARE FEET ON AND ALONG THE NORTH SIDE OF WEST

IRVING PARK ROAD, HAVING APPROXIMATELY 135 FEET OF FRONTAGE ON SAID WEST IRVING PARK ROAD AND A DEPTH OF APPROXIMATELY 125 FEET, HAVING ITS EASTERLY BOUNDARY PARALLEL TO AND APPROXIMATELY 1,111 FEET WEST OF THE WEST PROPERTY LINE OF NORTH NARRAGANSETT AVENUE, AND ITS WESTERLY BOUNDARY BEING PARALLEL TO AND 135 FEET WEST OF THE EASTERLY BOUNDARY LINE, ALL IN THE COUNTY OF COOK AND STATE OF ILLINOIS.

Provided however, should the property fail to be used by the Grantee for public purposes, title shall revert to the State of Illinois;

(d) take steps to preserve, landscape, memorialize and protect unmarked historic cemetery grounds located by archeological survey on the grounds of Chicago Read Mental Health Center. This subsection shall also allow the relocation of the remains pursuant to regulations and procedures established by the Historic Preservation Agency when deemed necessary by the Director of Central Management Services. For the purpose of the relocation of such remains, the Secretary of Human Services is designated next of kin when it is not possible to definitively establish the identity of any such remains;

~~(e) (blank) in order to facilitate the conveyances referenced in subsections (a) and (b) after consultation with the Secretary of Transportation, the Secretary of Human Services, and the Director of Commerce and Community Affairs and upon obtaining necessary appraisals, surveys, and environmental reports, and in accordance with and in coordination with any pre-existing redevelopment agreement, convey title by quit claim deed to Chicago Read Joint Venture, Limited Partnership to surplus property located within the area bordered by Harlem Avenue, West Irving Park Road, North Narragansett Avenue, West Montrose Avenue, and Forest Preserve Drive, Chicago, Illinois, but excluding the area comprised of the property of the former Henry Horner School and the property referred to as the "Phase Three Property" under the Chicago Read Dunning Redevelopment Agreement, at fair market value and on such terms and conditions necessary to bring about the orderly redevelopment of such surplus property, provided however that "surplus property" as described in this Section shall not include buildings and grounds currently under the jurisdiction of the Department of Human Services unless specifically consented to by the Secretary of Human Services; and~~

(f) accept replacement State facilities constructed in order to relocate State operations located in facilities to be replaced or otherwise transferred to coordinate with necessary redevelopment.

(Source: P.A. 91-824, eff. 1-1-01.)

Section 10. The Director of Central Management Services shall obtain a certified copy this Act within

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60 days after its effective date, and shall record the certified document in the Recorder's Office in the county in which the land is located.

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

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

On motion of Senator Ronen, **House Bill No. 4302** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **House Bill No. 4314** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 4377** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 4449** was taken up, read by title a second time. Floor Amendment No. 1 was held in the Committee on Rules. There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 4519** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 4822** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 5251** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 5267** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Forby, **House Bill No. 2151** was taken up, read by title a second time and ordered to a third reading.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION 676

Offered by Senator Haine and all Senators:
Mourns the death of Virgil Kassing, Village Clerk of Caseyville.

SENATE RESOLUTION 677

Offered by Senator Hunter and all Senators:
Mourns the death of Martha Jane Taylor (Penny) of Chicago.

SENATE RESOLUTION 678

Offered by Senator Hunter and all Senators:
Mourns the death of Kirby Puckett of Scottsdale, AZ, formerly of Chicago.

SENATE RESOLUTION 679

Offered by Senator Dillard and all Senators:
Mourns the death of Arthur "Bill" Tunell of Westmont.

SENATE RESOLUTION 680

Offered by Senator Dillard and all Senators:
Mourns the death of Sheila Gaspar of Downers Grove.

SENATE RESOLUTION 681

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Offered by Senator Haine and all Senators:
Mourns the death of Eugene “Gene” Brombolich, Sr., former Mayor of Collinsville.

SENATE RESOLUTION 682

Offered by Senator Clayborne and all Senators:
Mourns the death of Minister Elmarie Mosley of East St. Louis.

SENATE RESOLUTION 683

Offered by Senator Clayborne and all Senators:
Mourns the death of Julian G. Spencer of East St. Louis.

SENATE RESOLUTION 684

Offered by Senator Clayborne and all Senators:
Mourns the death of Florence Baricevic, nee Cronin, of Fairview Heights.

SENATE RESOLUTION 685

Offered by Senator Harmon and all Senators:
Mourns the death of Ethel Cotovsky of Oak Park.

Senator Link moved the adoption of the foregoing resolutions. The motion prevailed, and the resolutions were adopted.

PRESENTATION OF RESOLUTION

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

SENATE JOINT RESOLUTION NO. 86

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Friday, March 24, 2006, the Senate stands adjourned until Monday, March 27, 2006 at 12:00 o'clock noon; and the House of Representatives stands adjourned until Tuesday, March 28, 2006, at 12:00 o'clock noon.

The motion prevailed.

And the resolution was adopted.

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

At the hour of 12:36 o'clock p.m., pursuant to **Senate Joint Resolution No. 86**, the Chair announced the Senate stand adjourned until Monday, March 27, 2006, at 12:00 o'clock noon.