



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-FOURTH GENERAL ASSEMBLY**

**99TH LEGISLATIVE DAY**

**FRIDAY, APRIL 7, 2006**

**12:02 O'CLOCK P.M.**

**SENATE**  
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The Senate met pursuant to adjournment.  
Senator Louis Viverito, Burbank, Illinois, presiding.  
Prayer by Pastor John Hamilton, Laurel United Methodist Church, Springfield, Illinois.  
Senator Maloney led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Thursday, April 6, 2006, be postponed, pending arrival of the printed Journal.  
The motion prevailed.

### **LEGISLATIVE MEASURE FILED**

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

Senate Floor Amendment No. 4 to House Bill 4342

### **REPORTS FROM STANDING COMMITTEES**

Senator Crotty, Chairperson of the Committee on Local Government, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 2348

Under the rules, the foregoing motion is eligible for consideration by the Senate.

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

Senate Amendment No. 2 to Senate Joint Resolution 82

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

Senator Cullerton and Senator Dillard, Chairpersons of the Committee on Judiciary, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 1216

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

Senator Cullerton and Senator Dillard, Chairpersons of the Committee on Judiciary, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 2197; Motion to Concur in House Amendment 1 to Senate Bill 2985

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Ronen, Chairperson of the Committee on Health & Human Services, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

[April 7, 2006]

Senate Amendments Numbered 1 and 2 to House Bill 4676

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

Senator Ronen, Chairperson of the Committee on Health & Human Services, to which was referred the Motions to Concur with House Amendments to the following Senate Bills, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 2483; Motion to Concur in House Amendment 1 to Senate Bill 2898

Under the rules, the foregoing motions are eligible for consideration by the Senate.

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

Senate Amendment No. 1 to Senate Resolution No. 687  
Senate Amendment No. 2 to Senate Resolution No. 692

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

Senator Garrett, Chairperson of the Committee on State Government, to which was referred the Motion to Concur with House Amendment to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendment 1 to Senate Bill 2204

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Demuzio, Chairperson of the Committee on Licensed Activities, to which was referred the Motion to Concur with House Amendments to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendments 1 and 2 to Senate Bill 2469

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Collins, Chairperson of the Committee on Financial Institutions, to which was referred the Motion to Concur with House Amendments to the following Senate Bill, reported that the Committee recommends do adopt:

Motion to Concur in House Amendments 1 and 2 to Senate Bill 2349

Under the rules, the foregoing motion is eligible for consideration by the Senate.

## **PRESENTATION OF RESOLUTION**

### **SENATE RESOLUTION 714**

Offered by Senator Dillard and all Senators:  
Mourns the death of Sonja I. James of Naperville.

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

[April 7, 2006]

**SENATE BILL RECALLED**

On motion of Senator Ronen, **Senate Bill No. 1216** was recalled from the order of third reading to the order of second reading.

Senator Ronen offered the following amendment and moved its adoption:

**AMENDMENT NO. 1 TO SENATE BILL 1216**

AMENDMENT NO. 1. Amend Senate Bill 1216 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Condominium Advisory Council Act.

Section 5. Definitions. In this Act:

"Condominium" refers to property described in the Condominium Property Act.

"Council" means the Condominium Advisory Council.

Section 10. Condominium Advisory Council.

(a) Subject to appropriation, the Condominium Advisory Council is created within the Department of Revenue. Subject to appropriation, the Department of Revenue shall provide administrative and financial support to the Council. The Council shall be composed of 7 members appointed as follows:

(1) Four members of the General Assembly, one each appointed by the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

(2) Three members of the public who have knowledge or ownership interests in condominiums appointed by the Governor.

(b) The Governor shall designate one of the members of the Council as chairperson. The Council may chose such other officers as it deems appropriate. The Council shall meet at the call of the chairperson.

(c) The members of the Council shall receive no compensation for their services as members of the Council but may be reimbursed for actual expenses incurred in the performance of their duties on the Council from appropriations made to them for such purpose.

(d) A majority of the members of the Council shall constitute a quorum to do business and a majority vote of the members of the Council shall be necessary for a decision of the Council.

Section 15. Council duties. The Council shall:

(1) identify issues facing condominium owners, condominium associations, and other persons who have financial interests in condominiums;

(2) study the Condominium Property Act and related Acts that affect condominium ownership and suggest legislation to the General Assembly to amend those Acts; and

(3) report its findings and recommendations to the Governor and General Assembly by January 31, 2007.

Section 20. Dissolution of Council. The Council shall be dissolved 30 days after it reports its findings and recommendations to the Governor and General Assembly.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Cullerton offered the following amendment and moved its adoption:

**AMENDMENT NO. 2 TO SENATE BILL 1216**

AMENDMENT NO. 2. Amend Senate Bill 1216, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, by replacing lines 1 and 2 with the following:

"(b) The chairperson shall be elected by the majority of those members appointed to the Council. The Council may chose such other".

The motion prevailed.

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And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

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

On motion of Senator Ronen, **Senate Bill No. 1216**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Forby	Maloney	Schoenberg
Axley	Garrett	Martinez	Shadid
Bomke	Geo-Karis	Millner	Sieben
Brady	Haine	Munoz	Sullivan
Burzynski	Halvorson	Pankau	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Petka	Viverito
Cronin	Hunter	Radogno	Watson
Crotty	Jacobs	Raoul	Wilhelmi
Cullerton	Jones, J.	Righter	Winkel
Dahl	Jones, W.	Risinger	Mr. President
del Valle	Lauzen	Ronen	
DeLeo	Lightford	Roskam	
Demuzio	Link	Rutherford	
Dillard	Luechtefeld	Sandoval	

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

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

### SENATE BILLS RECALLED

On motion of Senator Hendon, **Senate Bill No. 2983** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 3 was held in the Committee on Rules.

