



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-FIFTH GENERAL ASSEMBLY**

**136TH LEGISLATIVE DAY**

**WEDNESDAY, MARCH 12, 2008**

**12:19 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**136th Legislative Day**

<b>Action</b>	<b>Page(s)</b>
Committee Meeting Announcement .....	24
Communication from the Minority Leader .....	4
Legislative Measure(s) Filed .....	4, 11
Presentation of Senate Resolution No. 589 .....	5
Presentation of Senate Resolution No. 590 .....	7
Presentation of Senate Resolutions No'd. 583 - 588 .....	5
Report from Rules Committee .....	11
Report Received .....	4

<b>Bill Number</b>	<b>Legislative Action</b>	<b>Page(s)</b>
SB 1887	Second Reading .....	11
SB 1923	Second Reading .....	11
SB 1930	Second Reading .....	12
SB 1984	Second Reading .....	12
SB 1993	Recalled - Held .....	24
SB 1993	Second Reading .....	12
SB 1997	Second Reading .....	12
SB 2002	Second Reading .....	12
SB 2015	Second Reading .....	18
SB 2021	Second Reading .....	18
SB 2033	Second Reading .....	18
SB 2070	Second Reading .....	21
SB 2078	Second Reading .....	21
SB 2135	Second Reading .....	21
SB 2187	Second Reading .....	21
SB 2240	Second Reading .....	21
SB 2250	Second Reading .....	21
SB 2298	Second Reading .....	21
SB 2301	Second Reading .....	21
SB 2332	Second Reading .....	21
SB 2336	Second Reading .....	21
SB 2338	Second Reading .....	21
SB 2352	Second Reading .....	21
SB 2353	Second Reading .....	21
SB 2387	Second Reading .....	22
SB 2396	Second Reading .....	22
SB 2399	Second Reading .....	22
SB 2404	Second Reading .....	22
SB 2461	Second Reading .....	22
SB 2473	Second Reading .....	22
SB 2474	Second Reading .....	22
SB 2486	Second Reading .....	22
SB 2487	Second Reading .....	22
SB 2488	Second Reading .....	22
SB 2492	Second Reading .....	22
SB 2500	Second Reading .....	22
SB 2513	Second Reading .....	23
SB 2531	Second Reading .....	23
SB 2536	Second Reading .....	23
SB 2547	Second Reading .....	23
SB 2564	Second Reading .....	23

[March 12, 2008]

SB 2581	Second Reading .....	24
SR 0589	Committee on Rules .....	5
SR 0590	Committee on Rules .....	7

The Senate met pursuant to adjournment.  
Honorable Emil Jones, Jr., President of the Senate, presiding.  
Prayer by Reverend John Park, Korean United Presbyterian Church, Springfield, Illinois.  
Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, March 11, 2008, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

#### **REPORTS RECEIVED**

The Secretary placed before the Senate the following reports:

Commission on Government Forecasting and Accountability's Monthly Briefing, February 2008, submitted by the Commission on Government Forecasting and Accountability.

Illinois Tollway 2008 Annual Budget, submitted by the Illinois Tollway.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

#### **COMMUNICATION FROM MINORITY LEADER**

ILLINOIS STATE SENATE  
**FRANK C. WATSON**  
STATE SENATOR  
51<sup>ST</sup> SENATE DISTRICT

March 12, 2008

Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, Illinois 62706

Dear Secretary Shipley:

Pursuant to Senate Rule 3-2(c), I hereby appoint Senator Randy Hultgren to temporarily replace Senator Chris Lauzen as a member of the Senate Revenue Committee. This appointment is effective immediately.

Sincerely,  
s/Frank Watson  
Senate Republican Leader

cc: Senate President Emil Jones  
Assistant Secretary of the Senate Scott Kaiser

#### **LEGISLATIVE MEASURES FILED**

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

Senate Committee Amendment No. 1 to Senate Bill 1879  
Senate Committee Amendment No. 1 to Senate Bill 1999  
Senate Committee Amendment No. 1 to Senate Bill 2013

[March 12, 2008]

Senate Committee Amendment No. 1 to Senate Bill 2099  
Senate Committee Amendment No. 1 to Senate Bill 2287  
Senate Committee Amendment No. 1 to Senate Bill 2303  
Senate Committee Amendment No. 1 to Senate Bill 2328  
Senate Committee Amendment No. 2 to Senate Bill 2397  
Senate Committee Amendment No. 1 to Senate Bill 2400  
Senate Committee Amendment No. 2 to Senate Bill 2400  
Senate Committee Amendment No. 3 to Senate Bill 2400  
Senate Committee Amendment No. 1 to Senate Bill 2412  
Senate Committee Amendment No. 2 to Senate Bill 2432  
Senate Committee Amendment No. 2 to Senate Bill 2825

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

Senate Committee Amendment No. 1 to House Joint Resolution 21

**PRESENTATION OF RESOLUTIONS**

**SENATE RESOLUTION 583**

Offered by Senator Link and all Senators:  
Mourns the death of Dennis R. Cobb of Waukegan.

**SENATE RESOLUTION 584**

Offered by Senator Forby and all Senators:  
Mourns the death of William Joseph "Bill" Lamont of West Frankfort.

**SENATE RESOLUTION 585**

Offered by Senator Wilhelmi and all Senators:  
Mourns the death of Ken Armstrong O'Brien of Joliet, formerly of Frankfort.

**SENATE RESOLUTION 586**

Offered by Senator Sandoval and all Senators:  
Mourns the death of Catalina Garcia of Cicero.

**SENATE RESOLUTION 587**

Offered by Senator DeLeo and all Senators:  
Mourns the death of Raymond F. Shroyer of Sandwich.

**SENATE RESOLUTION 588**

Offered by Senator Link and all Senators:  
Mourns the death of A. Richard "Dick" Powers of Vernon Hills.

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

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

**SENATE RESOLUTION NO. 589**

WHEREAS, The members of the Illinois Senate are pleased to honor the life and legacy of farm workers leader Cesar Estrada Chavez; and

WHEREAS, Cesar Estrada Chavez was born on March 31, 1927 on a farm near Yuma, Arizona that

[March 12, 2008]

his grandfather homesteaded in the 1880s; after Cesar Chavez's father, Librado, was forced from his farm in 1937, the Chavez family became migrant workers in California, the beginning of his legendary destiny; he quit school after the 8th grade in 1942 in order to help support his family by working in the fields full time; and

WHEREAS, In 1944, Cesar Chavez joined the United States Navy, where he was slated to serve in the western Pacific theatre during World War II; just before he was to be shipped to the Pacific, however, he was arrested in a segregated movie theater in Delano, California for sitting in the "whites only" section; and

WHEREAS, In 1952, Cesar Chavez was recruited into the Community Service Organization (CSO) by community organizer Fred Ross, who discovered the young farm worker laboring in apricot orchards outside San Jose, California; together with Mr. Ross, Cesar Chavez organized 22 CSO chapters across California during the 1950s, leading to CSO becoming the most militant and effective Latino civil rights group of its day; and

WHEREAS, On March 31, 1962, his 35th birthday, Cesar Chavez resigned from CSO, choosing instead to move his wife and eight small children to Delano, California and dedicate himself full-time to organizing farm workers; the first convention of Cesar's National Farm Workers Association (NFWA) convened in Fresno, California on September 30, 1962; and