Senator Hendon offered the following amendment and moved its adoption:

#### AMENDMENT NO. 4 TO SENATE BILL 2983

AMENDMENT NO. 4. Amend Senate Bill 2983 by replacing everything after the enacting clause with the following:

"Section 5. The Film Production Services Tax Credit Act is amended by changing Sections 10, 40, and 90 as follows:

(35 ILCS 15/10)

(Section scheduled to be repealed on January 1, 2007)

Sec. 10. Definitions. As used in this Act:

"Accredited production" means: (i) for productions commencing before May 1, 2006, a film, video, or television production that has been certified by the Department in which the aggregate Illinois labor expenditures included in the cost of the production, in the period that ends 12 months after the time principal filming or taping of the production began, exceed \$100,000 for productions of 30 minutes or longer, or \$50,000 for productions of less than 30 minutes; and (ii) for productions commencing on or

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after May 1, 2006, a film, video, or television production that has been certified by the Department in which the Illinois production spending included in the cost of production in the period that ends 12 months after the time principal filming or taping of the production began exceeds \$100,000 for productions of 30 minutes or longer or exceeds \$50,000 for productions of less than 30 minutes. "Accredited production" but does not include a production that:

- (1) is news, current events, or public programming, or a program that includes weather or market reports;
- (2) is a talk show;
- (3) is a production in respect of a game, questionnaire, or contest;
- (4) is a sports event or activity;
- (5) is a gala presentation or awards show;
- (6) is a finished production that solicits funds;
- (7) is a production produced by a film production company if records, as required by 18 U.S.C. 2257, are to be maintained by that film production company with respect to any performer portrayed in that single media or multimedia program; or
- (8) is a production produced primarily for industrial, corporate, or institutional purposes.

"Accredited production certificate" means a certificate issued by the Department certifying that the production is an accredited production that meets the guidelines of this Act.

"Applicant" means a taxpayer that is a film production company that is operating or has operated an accredited production located within the State of Illinois and that (i) owns the copyright in the accredited production throughout the Illinois production period or (ii) has contracted directly with the owner of the copyright in the accredited production or a person acting on behalf of the owner to provide services for the production, where the owner of the copyright is not an eligible production corporation.

"Credit" means:

(1) for an accredited production approved by the Department on or before January 1, 2005 and commencing before May 1, 2006, the amount equal to 25% of the Illinois labor expenditure approved by the Department.

The applicant is deemed to have paid, on its balance due day for the year, an amount equal to 25% of its qualified Illinois labor expenditure for the tax year. For Illinois labor expenditures generated by the employment of residents of geographic areas of high poverty or high unemployment, as determined by the Department, in an accredited production commencing before May 1, 2006 and approved by the Department after January 1, 2005, the applicant shall receive an enhanced credit of 10% in addition to the 25% credit; and -

(2) for an accredited production commencing on or after May 1, 2006, the amount equal to 20% of the Illinois production spending for the taxable year plus:

(i) 15% of the Illinois labor expenditures generated by the employment of residents of geographic areas of high poverty or high unemployment, as determined by the Department; and

(ii) for an accredited film or television production commencing on or after May 1, 2007, the amount equal to 5% of the Illinois labor expenditures generated during the use of a qualified production facility that is located in a geographic area of high poverty or high unemployment, as determined by the Department. To qualify under this item (ii), at least 50% of the total facility related expenses must be completed in Illinois if studio space is available. No labor expenditures for the additional credit under item (i) may also qualify for the additional credit under item (ii).

"Department" means the Department of Commerce and Economic Opportunity.

"Director" means the Director of Commerce and Economic Opportunity.

"Illinois labor expenditure" means salary or wages paid to employees of the applicant for services on the accredited production;

To qualify as an Illinois labor expenditure, the expenditure must be:

- (1) Reasonable in the circumstances.
- (2) Included in the federal income tax basis of the property.
- (3) Incurred by the applicant for services on or after January 1, 2004.
- (4) Incurred for the production stages of the accredited production, from the final script stage to the end of the post-production stage.
- (5) Limited to the first \$25,000 of wages paid or incurred to each employee of ~~a the~~ production commencing before May 1, 2006 and the first \$100,000 of wages paid or incurred to each employee of a production commencing on or after May 1, 2006.
- (6) For a production commencing before May 1, 2006, ~~exclusive~~ Exclusive of the salary or wages paid to or incurred for the 2 highest paid employees of

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the production.

- (7) Directly attributable to the accredited production.
- (8) Paid in the tax year for which the applicant is claiming the credit or no later than 60 days after the end of the tax year.
- (9) Paid to persons resident in Illinois at the time the payments were made.
- (10) Paid for services rendered in Illinois.

"Illinois production spending" means the expenses incurred by the applicant for an accredited production, including, without limitation, all of the following:

(1) expenses to purchase, from vendors within Illinois, tangible personal property that is used in the accredited production;

(2) expenses to acquire services, from vendors in Illinois, for film production, editing, or processing; and

(3) the compensation, not to exceed \$100,000 for any one employee, for contractual or salaried employees who are Illinois residents performing services with respect to the accredited production.

"Qualified production facility" means stage facilities in the State in which television shows and films are or are intended to be regularly produced and that contain least one sound stage of at least 15,000 square feet.

(Source: P.A. 93-543, eff. 1-1-04; 94-171, eff. 7-11-05.)

(35 ILCS 15/40)

(Section scheduled to be repealed on January 1, 2007)

Sec. 40. Amount and duration of the credit. The amount of the credit awarded under this Act is based on the amount of the Illinois labor expenditure and Illinois production spending approved by the Department for the production as set forth under Section 10. The duration of the credit may not exceed one taxable year.

(Source: P.A. 93-543, eff. 1-1-04.)

(35 ILCS 15/90)

(Section scheduled to be repealed on January 1, 2007)

Sec. 90. Repeal. This Act is repealed on January 1, ~~2009~~ 2007.

(Source: P.A. 93-543, eff. 1-1-04; 93-840, eff. 7-30-04; 94-171, eff. 7-11-05.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Hendon offered the following amendment and moved its adoption:

#### **AMENDMENT NO. 5 TO SENATE BILL 2983**

AMENDMENT NO. 5. Amend Senate Bill 2983, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 4, as follows:

on page 1, line 5, by changing "40," to "40, 45,"; and

on page 5, immediately below line 19, by inserting the following:

"(35 ILCS 15/45)

(Section scheduled to be repealed on January 1, 2007)

Sec. 45. Evaluation of tax credit program; reports to the General Assembly.

(a) The Department shall evaluate the tax credit program. The evaluation must include an assessment of the effectiveness of the program in creating and retaining new jobs in Illinois and of the revenue impact of the program, and may include a review of the practices and experiences of other states or nations with similar programs. Upon completion of this evaluation, the Department shall determine the overall success of the program, and may make a recommendation to extend, modify, or not extend the program based on this evaluation.

(b) At the end of each fiscal quarter, the Department must submit to the General Assembly a report that includes, without limitation, the following information:

(1) the economic impact of the tax credit program, including the number of jobs created

and retained, including whether the job positions are entry level, management, talent-related, vendor-related, or production-related;

(2) the amount of film production spending brought to Illinois, including the amount of spending and type of Illinois vendors hired in connection with an accredited production; and

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(3) an overall picture of whether the human infrastructure of the motion picture industry in Illinois reflects the geographical, racial and ethnic, gender, and income-level diversity of the State of Illinois.

(c) At the end of each fiscal year, the Department must submit to the General Assembly a report that includes, without limitation, the following information:

(1) an identification of each vendor that provided goods or services that were included in an accredited production's Illinois production spending;

(2) the amount paid to each identified vendor by the accredited production;

(3) for each identified vendor, a statement as to whether the vendor is a minority owned business or a female owned business, as defined under Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act; and

(4) a description of any steps taken by the Department to encourage accredited productions to use vendors who are a minority owned business or a female owned business.

(Source: P.A. 93-543, eff. 1-1-04; 94-171, eff. 7-11-05)."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 4 and 5 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

### HOUSE BILL RECALLED

On motion of Senator Hunter, **House Bill No. 4676** was recalled from the order of third reading to the order of second reading.

Senator Hunter offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO HOUSE BILL 4676

AMENDMENT NO. 1. Amend House Bill 4676 by replacing everything after the enacting clause with the following:

"Section 5. The Elder Abuse and Neglect Act is amended by changing Sections 2, 3, 3.5, 4, 5, 8, 9, and 13 as follows:

(320 ILCS 20/2) (from Ch. 23, par. 6602)

Sec. 2. Definitions. As used in this Act, unless the context requires otherwise:

(a) "Abuse" means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse, ~~or~~ neglect, ~~or~~ self-neglect for the sole reason that he or she is being furnished with or relies upon treatment by spiritual means through prayer alone, in accordance with the tenets and practices of a recognized church or religious denomination.

Nothing in this Act shall be construed to mean that an eligible adult is a victim of abuse because of health care services provided or not provided by licensed health care professionals.

(a-5) "Abuser" means a person who abuses, neglects, or financially exploits an eligible adult.

(a-7) "Caregiver" means a person who either as a result of a family relationship, voluntarily, or in exchange for compensation has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living.

(b) "Department" means the Department on Aging of the State of Illinois.

(c) "Director" means the Director of the Department.

(d) "Domestic living situation" means a residence where the eligible adult lives alone or with his or her family or a caregiver, or others, or a board and care home or other community-based unlicensed facility, but is not:

(1) A licensed facility as defined in Section 1-113 of the Nursing Home Care Act;

(2) A "life care facility" as defined in the Life Care Facilities Act;

(3) A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;

(4) A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act;

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(5) A "community living facility" as defined in the Community Living Facilities Licensing Act;

(6) A "community residential alternative" as defined in the Community Residential Alternatives Licensing Act; ~~and~~

(7) A "community-integrated living arrangement" as defined in the Community-Integrated Living Arrangements Licensure and Certification Act; -

(8) An assisted living or shared housing establishment as defined in the Assisted Living and Shared Housing Act; or

(9) A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code.

(e) "Eligible adult" means a person 60 years of age or older who resides in a domestic living situation and is, or is alleged to be, abused, neglected, or financially exploited by another individual or who neglects himself or herself.

(f) "Emergency" means a situation in which an eligible adult is living in conditions presenting a risk of death or physical, mental or sexual injury and the provider agency has reason to believe the eligible adult is unable to consent to services which would alleviate that risk.

(f-5) "Mandated reporter" means any of the following persons while engaged in carrying out their professional duties:

(1) a professional or professional's delegate while engaged in: (i) social services,

(ii) law enforcement, (iii) education, (iv) the care of an eligible adult or eligible adults, or (v) any of the occupations required to be licensed under the Clinical Psychologist Licensing Act, the Clinical Social Work and Social Work Practice Act, the Illinois Dental Practice Act, the Dietetic and Nutrition Services Practice Act, the Marriage and Family Therapy Licensing Act, the Medical Practice Act of 1987, the Naprapathic Practice Act, the Nursing and Advanced Practice Nursing Act, the Nursing Home Administrators Licensing and Disciplinary Act, the Illinois Occupational Therapy Practice Act, the Illinois Optometric Practice Act of 1987, the Pharmacy Practice Act of 1987, the Illinois Physical Therapy Act, the Physician Assistant Practice Act of 1987, the Podiatric Medical Practice Act of 1987, the Respiratory Care Practice Act, the Professional Counselor and Clinical Professional Counselor Licensing Act, the Illinois Speech-Language Pathology and Audiology Practice Act, the Veterinary Medicine and Surgery Practice Act of 2004, and the Illinois Public Accounting Act;

(2) an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;

(3) an administrator, employee, or person providing services in or through an unlicensed community based facility;

(4) any religious practitioner who provides treatment by prayer or spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination, except as to information received in any confession or sacred communication enjoined by the discipline of the religious denomination to be held confidential a Christian Science Practitioner;

(5) field personnel of the Department of ~~Healthcare and Family Services~~ ~~Public Aid~~, Department of Public Health, and Department of Human Services, and any county or municipal health department;

(6) personnel of the Department of Human Services, the Guardianship and Advocacy

Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, and the Office of State Long Term Care Ombudsman;

(7) any employee of the State of Illinois not otherwise specified herein who is

involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults;

(8) a person who performs the duties of a coroner or medical examiner; or

(9) a person who performs the duties of a paramedic or an emergency medical technician.

(g) "Neglect" means another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or ~~health~~ ~~medical~~ care. This subsection does not create any new affirmative duty to provide support to eligible adults. Nothing in this Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals.

(h) "Provider agency" means any public or nonprofit agency in a planning and service area appointed by the regional administrative agency with prior approval by the Department on Aging to receive and assess reports of alleged or suspected abuse, neglect, or financial exploitation.

(i) "Regional administrative agency" means any public or nonprofit agency in a planning and service area so designated by the Department, provided that the designated Area Agency on Aging shall be

designated the regional administrative agency if it so requests. The Department shall assume the functions of the regional administrative agency for any planning and service area where another agency is not so designated.

(i-5) "Self-neglect" means a condition that is the result of an eligible adult's inability, due to physical or mental impairments, or both, or a diminished capacity, to perform essential self-care tasks that substantially threaten his or her own health, including: providing essential food, clothing, shelter, and health care; and obtaining goods and services necessary to maintain physical health, mental health, emotional well-being, and general safety.

(j) "Substantiated case" means a reported case of alleged or suspected abuse, neglect, ~~or~~ financial exploitation, ~~or self-neglect~~ in which a provider agency, after assessment, determines that there is reason to believe abuse, neglect, or financial exploitation has occurred.

(Source: P.A. 92-16, eff. 6-28-01; 93-281 eff. 12-31-03; 93-300, eff. 1-1-04; revised 12-15-05.)  
(320 ILCS 20/3) (from Ch. 23, par. 6603)

Sec. 3. Responsibilities.