WHEREAS, The 1960s presented a prime opportunity for Cesar Chavez and his new organization to advocate for the rights of migrant workers; having worked on building the membership of his infant union during the early 1960s, the NFWA, with 1,200-member families, voted on September 16, 1965 to join an ongoing strike against Delano-area grape growers begun by the mostly Filipino American members of the Agricultural Workers Organizing Committee, AFL-CIO (AWOC), beginning the famous five-year Delano Grape Strike; during March and April of 1966, Cesar and a band of strikers embarked upon a 340-mile Peregrinacion (Pilgrimage) from Delano to the steps of the California state capitol in Sacramento to draw national attention to the suffering of farm workers; as a result of the march and a four-month boycott, Schenley Vineyards negotiated an agreement with NFWA, the first genuine union contract between a grower and farm workers' union in United States history; and

WHEREAS, Cesar Chavez's success with the NFWA continued throughout the late 1960s, with a successful boycott at the DiGiorgio Fruit Corporation and a strike at the Giumarra Vineyards Corporation; in 1966, the NFWA and the Filipino American AWOC merged to form the United Farm Workers, which affiliated with the AFL-CIO; in 1968, Cesar fasted for 25 days to rededicate his movement to nonviolence; United States Senator Robert F. Kennedy joined over 8,000 farm workers and supporters at a mass where Cesar broke his fast, calling the weakened farm labor leader "one of the heroic figures of our time"; and

WHEREAS, Cesar Chavez's movement continued apace during the 1970s, with most California table grape growers signing UFW contracts by 1970; after Salinas Valley growers signed contracts with the Teamsters Union in the summer of 1970, Cesar led a national boycott of lettuce, a decision that led to a jail sentence in Salinas, California from December 10 to 24 of 1970; still going strong, the UFW became chartered as an independent affiliate by the AFL-CIO in 1972, becoming the United Farm Workers of America, AFL-CIO (UFW); and

WHEREAS, After a hard-fought battle with the California state government and various growers, Cesar Chavez and the UFW managed to pass the landmark Agricultural Labor Relations Act, which guaranteed California farm workers the right to organize and bargain with their employers, in June of 1975; led by Cesar Chavez, the United Farm Workers of America won hundreds of labor elections across the nation during 1975 and 1976; and

WHEREAS, The number of farm workers protected by UFW contracts grew to about 45,000 by the early 1980s; Republican George Deukmejian was elected California governor in 1982 with \$1 million in grower campaign contributions; under Governor Deukmajian's leadership, the California Agricultural Labor Relations Board ceased enforcement of the Agricultural Labor Relations Act, forcing Cesar Chavez to declare a third grape boycott in 1984; and

[March 12, 2008]

WHEREAS, In 1986, 61-year old Cesar Chavez kicked off the "Wrath of Grapes" campaign to draw public attention to the pesticide poisoning of grape workers and their children; the campaign included a 36 day public fast in Delano, California, his last and longest-running; and

WHEREAS, In 1992, Cesar Chavez, working with UFW First Vice President Arturo Rodriguez, led vineyard walkouts in the Coachella and San Joaquin valleys, resulting in the first industry-wide pay hike in eight years for grape workers; this feat proved to be the last for this brave pioneer, who passed away in his sleep on April 23, 1993 in the midst of defending the UFW against a multi-million dollar lawsuit brought against the union; and

WHEREAS, On August 8, 1994, President Bill Clinton posthumously awarded the Medal of Freedom, America's highest civilian honor, to Cesar Chavez in honor of his everlasting contributions to society; and

WHEREAS, Today, the UFW continues its vigilant protection of its many union members; the union remains strong, with undeniable strength in numerous states such as California, Florida, and Washington, a fact that would certainly make Cesar proud; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we honor the life and legacy of Cesar Chavez and his contributions to the downtrodden of our society; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Cesar Chavez as a symbol of our great esteem and respect.

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

#### **SENATE RESOLUTION NO. 590**

WHEREAS, HR 3887, as introduced and passed with only two dissents in the U.S. House of Representatives, introduces a cohesive legal framework for fighting trafficking by combining and streamlining efforts against the international and domestic sale of human beings; and

WHEREAS, HR 3887 constitutionally targets the demand for international trafficking by directly addressing the networks that buy and sell women and children for commercial sexual exploitation; and

WHEREAS, HR 3887 removes a barrier to effective prosecutions against traffickers by making "force, fraud, and coercion" part of aggravated trafficking rather than a requirement for all convictions; and

WHEREAS, HR 3887 makes exporting sexual exploiters to other countries ("sex-tourism") as significant a crime as importing victims for sexual exploitation; and

WHEREAS, HR 3887, as drafted in and passed by the U.S. House of Representatives, will assist many victims of trafficking and the sex trade in Illinois; in Chicago alone, 16,000-25,000 women and girls are involved in prostitution every year; statewide, an estimated 6,500 youth are prostituted annually; this bill will enhance legal options on a federal level to help stem a significant piece of why so many women and children are forced into the sex trade in Chicago and Illinois: the pimps and traffickers; and

WHEREAS, Sixty-two percent of women and girls in prostitution in Illinois were first pimped out before they were 18; many adult women in Illinois are also trafficked and pimped by third parties who financially profit from keeping them in prostitution; the majority of these adult women would face violence if they did not give the money they make in the sex trade to these third parties; and

WHEREAS, Pimps and traffickers do not always use force, fraud or coercion to bring adult women

[March 12, 2008]

into prostitution, but pimping and trafficking is always unlawful, and it is virtually always practiced on previously harmed, notably vulnerable and objectively disempowered women; and

WHEREAS, Seventy-five percent of women and girls in prostitution in Illinois are survivors of sexual assault - most of multiple rapes - and 66% are victims of incest; and

WHEREAS, Fifty percent of women and girls in prostitution are homeless; often, trading sex is the only means of survival for these women and girls; pimps and traffickers often exploit these economic hardships to maintain adults and children in prostitution; many traffickers and pimps profit from the commercial sexual exploitation-while the women and children trafficked remain poor; and

WHEREAS, Recognizing that trafficking is a serious and over-looked problem in Illinois, the General Assembly implemented Public Act 94-0009, the Trafficking of Persons and Involuntary Servitude Act; though a powerful first step in the fight against sex trafficking, state resources are limited and local prosecutors do not have the ability to research, uncover and prosecute domestic trafficking cases; many local traffickers are not held accountable and continue to prey upon victims in Illinois; HR 3887 will assist victims in Illinois by allowing federal resources to be used to prosecute local traffickers; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that Federal anti-trafficking laws should focus on the actions of people and businesses that prostitute others, not on the resistance level of victims; and be it further

RESOLVED, That prostituted women and children often appear to be in the industry by choice when they are anything but free; and be it further

RESOLVED, That lies about victim "willingness" to engage in the sex trade are now being used by pimps and traffickers to avoid accountability for modern day slavery and the sexual exploitation of the world's most vulnerable and harmed people, prominently women and children, but also boys, men, and transgendered individuals; and be it further

RESOLVED, That the U.S. House of Representatives and our Illinois Delegation are commended for their leadership in expanding federal anti-trafficking legislation so that it more accurately represents the experiences of victims in Illinois and expands the ability of federal prosecutors to bring domestic traffickers to justice; and be it further

RESOLVED, That the Illinois State Senate supports HR 3887 as passed, and we urge our U.S. Senators to champion federal anti-trafficking legislation by supporting the passage of HR 3887, without modification, in the U.S. Senate; and be it further

RESOLVED, That suitable copies of this resolution be forwarded to United States Senators Richard J. Durbin and Barack Obama.

#### REPORTS FROM STANDING COMMITTEES

Senator Crotty, Chairperson of the Committee on Local Government, to which was referred **Senate Bills Numbered 2004, 2031, 2034, 2077, 2158, 2181, 2191, 2304, 2356, 2422, 2532, 2580, 2733, 2744 and 2747**, 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 **Senate Bills Numbered 2014, 2052, 2162 and 2214**, 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.

[March 12, 2008]

Senator Garrett, Chairperson of the Committee on Public Health, to which was referred **Senate Bills Numbered 1965, 2012, 2155, 2252, 2303 and 2506**, 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 Public Health, to which was referred **Senate Bills Numbered 2173, 2348 and 2444**, 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 Garrett, Chairperson of the Committee on Public Health, to which was referred **Senate Joint Resolution No. 76**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 76** was placed on the Secretary's Desk.

Senator Garrett, Chairperson of the Committee on Public Health, to which was referred **Senate Resolutions numbered 546 and 565**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Resolutions numbered 546 and 565** were placed on the Secretary's Desk.

Senator Jacobs, Chairperson of the Committee on Housing and Community Affairs, to which was referred **Senate Bill No. 2434**, 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 Wilhelmi, Chairperson of the Committee on Judiciary Criminal Law, to which was referred **Senate Bills Numbered 1881, 1972, 2047, 2053, 2102, 2137, 2159, 2294, 2295, 2305, 2340, 2355, 2365, 2382, 2426, 2429, 2476, 2494, 2509, 2577 and 2834**, reported the same back with the recommendation that the bills do pass.

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

Senator Wilhelmi, Chairperson of the Committee on Judiciary Criminal Law, to which was referred **Senate Bills Numbered 1975, 2051, 2198, 2254, 2275, 2354, 2452, and 2855** 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 Raoul, Chairperson of the Committee on Pensions and Investments, to which was referred **Senate Bills Numbered 1959, 1960, 2479, 2520 and 2526**, reported the same back with the recommendation that the bills do pass.

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

Senator Raoul, Chairperson of the Committee on Pensions and Investments, to which was referred **Senate Bills Numbered 1985, 2090, 2362 and 2558**, 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 Lightford, Chairperson of the Committee on Human Services, to which was referred **Senate Bills Numbered 1933, 2112, 2394 and 2877**, reported the same back with the recommendation that the bills do pass.

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

Senator Lightford, Chairperson of the Committee on Human Services, to which was referred **Senate Bills Numbered 1938, 2165, 2403 and 2879**, 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 Clayborne, Chairperson of the Committee on Environment and Energy, to which was referred **Senate Bills Numbered 2017, 2079, 2083, 2166, 2369 and 2514**, reported the same back with the recommendation that the bills do pass.

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

Senator Clayborne, Chairperson of the Committee on Environment and Energy, to which was referred **Senate Bills Numbered 1926, 2025, 2095, 2105, 2110, 2157, 2163, 2313, 2567, 2639 and 2640**, 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 Sullivan, Chairperson of the Committee on Agriculture and Conservation, to which was referred **Senate Bills Numbered 1945, 2407, 2562, 2570 and 2750**, 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 and Conservation, to which was referred **Senate Bills Numbered 2775, 2861 and 2906**, 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.

#### 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 passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 4130

A bill for AN ACT making reappropriations.

HOUSE BILL NO. 4190

A bill for AN ACT concerning public aid.

HOUSE BILL NO. 4730

A bill for AN ACT making appropriations.

Passed the House, March 11, 2008.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 4130, 4190 and 4730** were taken up, ordered printed and placed on first reading.

#### INQUIRY OF THE CHAIR

Senator Pankau had an inquiry of the Chair as to the status of her Motions in Writing filed today on Senate Bill 2464 and Senate Bill 2468.

The Chair stated that more than likely they would be printed on the Calendar.

#### EXCUSED FROM ATTENDANCE

[March 12, 2008]

On motion of Senator Risinger, Senator Lauzen was excused from attendance due to illness.

### REPORT FROM RULES COMMITTEE

Senator Halvorson, Chairperson of the Committee on Rules, during its March 12, 2008 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Education: **Senate Committee Amendment No. 1 to Senate Bill 2013; Senate Committee Amendment No. 1 to Senate Bill 2328; Senate Committee Amendment No. 1 to Senate Bill 2412; Senate Committee Amendment No. 1 to Senate Bill 2512.**

Executive: **Senate Committee Amendment No. 1 to Senate Bill 1999; Senate Committee Amendment No. 1 to Senate Bill 2400; Senate Committee Amendment No. 3 to Senate Bill 2400; Senate Committee Amendment No. 2 to Senate Bill 2432; Senate Committee Amendment No. 2 to Senate Bill 2825.**

Financial Institutions: **Senate Committee Amendment No. 1 to Senate Bill 1879.**

Insurance: **Senate Committee Amendment No. 1 to Senate Bill 2201.**

Judiciary Civil Law: **Senate Committee Amendment No. 1 to Senate Bill 2287.**

Labor: **Senate Committee Amendment No. 2 to Senate Bill 2397.**

Revenue: **Senate Committee Amendment No. 1 to Senate Bill 2099.**

State Government and Veterans Affairs: **Senate Committee Amendment No. 1 to Senate Bill 2538; Senate Committee Amendment No. 1 to House Joint Resolution 21.**

### LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 1 to Senate Bill 2311  
Senate Floor Amendment No. 2 to Senate Bill 2434  
Senate Floor Amendment No. 2 to Senate Bill 2639

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

Senate Committee Amendment No. 1 to Senate Bill 2085  
Senate Committee Amendment No. 1 to Senate Bill 2502  
Senate Committee Amendment No. 1 to Senate Bill 2546

### READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Haine, **Senate Bill No. 1887**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schoenberg, **Senate Bill No. 1923**, having been printed, was taken up, read by title a second time and ordered to a third reading.

[March 12, 2008]

On motion of Senator Schoenberg, **Senate Bill No. 1930** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 1930**

AMENDMENT NO. 1. Amend Senate Bill 1930 by replacing lines 5 through 23 of page 1, all of pages 2 through 6, and lines 1 through 6 of page 7 with the following:  
"Section 6-110 as follows:".

**AMENDMENT NO. 2 TO SENATE BILL 1930**

AMENDMENT NO. 2. Amend Senate Bill 1930 on page 9, by replacing lines 1 through 10 with the following:

"religion, freedom of speech, and the right of assembly; or

(8) married or had been married or is an emancipated minor under the Emancipation of Minors Act.

(a-2.5) The driver's license of a person who is 17 years of age and has been licensed for at least 12 months is not invalid as described in subsection (a-1) of this Section while the licensee is participating as an assigned driver in a Safe Rides program that meets the following criteria:

(1) the program is sponsored by the Boy Scouts of America or another national public service organization; and

(2) the sponsoring organization carries liability insurance covering the program."

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.

On motion of Senator Frerichs, **Senate Bill No. 1984**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 1993**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 1997**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 2002** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 2002**

AMENDMENT NO. 1. Amend Senate Bill 2002 by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 10 as follows:

(5 ILCS 375/10) (from Ch. 127, par. 530)

Sec. 10. Payments by State; premiums.