(a) The Department shall establish, design and manage a program of response and services for persons 60 years of age and older who have been, or are alleged to be, victims of abuse, neglect, ~~or~~ financial exploitation, ~~or self-neglect~~. The Department shall contract with or fund or, contract with and fund, regional administrative agencies, provider agencies, or both, for the provision of those functions, and, contingent on adequate funding, with attorneys or legal services provider agencies for the provision of legal assistance pursuant to this Act.

(b) Each regional administrative agency shall designate provider agencies within its planning and service area with prior approval by the Department on Aging, monitor the use of services, provide technical assistance to the provider agencies and be involved in program development activities.

(c) Provider agencies shall assist, to the extent possible, eligible adults who need agency services to allow them to continue to function independently. Such assistance shall include but not be limited to receiving reports of alleged or suspected abuse, neglect, ~~or~~ financial exploitation, ~~or self-neglect~~, conducting face-to-face assessments of such reported cases, determination of substantiated cases, referral of substantiated cases for necessary support services, referral of criminal conduct to law enforcement in accordance with Department guidelines, and provision of case work and follow-up services on substantiated cases.

(d) By January 1, 2008, the Department on Aging, in cooperation with an Elder Self-Neglect Steering Committee, shall by rule develop protocols, procedures, and policies for (i) responding to reports of possible self-neglect, (ii) protecting the autonomy, rights, privacy, and privileges of adults during investigations of possible self-neglect and consequential judicial proceedings regarding competency, (iii) collecting and sharing relevant information and data among the Department, provider agencies, regional administrative agencies, and relevant seniors, (iv) developing working agreements between provider agencies and law enforcement, where practicable, and (v) developing procedures for collecting data regarding incidents of self-neglect. The Elder Self-Neglect Steering Committee shall be comprised of one person selected by the Elder Abuse Advisory Committee of the Department on Aging; 3 persons selected, on the request of the Director of Aging, by State or regional organizations that advocate for the rights of seniors, at least one of whom shall be a legal assistance attorney who represents seniors in competency proceedings; 2 persons selected, on the request of the Director of Aging, by statewide organizations that represent social workers and other persons who provide direct intervention and care to housebound seniors who are likely to neglect themselves; an expert on geropsychiatry, appointed by the Secretary of Human Services; an expert on issues of physical health associated with seniors, appointed by the Director of Public Health; one representative of a law enforcement agency; one representative of the Chicago Department on Aging; and 3 other persons selected by the Director of Aging, including an expert from an institution of higher education who is familiar with the relevant areas of data collection and study.

(Source: P.A. 90-628, eff. 1-1-99.)

(320 ILCS 20/3.5)

Sec. 3.5. Other Responsibilities. The Department shall also be responsible for the following activities, contingent upon adequate funding:

(a) promotion of a wide range of endeavors for the purpose of preventing elder abuse, neglect, ~~and~~ financial exploitation, ~~and self-neglect~~ in both domestic and institutional settings, including, but not limited to, promotion of public and professional education to increase awareness of elder abuse, neglect, ~~and~~ financial exploitation, ~~and self-neglect~~, to increase reports, and to improve response by various legal, financial, social, and health systems;

(b) coordination of efforts with other agencies, councils, and like entities, to include but not be limited

to, the Office of the Attorney General, the State Police, the Illinois Law Enforcement Training Standards Board, the State Triad, the Illinois Criminal Justice Information Authority, the Departments of Public Health, Public Aid, and Human Services, the Family Violence Coordinating Council, the Illinois Violence Prevention Authority, and other entities which may impact awareness of, and response to, elder abuse, neglect, ~~and~~ financial exploitation and self-neglect;

(c) collection and analysis of data;

(d) monitoring of the performance of regional administrative agencies and elder abuse provider agencies;

(e) promotion of prevention activities;

(f) establishing and coordinating ~~establishment and coordination of a~~ an aggressive training program ~~on about~~ the unique nature of elder abuse cases with other agencies, councils, and like entities, to include ~~including~~ but not be limited to the Office of the Attorney General, the State Police, the Illinois Law Enforcement Training Standards Board, the State Triad, the Illinois Criminal Justice Information Authority, the State Departments of Public Health, Public Aid, and Human Services, the Family Violence Coordinating Council, the Illinois Violence Prevention Authority, and other entities that may impact awareness of, and response to, elder abuse, neglect, ~~and~~ financial exploitation and self-neglect;

(g) solicitation of financial institutions for the purpose of making information available to the general public warning of financial exploitation of the elderly and related financial fraud or abuse, including such information and warnings available through signage or other written materials provided by the Department on the premises of such financial institutions, provided that the manner of displaying or distributing such information is subject to the sole discretion of each financial institution; and

(h) coordinating ~~coordination of~~ efforts with utility and electric companies to send notices in utility bills to ~~which~~ explain to persons 60 years of age or older their ~~elder~~ rights regarding telemarketing and home repair fraud ~~frauds~~.

(Source: P.A. 92-16, eff. 6-28-01; 93-300, eff. 1-1-04; 93-301, eff. 1-1-04; revised 1-23-04.)

(320 ILCS 20/4) (from Ch. 23, par. 6604)

Sec. 4. Reports of abuse or neglect.

(a) Any person who suspects the abuse, neglect, ~~or~~ financial exploitation or self-neglect of an eligible adult may report this suspicion to an agency designated to receive such reports under this Act or to the Department.

(a-5) If any mandated reporter has reason to believe that an eligible adult, who because of dysfunction is unable to seek assistance for himself or herself, has, within the previous 12 months, been subjected to abuse, neglect, or financial exploitation, the mandated reporter shall, within 24 hours after developing such belief, report this suspicion to an agency designated to receive such reports under this Act or to the Department. Whenever a mandated reporter is required to report under this Act in his or her capacity as a member of the staff of a medical or other public or private institution, facility, board and care home, or agency, he or she shall make a report to an agency designated to receive such reports under this Act or to the Department in accordance with the provisions of this Act and may also notify the person in charge of the institution, facility, board and care home, or agency or his or her designated agent that the report has been made. Under no circumstances shall any person in charge of such institution, facility, board and care home, or agency, or his or her designated agent to whom the notification has been made, exercise any control, restraint, modification, or other change in the report or the forwarding of the report to an agency designated to receive such reports under this Act or to the Department. The privileged quality of communication between any professional person required to report and his or her patient or client shall not apply to situations involving abused, neglected, or financially exploited eligible adults and shall not constitute grounds for failure to report as required by this Act.