(a) The State shall pay the cost of basic non-contributory group life insurance and, subject to member paid contributions set by the Department or required by this Section, the basic program of group health benefits on each eligible member, except a member, not otherwise covered by this Act, who has retired as a participating member under Article 2 of the Illinois Pension Code but is ineligible for the retirement annuity under Section 2-119 of the Illinois Pension Code, and part of each eligible member's and retired member's premiums for health insurance coverage for enrolled dependents as provided by Section 9. The State shall pay the cost of the basic program of group health benefits only after benefits are reduced by the amount of benefits covered by Medicare for all members and dependents who are eligible for benefits under Social Security or the Railroad Retirement system or who had sufficient Medicare-covered government employment, except that such reduction in benefits shall apply only to those members and dependents who (1) first become eligible for such Medicare coverage on or after July

[March 12, 2008]

1, 1992; or (2) are Medicare-eligible members or dependents of a local government unit which began participation in the program on or after July 1, 1992; or (3) remain eligible for, but no longer receive Medicare coverage which they had been receiving on or after July 1, 1992. The Department may determine the aggregate level of the State's contribution on the basis of actual cost of medical services adjusted for age, sex or geographic or other demographic characteristics which affect the costs of such programs.

The cost of participation in the basic program of group health benefits for the dependent or survivor of a living or deceased retired employee who was formerly employed by the University of Illinois in the Cooperative Extension Service and would be an annuitant but for the fact that he or she was made ineligible to participate in the State Universities Retirement System by clause (4) of subsection (a) of Section 15-107 of the Illinois Pension Code shall not be greater than the cost of participation that would otherwise apply to that dependent or survivor if he or she were the dependent or survivor of an annuitant under the State Universities Retirement System.

(a-1) Beginning January 1, 1998, for each person who becomes a new SERS annuitant and participates in the basic program of group health benefits, the State shall contribute toward the cost of the annuitant's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of creditable service upon which the annuitant's retirement annuity is based, up to a maximum of 100% for an annuitant with 20 or more years of creditable service. The remainder of the cost of a new SERS annuitant's coverage under the basic program of group health benefits shall be the responsibility of the annuitant. In the case of a new SERS annuitant who has elected to receive an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code in lieu of an annuity, for the purposes of this subsection the annuitant shall be deemed to be receiving a retirement annuity based on the number of years of creditable service that the annuitant had established at the time of his or her termination of service under SERS.

(a-2) Beginning January 1, 1998, for each person who becomes a new SERS survivor and participates in the basic program of group health benefits, the State shall contribute toward the cost of the survivor's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of the deceased employee's or deceased annuitant's creditable service in the State Employees' Retirement System of Illinois on the date of death, up to a maximum of 100% for a survivor of an employee or annuitant with 20 or more years of creditable service. The remainder of the cost of the new SERS survivor's coverage under the basic program of group health benefits shall be the responsibility of the survivor. In the case of a new SERS survivor who was the dependent of an annuitant who elected to receive an alternative retirement cancellation payment under Section 14-108.5 of the Illinois Pension Code in lieu of an annuity, for the purposes of this subsection the deceased annuitant's creditable service shall be determined as of the date of termination of service rather than the date of death.

(a-3) Beginning January 1, 1998, for each person who becomes a new SURS annuitant and participates in the basic program of group health benefits, the State shall contribute toward the cost of the annuitant's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of creditable service upon which the annuitant's retirement annuity is based, up to a maximum of 100% for an annuitant with 20 or more years of creditable service. The remainder of the cost of a new SURS annuitant's coverage under the basic program of group health benefits shall be the responsibility of the annuitant.

(a-4) (Blank).

(a-5) Beginning January 1, 1998, for each person who becomes a new SURS survivor and participates in the basic program of group health benefits, the State shall contribute toward the cost of the survivor's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of the deceased employee's or deceased annuitant's creditable service in the State Universities Retirement System on the date of death, up to a maximum of 100% for a survivor of an employee or annuitant with 20 or more years of creditable service. The remainder of the cost of the new SURS survivor's coverage under the basic program of group health benefits shall be the responsibility of the survivor.

(a-6) Beginning July 1, 1998, for each person who becomes a new TRS State annuitant and participates in the basic program of group health benefits, the State shall contribute toward the cost of the annuitant's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of creditable service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of the Illinois Pension Code upon which the annuitant's retirement annuity is based, up to a maximum of 100%; except that the State contribution shall be 12.5% per year (rather than 5%) for each full year of creditable service as a regional superintendent or assistant regional superintendent of schools. The remainder of the cost of a new TRS State annuitant's coverage under the basic program of

[March 12, 2008]

group health benefits shall be the responsibility of the annuitant.

(a-7) Beginning July 1, 1998, for each person who becomes a new TRS State survivor and participates in the basic program of group health benefits, the State shall contribute toward the cost of the survivor's coverage under the basic program of group health benefits an amount equal to 5% of that cost for each full year of the deceased employee's or deceased annuitant's creditable service as a teacher as defined in paragraph (2), (3), or (5) of Section 16-106 of the Illinois Pension Code on the date of death, up to a maximum of 100%; except that the State contribution shall be 12.5% per year (rather than 5%) for each full year of the deceased employee's or deceased annuitant's creditable service as a regional superintendent or assistant regional superintendent of schools. The remainder of the cost of the new TRS State survivor's coverage under the basic program of group health benefits shall be the responsibility of the survivor.

(a-8) A new SERS annuitant, new SERS survivor, new SURS annuitant, new SURS survivor, new TRS State annuitant, or new TRS State survivor may waive or terminate coverage in the program of group health benefits. Any such annuitant or survivor who has waived or terminated coverage may enroll or re-enroll in the program of group health benefits only during the annual benefit choice period, as determined by the Director; except that in the event of termination of coverage due to nonpayment of premiums, the annuitant or survivor may not re-enroll in the program.

(a-9) No later than May 1 of each calendar year, the Director of Central Management Services shall certify in writing to the Executive Secretary of the State Employees' Retirement System of Illinois the amounts of the Medicare supplement health care premiums and the amounts of the health care premiums for all other retirees who are not Medicare eligible.

A separate calculation of the premiums based upon the actual cost of each health care plan shall be so certified.

The Director of Central Management Services shall provide to the Executive Secretary of the State Employees' Retirement System of Illinois such information, statistics, and other data as he or she may require to review the premium amounts certified by the Director of Central Management Services.

The Department of Healthcare and Family Services, or any successor agency designated to procure healthcare contracts pursuant to this Act, is authorized to establish funds, separate accounts provided by any bank or banks as defined by the Illinois Banking Act, or separate accounts provided by any savings and loan association or associations as defined by the Illinois Savings and Loan Act of 1985 to be held by the Director, outside the State treasury, for the purpose of receiving the transfer of moneys from the Local Government Health Insurance Reserve Fund. The Department may promulgate rules further defining the methodology for the transfers. Any interest earned by moneys in the funds or accounts shall inure to the Local Government Health Insurance Reserve Fund. The transferred moneys, and interest accrued thereon, shall be used exclusively for transfers to administrative service organizations or their financial institutions for payments of claims to claimants and providers under the self-insurance health plan. The transferred moneys, and interest accrued thereon, shall not be used for any other purpose including, but not limited to, reimbursement of administration fees due the administrative service organization pursuant to its contract or contracts with the Department.

(b) State employees who become eligible for this program on or after January 1, 1980 in positions normally requiring actual performance of duty not less than 1/2 of a normal work period but not equal to that of a normal work period, shall be given the option of participating in the available program. If the employee elects coverage, the State shall contribute on behalf of such employee to the cost of the employee's benefit and any applicable dependent supplement, that sum which bears the same percentage as that percentage of time the employee regularly works when compared to normal work period.

(c) The basic non-contributory coverage from the basic program of group health benefits shall be continued for each employee not in pay status or on active service by reason of (1) leave of absence due to illness or injury, (2) authorized educational leave of absence or sabbatical leave, or (3) military leave with pay and benefits. This coverage shall continue until expiration of authorized leave and return to active service, but not to exceed 24 months for leaves under item (1) or (2). This 24-month limitation and the requirement of returning to active service shall not apply to persons receiving ordinary or accidental disability benefits or retirement benefits through the appropriate State retirement system or benefits under the Workers' Compensation or Occupational Disease Act.

(d) The basic group life insurance coverage shall continue, with full State contribution, where such person is (1) absent from active service by reason of disability arising from any cause other than self-inflicted, (2) on authorized educational leave of absence or sabbatical leave, or (3) on military leave with pay and benefits.

(e) Where the person is in non-pay status for a period in excess of 30 days or on leave of absence, other than by reason of disability, educational or sabbatical leave, or military leave with pay and

benefits, such person may continue coverage only by making personal payment equal to the amount normally contributed by the State on such person's behalf. Such payments and coverage may be continued: (1) until such time as the person returns to a status eligible for coverage at State expense, but not to exceed 24 months, (2) until such person's employment or annuitant status with the State is terminated, or (3) for a maximum period of 4 years for members on military leave with pay and benefits and military leave without pay and benefits (exclusive of any additional service imposed pursuant to law).

(f) The Department shall establish by rule the extent to which other employee benefits will continue for persons in non-pay status or who are not in active service.

(g) The State shall not pay the cost of the basic non-contributory group life insurance, program of health benefits and other employee benefits for members who are survivors as defined by paragraphs (1) and (2) of subsection (q) of Section 3 of this Act. The costs of benefits for these survivors shall be paid by the survivors or by the University of Illinois Cooperative Extension Service, or any combination thereof. However, the State shall pay the amount of the reduction in the cost of participation, if any, resulting from the amendment to subsection (a) made by this amendatory Act of the 91st General Assembly.

(h) Those persons occupying positions with any department as a result of emergency appointments pursuant to Section 8b.8 of the Personnel Code who are not considered employees under this Act shall be given the option of participating in the programs of group life insurance, health benefits and other employee benefits. Such persons electing coverage may participate only by making payment equal to the amount normally contributed by the State for similarly situated employees. Such amounts shall be determined by the Director. Such payments and coverage may be continued until such time as the person becomes an employee pursuant to this Act or such person's appointment is terminated.

(i) Any unit of local government within the State of Illinois may apply to the Director to have its employees, annuitants, and their dependents provided group health coverage under this Act on a non-insured basis. To participate, a unit of local government must agree to enroll all of its employees, who may select coverage under either the State group health benefits plan or a health maintenance organization that has contracted with the State to be available as a health care provider for employees as defined in this Act. A unit of local government must remit the entire cost of providing coverage under the State group health benefits plan or, for coverage under a health maintenance organization, an amount determined by the Director based on an analysis of the sex, age, geographic location, or other relevant demographic variables for its employees, except that the unit of local government shall not be required to enroll those of its employees who are covered spouses or dependents under this plan or another group policy or plan providing health benefits as long as (±) an appropriate official from the unit of local government attests that each employee not enrolled is a covered spouse or dependent under this plan or another group policy or plan, ~~and (2) at least 85% of the employees are enrolled and the unit of local government remits the entire cost of providing coverage to those employees, except that a participating school district must have enrolled at least 85% of its full-time employees who have not waived coverage under the district's group health plan by participating in a component of the district's cafeteria plan.~~ A participating school district is not required to enroll a full-time employee who has waived coverage under the district's health plan, provided that an appropriate official from the participating school district attests that the full-time employee has waived coverage by participating in a component of the district's cafeteria plan. For the purposes of this subsection, "participating school district" includes a unit of local government whose primary purpose is education as defined by the Department's rules.

Employees of a participating unit of local government who are not enrolled due to coverage under another group health policy or plan may enroll in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period. A participating unit of local government may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with the costs paid by the unit of local government, its employees, or some combination of the two as determined by the unit of local government. The unit of local government shall be responsible for timely collection and transmission of dependent premiums.

The Director shall annually determine monthly rates of payment, subject to the following constraints:

(1) In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages, or contributed by the State for basic insurance coverages on behalf of its employees, adjusted for differences between State employees and employees of the local government in age, sex, geographic location or other relevant demographic variables, plus an amount sufficient to pay for the additional administrative costs of providing coverage to employees of the unit of local government and their dependents.

(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the unit of local government.

In the case of coverage of local government employees under a health maintenance organization, the Director shall annually determine for each participating unit of local government the maximum monthly amount the unit may contribute toward that coverage, based on an analysis of (i) the age, sex, geographic location, and other relevant demographic variables of the unit's employees and (ii) the cost to cover those employees under the State group health benefits plan. The Director may similarly determine the maximum monthly amount each unit of local government may contribute toward coverage of its employees' dependents under a health maintenance organization.

Monthly payments by the unit of local government or its employees for group health benefits plan or health maintenance organization coverage shall be deposited in the Local Government Health Insurance Reserve Fund.

The Local Government Health Insurance Reserve Fund is hereby created as a nonappropriated trust fund to be held outside the State Treasury, with the State Treasurer as custodian. The Local Government Health Insurance Reserve Fund shall be a continuing fund not subject to fiscal year limitations. All revenues arising from the administration of the health benefits program established under this Section shall be deposited into the Local Government Health Insurance Reserve Fund. Any interest earned on moneys in the Local Government Health Insurance Reserve Fund shall be deposited into the Fund. All expenditures from this Fund shall be used for payments for health care benefits for local government and rehabilitation facility employees, annuitants, and dependents, and to reimburse the Department or its administrative service organization for all expenses incurred in the administration of benefits. No other State funds may be used for these purposes.

A local government employer's participation or desire to participate in a program created under this subsection shall not limit that employer's duty to bargain with the representative of any collective bargaining unit of its employees.

(j) Any rehabilitation facility within the State of Illinois may apply to the Director to have its employees, annuitants, and their eligible dependents provided group health coverage under this Act on a non-insured basis. To participate, a rehabilitation facility must agree to enroll all of its employees and remit the entire cost of providing such coverage for its employees, except that the rehabilitation facility shall not be required to enroll those of its employees who are covered spouses or dependents under this plan or another group policy or plan providing health benefits as long as ~~(1) an appropriate official from the rehabilitation facility attests that each employee not enrolled is a covered spouse or dependent under this plan or another group policy or plan, and (2) at least 85% of the employees are enrolled and the rehabilitation facility remits the entire cost of providing coverage to those employees.~~ Employees of a participating rehabilitation facility who are not enrolled due to coverage under another group health policy or plan may enroll in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period. A participating rehabilitation facility may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with the costs paid by the rehabilitation facility, its employees, or some combination of the 2 as determined by the rehabilitation facility. The rehabilitation facility shall be responsible for timely collection and transmission of dependent premiums.