(a-7) A person making a report under this Act in the belief that it is in the alleged victim's best interest shall be immune from criminal or civil liability or professional disciplinary action on account of making the report, notwithstanding any requirements concerning the confidentiality of information with respect to such eligible adult which might otherwise be applicable.

(a-9) Law enforcement officers shall continue to report incidents of alleged abuse pursuant to the Illinois Domestic Violence Act of 1986, notwithstanding any requirements under this Act.

(b) Any person, institution or agency participating in the making of a report, providing information or records related to a report, assessment, or services, or participating in the investigation of a report under this Act in good faith, or taking photographs or x-rays as a result of an authorized assessment, shall have immunity from any civil, criminal or other liability in any civil, criminal or other proceeding brought in consequence of making such report or assessment or on account of submitting or otherwise disclosing such photographs or x-rays to any agency designated to receive reports of alleged or suspected abuse or neglect. Any person, institution or agency authorized by the Department to provide assessment,

intervention, or administrative services under this Act shall, in the good faith performance of those services, have immunity from any civil, criminal or other liability in any civil, criminal, or other proceeding brought as a consequence of the performance of those services. For the purposes of any civil, criminal, or other proceeding, the good faith of any person required to report, permitted to report, or participating in an investigation of a report of alleged or suspected abuse, neglect, or financial exploitation shall be presumed.

(c) The identity of a person making a report of alleged or suspected abuse or neglect under this Act may be disclosed by the Department or other agency provided for in this Act only with such person's written consent or by court order.

(d) The Department shall by rule establish a system for filing and compiling reports made under this Act.

(e) Any physician who willfully fails to report as required by this Act shall be referred to the Illinois State Medical Disciplinary Board for action in accordance with subdivision (A)(22) of Section 22 of the Medical Practice Act of 1987. Any dentist or dental hygienist who willfully fails to report as required by this Act shall be referred to the Department of Professional Regulation for action in accordance with paragraph 19 of Section 23 of the Illinois Dental Practice Act. Any other mandated reporter required by this Act to report suspected abuse, neglect, or financial exploitation who willfully fails to report the same is guilty of a Class A misdemeanor.

(Source: P.A. 93-300, eff. 1-1-04; 93-301, eff. 1-1-04.)

(320 ILCS 20/5) (from Ch. 23, par. 6605)

Sec. 5. Procedure.

(a) A provider agency designated to receive reports of alleged or suspected abuse, neglect, ~~or~~ financial exploitation , or self-neglect under this Act shall, upon receiving such a report, conduct a face-to-face assessment with respect to such report, in accord with established law and Department protocols, procedures, and policies. Face-to-face assessments, casework, and follow-up of reports of self-neglect by the provider agencies designated to receive reports of self-neglect shall be subject to sufficient appropriation for statewide implementation of assessments, casework, and follow-up of reports of self-neglect. In the absence of sufficient appropriation for statewide implementation of assessments, casework, and follow-up of reports of self-neglect, the designated elder abuse provider agency shall refer all reports of self-neglect to the appropriate agency or agencies as designated by the Department for any follow-up. The assessment shall include, but not be limited to, a visit to the residence of the eligible adult who is the subject of the report and may include interviews or consultations with service agencies or individuals who may have knowledge of the eligible adult's circumstances. If, after the assessment, the provider agency determines that the case is substantiated it shall develop a service care plan for the eligible adult and may report its findings to the appropriate law enforcement agency in accord with established law and Department protocols, procedures, and policies. In developing the plan, the provider agency may consult with any other appropriate provider of services, and such providers shall be immune from civil or criminal liability on account of such acts. The plan shall include alternative suggested or recommended services which are appropriate to the needs of the eligible adult and which involve the least restriction of the eligible adult's activities commensurate with his or her needs. Only those services to which consent is provided in accordance with Section 9 of this Act shall be provided, contingent upon the availability of such services.

(b) A provider agency shall refer evidence of crimes against an eligible adult to the appropriate law enforcement agency according to Department policies. A referral to law enforcement may be made at intake or any time during the case. Where a provider agency has reason to believe the death of an eligible adult may be the result of abuse or neglect, the agency shall immediately report the matter to the coroner or medical examiner and shall cooperate fully with any subsequent investigation.

(c) If any person other than the alleged victim refuses to allow the provider agency to begin an investigation, interferes with the provider agency's ability to conduct an investigation, or refuses to give access to an eligible adult, the appropriate law enforcement agency must be consulted regarding the investigation.

(Source: P.A. 90-628, eff. 1-1-99.)

(320 ILCS 20/8) (from Ch. 23, par. 6608)

Sec. 8. Access to records. All records concerning reports of elder abuse, neglect, ~~and~~ financial exploitation , or self-neglect and all records generated as a result of such reports shall be confidential and shall not be disclosed except as specifically authorized by this Act or other applicable law. In accord with established law and Department protocols, procedures, and policies, access ~~Access~~ to such records, but not access to the identity of the person or persons making a report of alleged abuse, neglect, ~~or~~ financial exploitation , or self-neglect as contained in such records, shall be provided, upon request,

~~allowed~~ to the following persons and for the following persons:

(1) Department staff, provider agency staff, other aging network staff, and regional administrative agency staff, including staff of the Chicago Department on Aging while that agency is designated as a regional administrative agency, in the furtherance of their responsibilities under this Act;

(2) A law enforcement agency investigating known or suspected elder abuse, neglect, ~~or~~ financial exploitation, or self-neglect. Where a provider agency has reason to believe that the death of an eligible adult may be the result of abuse or neglect, the agency shall immediately provide the appropriate law enforcement agency with all records pertaining to the eligible adult;

(3) A physician who has before him or her or who is involved in the treatment of an eligible adult whom he or she reasonably suspects may be abused, neglected, ~~or~~ financially exploited, or self-neglected or who has been referred to the Elder Abuse and Neglect Program;

(4) An eligible adult reported to be abused, neglected, ~~or~~ financially exploited, or self-neglected, or such adult's guardian unless such guardian is the abuser or the alleged abuser;

(5) In cases regarding elder abuse, neglect, or financial exploitation, a ~~A~~ court or a guardian ad litem, upon its or his or her finding that access to such records may be necessary for the determination of an issue before the court. However, such access shall be limited to an in camera inspection of the records, unless the court determines that disclosure of the information contained therein is necessary for the resolution of an issue then pending before it;

(5.5) In cases regarding self-neglect, a guardian ad litem;

(6) A grand jury, upon its determination that access to such records is necessary in the conduct of its official business;

(7) Any person authorized by the Director, in writing, for audit or bona fide research purposes;

(8) A coroner or medical examiner who has reason to believe that an eligible adult has died as the result of abuse, neglect, ~~or~~ financial exploitation, or self-neglect. The provider agency shall immediately provide the coroner or medical examiner with all records pertaining to the eligible adult; and

(9) Department of Professional Regulation staff and members of the Social Work Examining and Disciplinary Board in the course of investigating alleged violations of the Clinical Social Work and Social Work Practice Act by provider agency staff.