The Director shall annually determine quarterly rates of payment, subject to the following constraints:

(1) In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages on behalf of its employees, adjusted for differences between State employees and employees of the rehabilitation facility in age, sex, geographic location or other relevant demographic variables, plus an amount sufficient to pay for the additional administrative costs of providing coverage to employees of the rehabilitation facility and their dependents.

(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the rehabilitation facility.

Monthly payments by the rehabilitation facility or its employees for group health benefits shall be deposited in the Local Government Health Insurance Reserve Fund.

(k) Any domestic violence shelter or service within the State of Illinois may apply to the Director to have its employees, annuitants, and their dependents provided group health coverage under this Act on a non-insured basis. To participate, a domestic violence shelter or service must agree to enroll all of its employees and pay the entire cost of providing such coverage for its employees. A participating domestic violence shelter may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with employees, or some combination of the 2 as determined by the domestic violence shelter or service. The domestic violence shelter or service shall be responsible for timely collection and

transmission of dependent premiums.

The Director shall annually determine rates of payment, subject to the following constraints:

(1) In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages on behalf of its employees, adjusted for differences between State employees and employees of the domestic violence shelter or service in age, sex, geographic location or other relevant demographic variables, plus an amount sufficient to pay for the additional administrative costs of providing coverage to employees of the domestic violence shelter or service and their dependents.

(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the domestic violence shelter or service.

Monthly payments by the domestic violence shelter or service or its employees for group health insurance shall be deposited in the Local Government Health Insurance Reserve Fund.

(l) A public community college or entity organized pursuant to the Public Community College Act may apply to the Director initially to have only annuitants not covered prior to July 1, 1992 by the district's health plan provided health coverage under this Act on a non-insured basis. The community college must execute a 2-year contract to participate in the Local Government Health Plan. Any annuitant may enroll in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period.

The Director shall annually determine monthly rates of payment subject to the following constraints: for those community colleges with annuitants only enrolled, first year rates shall be equal to the average cost to cover claims for a State member adjusted for demographics, Medicare participation, and other factors; and in the second year, a further adjustment of rates shall be made to reflect the actual first year's claims experience of the covered annuitants.

(l-5) The provisions of subsection (l) become inoperative on July 1, 1999.

(m) The Director shall adopt any rules deemed necessary for implementation of this amendatory Act of 1989 (Public Act 86-978).

(n) Any child advocacy center within the State of Illinois may apply to the Director to have its employees, annuitants, and their dependents provided group health coverage under this Act on a non-insured basis. To participate, a child advocacy center must agree to enroll all of its employees and pay the entire cost of providing coverage for its employees, except that the child advocacy center shall not be required to enroll those of its employees who are covered spouses or dependents under this plan or another group policy or plan providing health benefits as long as an appropriate official from the child advocacy center attests that each employee not enrolled is a covered spouse or dependent under this plan or another group policy or plan. A participating child advocacy center may also elect to cover its annuitants. Dependent coverage shall be offered on an optional basis, with the costs paid by the child advocacy center, its employees, or some combination of the 2 as determined by the child advocacy center. The child advocacy center shall be responsible for timely collection and transmission of dependent premiums.

The Director shall annually determine rates of payment, subject to the following constraints:

(1) In the first year of coverage, the rates shall be equal to the amount normally charged to State employees for elected optional coverages or for enrolled dependents coverages or other contributory coverages on behalf of its employees, adjusted for differences between State employees and employees of the child advocacy center in age, sex, geographic location, or other relevant demographic variables, plus an amount sufficient to pay for the additional administrative costs of providing coverage to employees of the child advocacy center and their dependents.

(2) In subsequent years, a further adjustment shall be made to reflect the actual prior years' claims experience of the employees of the child advocacy center.

Monthly payments by the child advocacy center or its employees for group health insurance shall be deposited into the Local Government Health Insurance Reserve Fund.

(Source: P.A. 94-839, eff. 6-6-06; 94-860, eff. 6-16-06; 95-331, eff. 8-21-07; 95-632, eff. 9-25-07; 95-707, eff. 1-11-08.)

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

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

[March 12, 2008]

On motion of Senator Clayborne, **Senate Bill No. 2015**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **Senate Bill No. 2021**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **Senate Bill No. 2033** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 2033**

AMENDMENT NO. 1. Amend Senate Bill 2033 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by adding Section 5-1062.3 as follows:

(55 ILCS 5/5-1062.3 new)

Sec. 5-1062.3. Stormwater management; Peoria.

(a) The purpose of this Section is to allow management and mitigation of the effects of urbanization on stormwater drainage in Peoria County and references to "county" in this Section apply only to that county. The purpose of this Section shall be achieved by:

(1) Consolidating the existing stormwater management framework into a united, countywide structure.

(2) Setting minimum standards for floodplain and stormwater management.

(3) Preparing a countywide plan for the management of stormwater runoff, including the management of natural and man-made drainageways. The countywide plan may incorporate watershed plans.

(b) A stormwater management planning committee may be established by county board resolution, with its membership consisting of equal numbers of county board and municipal representatives from each county board district, and such other members as may be determined by the county and municipal members. The county board may by ordinance divide the county into not less than 6 areas of approximately equal population, to be used instead of county board districts for the purpose of determining representation on the stormwater management planning committee.

The county board members shall be appointed by the chairman of the county board. Municipal members from each county board district or other represented area shall be appointed by a majority vote of the mayors of those municipalities that have the greatest percentage of their respective populations residing in that county board district or other represented area. All municipal and county board representatives shall be entitled to a vote; the other members shall be nonvoting members, unless authorized to vote by the unanimous consent of the municipal and county board representatives. A municipality that is located in more than one county may choose, at the time of formation of the stormwater management planning committee and based on watershed boundaries, to participate in the stormwater management planning program of either or both of the counties. Subcommittees of the stormwater management planning committee may be established to serve a portion of the county or a particular drainage basin that has similar stormwater management needs. The stormwater management planning committee shall adopt bylaws, by a majority vote of the county and municipal members, to govern the functions of the committee and its subcommittees. Officers of the committee shall include a chair and vice chair, one of whom shall be a county representative and one a municipal representative.

The principal duties of the committee shall be to develop a stormwater management plan for presentation to and approval by the county board, and to direct the plan's implementation and revision. The committee may retain engineering, legal, and financial advisors and inspection personnel. The committee shall meet at least quarterly and shall hold at least one public meeting during the preparation of the plan and prior to its submittal to the county board. The committee may make grants to units of local government that have adopted an ordinance requiring actions consistent with the stormwater management plan and to landowners for the purposes of stormwater management, including special projects; use of the grant money must be consistent with the stormwater management plan.

The committee shall not have or exercise any power of eminent domain.

(c) In the preparation of a stormwater management plan, a county stormwater management planning committee shall coordinate the planning process with each adjoining county to ensure that recommended stormwater projects will have no significant impact on the levels or flows of stormwaters in inter-county

[March 12, 2008]

watersheds or on the capacity of existing and planned stormwater retention facilities. An adopted stormwater management plan shall identify steps taken by the county to coordinate the development of plan recommendations with adjoining counties.