(Source: P.A. 89-387, eff. 8-20-95; 90-628, eff. 1-1-99.)

(320 ILCS 20/9) (from Ch. 23, par. 6609)

Sec. 9. Authority to consent to services.

(a) If an eligible adult consents to services being provided according to the service care plan, such services shall be arranged to meet the adult's needs, based upon the availability of resources to provide such services. If an adult withdraws his or her consent or refuses to accept such services, the services shall not be provided.

(b) If it reasonably appears to the Department or other agency designated under this Act that a person is an eligible adult and lacks the capacity to consent to necessary services, including an assessment, the Department or other agency may seek the appointment of a guardian as provided in Article XIa of the Probate Act of 1975 for the purpose of consenting to such services.

(c) A guardian of the person of an eligible adult may consent to services being provided according to the service care plan. If a guardian withdraws his or her consent or refuses to allow services to be provided to the eligible adult, the Department, an agency designated under this Act, or the office of the Attorney General may request a court order seeking appropriate remedies, and may in addition request removal of the guardian and appointment of a successor guardian.

(d) If an emergency exists and the Department or other agency designated under this Act reasonably believes that a person is an eligible adult and lacks the capacity to consent to necessary services, the Department or other agency may request an ex parte order from the circuit court of the county in which the petitioner or respondent resides or in which the alleged abuse, neglect, ~~or~~ financial exploitation, or self-neglect occurred, authorizing an assessment of a report of alleged or suspected abuse, neglect, ~~or~~ financial exploitation, or self-neglect or the provision of necessary services, or both, including relief available under the Illinois Domestic Violence Act of 1986 in accord with established law and Department protocols, procedures, and policies. Petitions filed under this subsection shall be treated as expedited proceedings.

(e) Within 15 days after the entry of the ex parte emergency order, the order shall expire, or, if the need for assessment or services continues, the provider agency shall petition for the appointment of a guardian as provided in Article XIa of the Probate Act of 1975 for the purpose of consenting to such assessment or services or to protect the eligible adult from further harm.

(Source: P.A. 90-628, eff. 1-1-99.)

(320 ILCS 20/13)

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## Sec. 13. Access.

(a) In accord with established law and Department protocols, procedures, and policies, the ~~The~~ designated provider agencies shall have access to eligible adults who have been reported or found to be victims of abuse, neglect, ~~or~~ financial exploitation, or self-neglect in order to assess the validity of the report, assess other needs of the eligible adult, and provide services in accordance with this Act.

(b) Where access to an eligible adult is denied, the Office of the Attorney General, the Department, or the provider agency may petition the court for an order to require appropriate access where:

- (1) a caregiver or third party has interfered with the assessment or service plan, or
- (2) the agency has reason to believe that the eligible adult is denying access because of coercion, extortion, or justifiable fear of future abuse, neglect, or financial exploitation.

(c) The petition for an order requiring appropriate access shall be afforded an expedited hearing in the circuit court.

(d) If the elder abuse provider agency has substantiated financial exploitation against an eligible adult, and has documented a reasonable belief that the eligible adult will be irreparably harmed as a result of the financial exploitation, the Office of the Attorney General, the Department, or the provider agency may petition for an order freezing the assets of the eligible adult. The petition shall be filed in the county or counties in which the assets are located. The court's order shall prohibit the sale, gifting, transfer, or wasting of the assets of the eligible adult, both real and personal, owned by, or vested in, the eligible adult, without the express permission of the court. The petition to freeze the assets of the eligible adult shall be afforded an expedited hearing in the circuit court.

(Source: P.A. 90-628, eff. 1-1-99.)

Section 99. Effective date. This Act takes effect January 1, 2007."

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Hunter offered the following amendment and moved its adoption:

**AMENDMENT NO. 2 TO HOUSE BILL 4676**

AMENDMENT NO. 2. Amend House Bill 4676, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 16, between lines 27 and 28, by inserting the following:

"(f) If the court enters an ex parte order under subsection (d) for an assessment of a report of alleged or suspected self-neglect, or for the provision of necessary services in connection with alleged or suspected self-neglect, or for both, the court, as soon as is practicable thereafter, shall appoint a guardian ad litem for the eligible adult who is the subject of the order, for the purpose of reviewing the reasonableness of the order. The guardian ad litem shall review the order and, if the guardian ad litem reasonably believes that the order is unreasonable, the guardian ad litem shall file a petition with the court stating the guardian ad litem's belief and requesting that the order be vacated."

The motion prevailed.

And the amendment was adopted and ordered printed.

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

**READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME**

On motion of Senator Hunter, **House Bill No. 4676**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Link	Roskam
Axley	Forby	Luechtefeld	Rutherford
Bomke	Garrett	Maloney	Sandoval

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Brady	Geo-Karis	Martinez	Schoenberg
Burzynski	Haine	Millner	Shadid
Clayborne	Halvorson	Munoz	Sieben
Collins	Harmon	Pankau	Sullivan
Cronin	Hendon	Peterson	Trotter
Crotty	Hunter	Petka	Viverito
Cullerton	Jacobs	Radogno	Watson
Dahl	Jones, J.	Raoul	Wilhelmi
del Valle	Jones, W.	Righter	Winkel
DeLeo	Lauzen	Risinger	Mr. President
Demuzio	Lightford	Ronen	

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

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

#### CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator del Valle, **Senate Bill No. 2336**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator del Valle moved that the Senate concur with the House in the adoption of their amendment to said bill.

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	Dillard	Link	Roskam
Axley	Forby	Luechtefeld	Rutherford
Bomke	Garrett	Maloney	Sandoval
Brady	Geo-Karis	Martinez	Schoenberg
Burzynski	Haine	Millner	Shadid
Clayborne	Halvorson	Munoz	Sieben
Collins	Harmon	Pankau	Sullivan
Cronin	Hendon	Peterson	Trotter
Crotty	Hunter	Petka	Viverito
Cullerton	Jacobs	Radogno	Watson
Dahl	Jones, J.	Raoul	Wilhelmi
del Valle	Jones, W.	Righter	Winkel
DeLeo	Lauzen	Risinger	Mr. President
Demuzio	Lightford	Ronen	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2336**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator del Valle, **Senate Bill No. 2569**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator del Valle moved that the Senate concur with the House in the adoption of their amendment to said bill.