(d) The stormwater management committee may not enforce any rules or regulations that would interfere with (i) any power granted by the Illinois Drainage Code (70 ILCS 605/) to operate, construct, maintain, or improve drainage systems or (ii) the ability to operate, maintain, or improve the drainage systems used on or by land or a facility used for production agriculture purposes, as defined in the Use Tax Act (35 ILCS 105/), except newly constructed buildings and newly installed impervious paved surfaces. Disputes regarding an exception shall be determined by a mutually agreed upon arbitrator paid by the disputing party or parties.

(e) Before the stormwater management planning committee recommends to the county board a stormwater management plan for the county or a portion thereof, it shall submit the plan to the Office of Water Resources of the Department of Natural Resources for review and recommendations. The Office, in reviewing the plan, shall consider such factors as impacts on the levels or flows in rivers and streams and the cumulative effects of stormwater discharges on flood levels. The Office of Water Resources shall determine whether the plan or ordinances enacted to implement the plan complies with the requirements of subsection (f). Within a period not to exceed 60 days, the review comments and recommendations shall be submitted to the stormwater management planning committee for consideration. Any amendments to the plan shall be submitted to the Office for review.

(f) Prior to recommending the plan to the county board, the stormwater management planning committee shall hold at least one public hearing thereon and shall afford interested persons an opportunity to be heard. The hearing shall be held in the county seat. Notice of the hearing shall be published at least once no less than 15 days in advance of the hearing in a newspaper of general circulation published in the county. The notice shall state the time and place of the hearing and the place where copies of the proposed plan will be accessible for examination by interested parties. If an affected municipality having a stormwater management plan adopted by ordinance wishes to protest the proposed county plan provisions, it shall appear at the hearing and submit in writing specific proposals to the stormwater management planning committee. After consideration of the matters raised at the hearing, the committee may amend or approve the plan and recommend it to the county board for adoption.

The county board may enact the proposed plan by ordinance. If the proposals for modification of the plan made by an affected municipality having a stormwater management plan are not included in the proposed county plan, and the municipality affected by the plan opposes adoption of the county plan by resolution of its corporate authorities, approval of the county plan shall require an affirmative vote of at least two-thirds of the county board members present and voting. If the county board wishes to amend the county plan, it shall submit in writing specific proposals to the stormwater management planning committee. If the proposals are not approved by the committee, or are opposed by resolution of the corporate authorities of an affected municipality having a municipal stormwater management plan, amendment of the plan shall require an affirmative vote of at least two-thirds of the county board members present and voting.

(g) The county board may prescribe by ordinance reasonable rules and regulations for floodplain management and for governing the location, width, course, and release rate of all stormwater runoff channels, streams, and basins in the county, in accordance with the adopted stormwater management plan. Land, facilities, and drainage district facilities used for production agriculture as defined in subsection (d) shall not be subjected to regulation by the county board or stormwater management committee under this Section for floodplain management and for governing location, width, course, maintenance, and release rate of stormwater runoff channels, streams and basins, or water discharged from a drainage district. These rules and regulations shall, at a minimum, meet the standards for floodplain management established by the Office of Water Resources and the requirements of the Federal Emergency Management Agency for participation in the National Flood Insurance Program. The Commission may not impose more stringent regulations regarding water quality on entities discharging in accordance with a valid National Pollution Discharge Elimination System permit issued under the Environmental Protection Act.

(h) In accordance with, and if recommended in, the adopted stormwater management plan, the county board may adopt a schedule of fees as may be necessary to mitigate the effects of stormwater runoff based on actual costs. The fees shall not exceed the cost of satisfying the onsite stormwater retention or detention requirements of the adopted stormwater management plan. The fees shall be used to finance activities undertaken by the county or its included municipalities to mitigate the effects of urban stormwater runoff by providing regional stormwater retention or detention facilities, as identified in the county plan. The county board shall provide for a credit or reduction in fees for any onsite retention,

detention, drainage district assessments, or other similar stormwater facility consistent with the stormwater management ordinance. Developers are exempt from any fees under this Section if the new development satisfies onsite retention or detention pursuant to any other local ordinance addressing erosion, sediment, or stormwater control and Illinois Environmental Protection Agency regulations that place the development into compliance with the National Pollutant Discharge Elimination System (NPDES) permit program at the time of the dedication of public infrastructure. All these fees collected by the county shall be held in a separate fund, and shall be expended only in the watershed within which they were collected.

(i) For the purpose of implementing this Section and for the development, design, planning, construction, operation, and maintenance of stormwater facilities provided for in the stormwater management plan, a county board that has established a stormwater management planning committee pursuant to this Section may cause an annual tax of not to exceed 0.20% of the value, as equalized or assessed by the Department of Revenue, of all taxable property in the county to be levied upon all the taxable property in the county or occupation and use taxes of 1/10 of one cent. The property tax shall be in addition to all other taxes authorized by law to be levied and collected in the county and shall be in addition to the maximum tax rate authorized by law for general county purposes. The 0.20% limitation provided in this Section may be increased or decreased by referendum in accordance with the provisions of Sections 18-120, 18-125, and 18-130 of the Property Tax Code (35 ILCS 200/).

Any revenues generated as a result of ownership or operation of facilities or land acquired with the tax funds collected pursuant to this subsection shall be held in a separate fund and be used either to abate such property tax or for implementing this Section.

However, the tax authorized by this subsection shall not be levied until the question of its adoption, either for a specified period or indefinitely, has been submitted to the electors thereof and approved by a majority of those voting on the question. This question may be submitted at any election held in the county after the adoption of a resolution by the county board providing for the submission of the question to the electors of the county. The county board shall certify the resolution and proposition to the proper election officials, who shall submit the proposition at an election in accordance with the general election law. If a majority of the votes cast on the question is in favor of the levy of the tax, it may thereafter be levied in the county for the specified period or indefinitely, as provided in the proposition. The question shall be put in substantially the following form:

Shall an annual tax be levied for stormwater management purposes (for a period of not more than ..... years) at a rate not exceeding .....% of the equalized assessed value of the taxable property of Peoria County?

Or this question may be submitted at any election held in the county after the adoption of a resolution by the county board providing for the submission of the question to the electors of the county to authorize use and occupation taxes of 1/10 of one cent:

Shall use and occupation taxes be raised for stormwater management purposes (for a period of not more than ..... years) at a rate of 1/10 of one cent for taxable goods in Peoria County?

Votes shall be recorded as Yes or No.

(j) If the county adopts a property tax in accordance with the provisions in this Section, the stormwater management committee shall offer property tax abatements or incentive payments to property owners who construct, maintain, and use approved stormwater management devices. If the county adopts use and occupation taxes in accordance with the provisions of this Section, the stormwater management committee may offer tax rebates or incentive payments to property owners who construct, maintain, and use approved stormwater management devices. The stormwater management committee is authorized to offer credits to the property tax, if applicable, based on authorized practices consistent with the stormwater management plan and approved by the committee. Expenses of staff of a stormwater management committee that are expended on regulatory project review may be no more than 20% of the annual budget of the committee, including funds raised under subsections (h) and (i).

(k) If the county has adopted a county stormwater management plan under this Section it may, after 10 days written notice receiving consent of the owner or occupant, enter upon any lands or waters within the county for the purpose of inspecting stormwater facilities or causing the removal of any obstruction to an affected watercourse. If consent is denied or cannot be reasonably obtained, the county ordinance shall provide a process or procedure for an administrative warrant to be obtained. The county shall be responsible for any damages occasioned thereby.

(l) Upon petition of the municipality, and based on a finding of the stormwater management planning committee, the county shall not enforce rules and regulations adopted by the county in any municipality located wholly or partly within the county that has a municipal stormwater management ordinance that is consistent with and at least as stringent as the county plan and ordinance, and is being enforced by the

municipal authorities. On issues that the county ordinance is more stringent as deemed by the committee, the county shall only enforce rules and regulations adopted by the county on the more stringent issues and accept municipal permits. The county shall have no more than 60 days to review permits or the permits shall be deemed approved.

(m) The county may issue general obligation bonds for implementing any stormwater plan adopted under this Section in the manner prescribed in Section 5-1012; except that the referendum requirement of Section 5-1012 does not apply to bonds issued pursuant to this Section on which the principal and interest are to be paid entirely out of funds generated by the taxes and fees authorized by this Section.

(n) The powers authorized by this Section may be implemented by the county board for a portion of the county subject to similar stormwater management needs.

(o) The powers and taxes authorized by this Section are in addition to the powers and taxes authorized by Division 5-15; in exercising its powers under this Section, a county shall not be subject to the restrictions and requirements of that Division.

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

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

On motion of Senator Jacobs, **Senate Bill No. 2070**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 2078**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Millner, **Senate Bill No. 2135**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **Senate Bill No. 2187**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 2240**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 2250**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 2298**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **Senate Bill No. 2301**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schoenberg, **Senate Bill No. 2332**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 2336**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 2338**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Wilhelmi, **Senate Bill No. 2352**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **Senate Bill No. 2353**, having been printed, was taken up, read by title a second time and ordered to a third reading.

[March 12, 2008]

On motion of Senator Collins, **Senate Bill No. 2387**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 2396**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 2399**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **Senate Bill No. 2404**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 2461**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **Senate Bill No. 2473**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **Senate Bill No. 2474**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **Senate Bill No. 2486**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Forby, **Senate Bill No. 2487**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Forby, **Senate Bill No. 2488** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 2488**

AMENDMENT NO. 1. Amend Senate Bill 2488 on page 1, by replacing lines 7 through 12 with the following:

"(625 ILCS 5/11-213 new)

Sec. 11-213. Power of a fire department officer; highway or lane closure. In the absence of a law enforcement officer or a representative of the highway agency having jurisdiction over the highway, an officer of a fire department, in the performance of his or her official duties, has the authority to close to traffic a highway, or a lane or lanes of a highway, as necessary to protect the safety of persons or property. In order to promote the safe implementation of this Section, the fire department officer shall utilize an official fire department vehicle with lighted red or white oscillating, rotating, or flashing lights in accordance with Section 12-215 of this Code and proper temporary traffic control in accordance with the sections of the Illinois Manual on Uniform Traffic Control Devices concerning temporary traffic control and incident management. The officer should also receive training in safe practices for accomplishing these tasks near traffic. This Section does not apply to highways under the jurisdiction of the Illinois State Toll Highway Authority. As used in this Section, "highway" has the meaning set forth in Section 1-126 of this Code."

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

On motion of Senator Lightford, **Senate Bill No. 2492**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 2500**, having been printed, was taken up, read by title a second time and ordered to a third reading.

[March 12, 2008]

On motion of Senator Link, **Senate Bill No. 2513** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 2513**

AMENDMENT NO. 1. Amend Senate Bill 2513 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Banking Act is amended by changing Section 1 as follows:  
(205 ILCS 5/1) (from Ch. 17, par. 301)

Sec. 1. Title.

This Act may be cited as ~~the~~ the Illinois Banking Act.  
(Source: Laws 1955, p. 83.)

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

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

On motion of Senator Martinez, **Senate Bill No. 2531**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 2536** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 2536**

AMENDMENT NO. 1. Amend Senate Bill 2536 on page 3, by replacing lines 5 and 6 with the following:  
"Notice".

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

On motion of Senator Clayborne, **Senate Bill No. 2547** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 2547**

AMENDMENT NO. 1. Amend Senate Bill 2547 on page 11, line 24, by replacing "during years" with "during supply years".

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

On motion of Senator DeLeo, **Senate Bill No. 2564** having been printed, was taken up, read by title a second time.

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

**AMENDMENT NO. 1 TO SENATE BILL 2564**

AMENDMENT NO. 1. Amend Senate Bill 2564 on page 1, line 12 by inserting "with" after "cooperate".

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

[March 12, 2008]

On motion of Senator Risinger, **Senate Bill No. 2581**, having been printed, was taken up, read by title a second time and ordered to a third reading.

#### SENATE BILL RECALLED

On motion of Senator Lightford, **Senate Bill No. 1993** was recalled from the order of third reading to the order of second reading.

And **Senate Bill No. 1993** was held on the order of second reading.

#### COMMITTEE MEETING ANNOUNCEMENTS

Senator Silverstein, Chairperson of the Committee on Executive, announced that the Executive Committee will meet today in Room 212, immediately upon adjournment.

Senator Harmon, Chairperson of the Committee on Revenue, announced that the Revenue Committee will meet today in Room 400, immediately upon adjournment.

Senator Forby, Chairperson of the Committee on Labor, announced that the Labor Committee will meet today in Room 400, at 2:30 o'clock p.m.

Senator Delgado, Chairperson of the Committee on Licensed Activities, announced that the Licensed Activities Committee will meet today in Room 409, at 2:30 o'clock p.m.

Senator Lightford, Chairperson of the Committee on Education, announced that the Education Committee will meet today in Room 212, at 2:30 o'clock p.m.

Senator Schoenberg, Chairperson of the Committee on Appropriations II, announced that the Appropriations II Committee will meet today in Room 212, at 4:00 o'clock p.m.

Senator Hunter, Chairperson of the Committee on Appropriations III, announced that the Appropriations III Committee will meet Thursday, March 13, 2008 in Room 212, at 9:00 o'clock a.m.

Senator Collins, Chairperson of the Committee on Financial Institutions, announced that the Financial Institutions Committee will meet Thursday, March 13, 2008 in Room 400, at 9:00 o'clock a.m.

Senator Maloney, Chairperson of the Committee on Higher Education, announced that the Higher Education Committee will meet today in Room 409, at 4:00 o'clock p.m.

Senator Haine, Chairperson of the Committee on Insurance, announced that the Insurance Committee will meet today in Room 400, at 4:00 o'clock p.m.

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, announced that the State Government and Veterans Affairs Committee will meet today in Room 409, immediately upon adjournment.

Senator Garrett, Chairperson of the Committee on Public Health, announced that the Public Health Committee will meet Thursday, March 13, 2008 in Room 400, at 10:30 o'clock a.m.

Senator Crotty, Chairperson of the Committee on Local Government, announced that the Local Government Committee will meet Thursday, March 13, 2008 in Room 409, at 10:30 o'clock a.m.

Senator Crotty, Member of the Committee on Housing and Community Affairs, announced that the Housing and Community Affairs Committee will meet Thursday, March 13, 2008 in Room 409, at 11:00 o'clock a.m.

[March 12, 2008]

Senator Cullerton, Chairperson of the Committee on Judiciary Civil Law, announced that the Judiciary Civil Law Committee will meet Thursday, March 13, 2008 in Room 212, at 8:00 o'clock a.m.

At the hour of 1:12 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, March 13, 2008, at 11:30 o'clock a.m.