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

Yeas 55; Nays None.

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The following voted in the affirmative:

Althoff	Dillard	Link	Roskam
Axley	Forby	Luechtefeld	Rutherford
Bomke	Garrett	Maloney	Sandoval
Brady	Geo-Karis	Martinez	Schoenberg
Burzynski	Haine	Millner	Shadid
Clayborne	Halvorson	Munoz	Sieben
Collins	Harmon	Pankau	Sullivan
Cronin	Hendon	Peterson	Trotter
Crotty	Hunter	Petka	Viverito
Cullerton	Jacobs	Radogno	Watson
Dahl	Jones, J.	Raoul	Wilhelmi
del Valle	Jones, W.	Righter	Winkel
DeLeo	Lauzen	Risinger	Mr. President
Demuzio	Lightford	Ronen	

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 2569**.

Ordered that the Secretary inform the House of Representatives thereof.

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

Senator Haine moved that **Senate Resolution No. 687**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Haine offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1 TO SENATE RESOLUTION 687

AMENDMENT NO. 1. Amend Senate Resolution 687 on page 3, by replacing line 22 with the following:

"Edwardsville and Kristina Simmons of Decatur, and in honor of those precious children that did".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Haine moved that Senate Resolution No. 687, as amended, be adopted.

The motion prevailed.

And the resolution, as amended, was adopted.

Senator Martinez moved that **Senate Resolution No. 688**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Martinez moved that Senate Resolution No. 688 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Demuzio moved that **Senate Resolution No. 689**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Demuzio moved that Senate Resolution No. 689 be adopted.

The motion prevailed.

And the resolution was adopted.

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Senator Hunter moved that **Senate Resolution No. 692**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

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

**AMENDMENT NO. 1 TO SENATE RESOLUTION 692**

AMENDMENT NO. 1. Amend Senate Resolution 692 on page 2, immediately below line 5, by inserting the following:

"RESOLVED, That the Board of Higher Education shall, for each of the issues set forth for investigation in this resolution: (1) solicit and report in its findings the views of private entities that currently operate bookstores either on behalf of or independent of one or more public universities or community colleges in this State, including, but not limited to, the National Association of College Stores, the Illinois Retail Merchants Association, Follett Higher Education Group, and other entities operating as campus bookstore managers; and (2) solicit and report the views of textbook authors and publishers, including, but not limited to, the Association of American Publishers, the Association of American University Presses, postsecondary textbook publishers, and faculty representatives; and be it further"; and

on page 2, line 9, by replacing "August 1, 2006" with "January 15, 2007".

Senator Hunter offered the following amendment and moved its adoption:

**AMENDMENT NO. 2 TO SENATE RESOLUTION 692**

AMENDMENT NO. 2. Amend Senate Resolution 692, AS AMENDED, immediately below the end of the paragraph beginning "RESOLVED, That the Board of Higher Education shall, for", by inserting the following:

"RESOLVED, That the Board of Higher Education, the Department of Revenue, and the Department of Commerce and Economic Opportunity shall thoroughly assess and report in the Board of Higher Education's findings the economic impact that current textbook purchasing arrangements and that a textbook rental program and other cost-saving alternatives would have on public universities and community colleges, State government, local governments, students, and private entities that currently operate bookstores either on behalf of or independent of one or more public universities or community colleges in this State; and be it further".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Hunter moved that Senate Resolution No. 692, as amended, be adopted.

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

Yeas 52; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Link	Rutherford
Axley	Forby	Luechtefeld	Schoenberg
Bomke	Garrett	Maloney	Shadid
Brady	Geo-Karis	Martinez	Sieben
Burzynski	Haine	Millner	Sullivan
Clayborne	Halvorson	Munoz	Trotter
Collins	Harmon	Pankau	Viverito
Cronin	Hendon	Peterson	Watson
Crotty	Hunter	Petka	Wilhelmi
Cullerton	Jacobs	Radogno	Mr. President

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Dahl	Jones, J.	Raoul
del Valle	Jones, W.	Risinger
DeLeo	Lauzen	Ronen
Demuzio	Lightford	Roskam

The motion prevailed.

And the resolution, as amended, was adopted.

Senator Demuzio moved that **Senate Resolution No. 700**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

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

#### AMENDMENT NO. 1 TO SENATE RESOLUTION 700

AMENDMENT NO. 1. Amend Senate Resolution 700 on page 2, by replacing lines 18 through 21 with the following:

"(ii) the benefits that an historic barn restoration/preservation program could have in the context of the creation of a comprehensive plan for the development and promotion of tourism in rural areas, including the potential for expanded heritage tourism efforts to take advantage of the increased interest in Lincoln and the underground railroad sites, as well as the potential for expanded agricultural and natural resource tourism efforts, and (iii) programs and incentives in place in other".

Senator Demuzio moved that **Senate Resolution No. 700**, as amended, be adopted.

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

Yeas 55; Nays None.

The following voted in the affirmative:

Althoff	Dillard	Link	Roskam
Axley	Forby	Luechtefeld	Rutherford
Bomke	Garrett	Maloney	Sandoval
Brady	Geo-Karis	Martinez	Schoenberg
Burzynski	Haine	Millner	Shadid
Clayborne	Halvorson	Munoz	Sieben
Collins	Harmon	Pankau	Sullivan
Cronin	Hendon	Peterson	Trotter
Crotty	Hunter	Petka	Viverito
Cullerton	Jacobs	Radogno	Watson
Dahl	Jones, J.	Raoul	Wilhelmi
del Valle	Jones, W.	Righter	Winkel
DeLeo	Lauzen	Risinger	Mr. President
Demuzio	Lightford	Ronen	

The motion prevailed.

And the resolution, as amended, was adopted.

Senator Lightford moved that **Senate Joint Resolution No. 66**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Lightford moved that Senate Joint Resolution No. 66 be adopted.

The motion prevailed.

And the resolution was adopted.

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

Senator Sandoval moved that **Senate Joint Resolution No. 77**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Sandoval moved that Senate Joint Resolution No. 77 be adopted.

The motion prevailed.

And the resolution was adopted.

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

Senator Lightford moved that **Senate Joint Resolution No. 82**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Lightford offered the following amendment:

#### **AMENDMENT NO. 1 TO SENATE JOINT RESOLUTION 82**

AMENDMENT NO. 1. Amend Senate Joint Resolution 82 by replacing lines 7 through 12 with the following:

"RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the request made by Huntley CSD 158 - Kane, McHenry with respect to its statement of affairs, identified in the report filed by the State Board of Education as request WM100-3734-1, is disapproved; and be it further

RESOLVED, That the waiver request made by Warren THSD 121 - Lake with respect to driver education, identified in the report filed by the State Board of Education as request WM100-3762, is approved for only one year and disapproved for the remaining 4 years."

Senator Lightford moved that the foregoing amendment be ordered to lie on the table.

The motion to table prevailed.

Senator Lightford offered the following amendment and moved its adoption:

#### **AMENDMENT NO. 2 TO SENATE JOINT RESOLUTION 82**

AMENDMENT NO. 2. Amend Senate Joint Resolution 82 by replacing lines 7 through 12 with the following:

"RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the request made by Huntley CSD 158 - Kane, McHenry with respect to a statement of affairs, identified in the report filed by the State Board of Education as request WM100-3734-1, is disapproved; and be it further

RESOLVED, That the waiver request made by Aurora West USD 129 - Kane with respect to a statement of affairs, identified in the report filed by the State Board of Education as request WM100-3748, is approved for only two years and disapproved for the remaining 3 years; and be it further

RESOLVED, That the waiver request made by Warren THSD 121 - Lake with respect to driver education, identified in the report filed by the State Board of Education as request WM100-3762, is approved for only one year and disapproved for the remaining 4 years."

The motion prevailed.

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And the amendment was adopted and ordered printed.

Senator Lightford moved that Senate Joint Resolution No. 82, as amended, be adopted. And on that motion a call of the roll was had resulting as follows:

Yeas 52; Nays 2.

The following voted in the affirmative:

Althoff	Forby	Maloney	Schoenberg
Bomke	Garrett	Martinez	Shadid
Brady	Geo-Karis	Millner	Sieben
Burzynski	Haine	Munoz	Sullivan
Clayborne	Halvorson	Pankau	Trotter
Collins	Harmon	Peterson	Viverito
Cronin	Hendon	Petka	Watson
Crotty	Hunter	Radogno	Wilhelmi
Cullerton	Jacobs	Raoul	Winkel
Dahl	Jones, W.	Righter	Mr. President
del Valle	Lauzen	Risinger	
DeLeo	Lightford	Ronen	
Demuzio	Link	Roskam	
Dillard	Luechtefeld	Sandoval	

The following voted in the negative:

Axley  
Rutherford

The motion prevailed.

And the resolution, as amended, was adopted.

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

Senator E. Jones moved that **Senate Joint Resolution No. 83**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator E. Jones moved that Senate Joint Resolution No. 83 be adopted.

The motion prevailed.

And the resolution was adopted.

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

Senator Munoz moved that **House Joint Resolution No. 98**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Munoz moved that House Joint Resolution No. 98 be adopted.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

#### EXCUSED FROM ATTENDANCE

On motion of Senator Link, Senators Meeks was excused from attendance due to district business, and Senator Silverstein was excused from attendance due to medical reasons.

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On motion of Senator Burzynski, Senator Rauschenberger was excused from attendance due to business with the NCSL.

At the hour of 12:55 o'clock p.m., Senator Halvorson presiding.

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

On motion of Senator Trotter, **Senate Bill No. 1520**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

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

Yeas 30; Nays 25.

The following voted in the affirmative:

Clayborne	Garrett	Link	Shadid
Collins	Haine	Maloney	Sullivan
Crotty	Halvorson	Martinez	Trotter
Cullerton	Harmon	Munoz	Viverito
del Valle	Hendon	Raoul	Wilhelmi
DeLeo	Hunter	Ronen	Mr. President
Demuzio	Jacobs	Sandoval	
Forby	Lightford	Schoenberg	

The following voted in the negative:

Althoff	Dillard	Pankau	Rutherford
Axley	Geo-Karis	Peterson	Sieben
Bomke	Jones, J.	Petka	Watson
Brady	Jones, W.	Radogno	Winkel
Burzynski	Lauzen	Righter	
Cronin	Luechtefeld	Risinger	
Dahl	Millner	Roskam	

This roll call verified.

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

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

### RESOLUTIONS CONSENT CALENDAR

#### SENATE RESOLUTION 702

Offered by Senator Harmon and all Senators:

Mourns the death of Joseph "Joe" Agrella.

#### SENATE RESOLUTION 703

Offered by Senator Risinger and all Senators:

Mourns the death of Donald F. Niebuhr of Williamsfield.

#### SENATE RESOLUTION 704

Offered by Senator Lauzen and all Senators:

Mourns the death of Paul "Jerry" Ellis of Aurora.

**SENATE RESOLUTION 705**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Marjorie L. "Marge" "Mrs. Fitz" Fitzpatrick.

**SENATE RESOLUTION 706**

Offered by Senator Wilhelmi and all Senators:  
Mourns the death of Robert E. Hamilton of Joliet.

**SENATE RESOLUTION 708**

Offered by Senator E. Jones and all Senators:  
Mourns the death of Adolph Paytes of Chicago.

**SENATE RESOLUTION 709**

Offered by Senator Shadid and all Senators:  
Mourns the death of William A. Groves of Peoria.

**SENATE RESOLUTION 710**

Offered by Senator Haine and all Senators:  
Mourns the death of William E. Moore, Sr., of Hartford.

**SENATE RESOLUTION 711**

Offered by Senator Haine and all Senators:  
Mourns the death of Edgar Newton Davison of Godfrey.

**SENATE RESOLUTION 712**

Offered by Senator Clayborne and all Senators:  
Mourns the death of Bishop Eddie A. Morgan

**SENATE RESOLUTION 713**

Offered by Senator E. Jones and all Senators:  
Mourns the death of L. C. Calmese.

**SENATE RESOLUTION 714**

Offered by Senator Dillard and all Senators:  
Mourns the death of Sonja I. James of Naperville.

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

**MESSAGE 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 adopted the following House Joint Resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

**HOUSE JOINT RESOLUTION NO. 120**

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two Houses adjourn on Friday, April 7, 2006, the House stand adjourned until Monday, April 10, 2006 at 4:00 o'clock p.m.; and the Senate stands adjourned until Monday, April 10, 2006.

Adopted by the House, April 7, 2006.

MARK MAHONEY, Clerk of the House

By unanimous consent, on motion of Senator Viverito, the foregoing message reporting House Joint Resolution No. 120 was taken up for immediate consideration.

Senator Viverito moved that the Senate concur with the House in the adoption of the resolution.

[April 7, 2006]

The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 1:08 o'clock p.m., pursuant to **House Joint Resolution No. 120**, the Chair announced the Senate stand adjourned until Monday, April 10, 2006, at 3:00 o'clock p.m.