

**State of Illinois
91st General Assembly
Final Senate Journal**

SENATE

2005

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

31ST LEGISLATIVE DAY

WEDNESDAY, APRIL 20, 1999

12:30 O'CLOCK P.M.

The Senate met pursuant to adjournment.
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
Prayer by Pastor Thomas Radtke, Trinity Evangelical Lutheran Church, Springfield, Illinois.
Senator Sieben led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, April 14, 1999, was being read when on motion of Senator Myers 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.

Senator Myers moved that reading and approval of the Journal of Thursday, April 15, 1999 be postponed pending arrival of the printed Journal.

The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

A Report on Expenditures for the Title XX Social Services Block Grant, Fiscal year 1998, submitted by the Department of Human Services.

The Annual Report, Employment and Training, FY 1998, and a report on the Illinois Welfare Reform, The First 18 Months, July 1997 - December 1998, submitted by the Department of Human Services.

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

LEGISLATIVE MEASURE FILED

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

Senate Amendment No. 1 to House Bill 1188

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 33

Concurred in by the House, April 15, 1999.

ANTHONY D. ROSSI, Clerk of the House

REPORTS FROM STANDING COMMITTEES

Senator Klemm, Chairperson of the Committee on Executive to which was referred **House Bills numbered 2106 and 2775** reported the same back with the recommendation that the bills do pass.

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

Senator Klemm, Chairperson of the Committee on Executive to which was referred **House Bills numbered 107 and 2164** 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 Klemm, Chairperson of the Committee on Executive, to which was referred **Senate Joint Resolution No. 21** reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, **Senate Joint Resolution 21** was placed on the

Secretary's Desk.

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred **House Bills numbered 1355 and 2166** reported the same back with the recommendation that the bills do pass.

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

Senator Syverson, Chairperson of the Committee on Public Health and Welfare to which was referred **House Bills numbered 317, 423, 596, 1280 and 1325** reported the same back with the recommendation that the bills do pass.

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

Senator Syverson, Chairperson of the Committee on Public Health and Welfare, to which was referred **Senate Resolution No. 70** reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution 70** was placed on the Secretary's Desk.

Senator T. Walsh, Chairperson of the Committee on State Government Operations to which was referred **House Bills numbered 524,**

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891 and 2720 reported the same back with the recommendation that the bills do pass.

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

Senator T. Walsh, Chairperson of the Committee on State Government Operations to which was referred **House Bills numbered 1926 and 2724** 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.

At the hour of 12:47 o'clock p.m., Senator Geo-Karis presiding.

MESSAGES FROM THE SECRETARY OF STATE

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE
Secretary of State

April 20, 1999-A

Honorable Members
Illinois State Senate
Ninety-First General Assembly
Springfield, IL 62706

Dear Senators:

I have nominated and appointed the following named person to replace Rich Williamson to the Office enumerated below and respectfully ask concurrence in and confirmation of this appointment by your Honorable Body:

COMMISSIONER OF THE MERIT COMMISSION FOR
THE OFFICE OF THE SECRETARY OF STATE

To be a Commissioner of the Merit Commission for the Office of the Secretary of State for a term ending July 1, 2005.

George W. Dunne of Chicago
Salaried

Thank you for your consideration.

Sincerely,

s/Jesse White
Secretary of State

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE
Secretary of State

April 20, 1999-B

Honorable Members

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[Apr. 20, 1999]

Illinois State Senate
Ninety-First General Assembly
Springfield, IL 62706

Dear Senators:

I have nominated and appointed the following named person to the Office enumerated below and respectfully ask concurrence in and confirmation of this appointment by your Honorable Body:

COMMISSIONER OF THE MERIT COMMISSION FOR
THE OFFICE OF THE SECRETARY OF STATE

To be a Commissioner of the Merit Commission for the Office of the Secretary of State for a term ending April 20, 2005.

James L. Wright of Chicago
Salaried

Thank you for your consideration.

Sincerely,

s/Jesse White
Secretary of State

Under the rules, the foregoing Messages were referred to the Committee on Executive Appointments.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 86

Offered by Senator Shaw and all Senators:
Mourns the death of James Lee Lewis of Chicago.

The foregoing resolution was referred to the Resolutions Consent Calendar.

EXCUSED FROM ATTENDANCE

On motion of Senator Weaver, Senator O'Malley was excused from attendance due to illness.

**READING BILLS FROM THE HOUSE OF REPRESENTATIVES
A FIRST TIME**

House Bill No. 63, sponsored by Senator Watson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 80, sponsored by Senators Maitland - T. Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 95, sponsored by Senator Maitland was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 496, sponsored by Senator Syverson was taken up,

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read by title a first time and referred to the Committee on Rules.

House Bill No. 543, sponsored by Senator Myers was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 557, sponsored by Senator Viverito was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 733, sponsored by Senator Watson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 737, sponsored by Senator E. Jones was taken up,

read by title a first time and referred to the Committee on Rules.

House Bill No. 793, sponsored by Senator T. Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 806, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 887, sponsored by Senator W. Jones was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 914, sponsored by Senator Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 953, sponsored by Senators Philip - Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1116, sponsored by Senator Syverson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1149, sponsored by Senator Lauzen was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1160, sponsored by Senator Lauzen was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1268, sponsored by Senator Petka was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1333, sponsored by Senator L. Madigan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1408, sponsored by Senator Dudycz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1409, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1492, sponsored by Senator Lauzen was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1579, sponsored by Senator Lauzen was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1581, sponsored by Senator Maitland was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1582, sponsored by Senator R. Madigan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1583, sponsored by Senator R. Madigan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1597, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1598, sponsored by Senator Maitland was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1801, sponsored by Senator Watson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1980, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2037, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2038, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2044, sponsored by Senator Noland was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2120, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2169, sponsored by Senator Shadid was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2170, sponsored by Senator Shadid was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2171, sponsored by Senator Shadid was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2198, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2219, sponsored by Senator Geo-Karis was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2359, sponsored by Senator T. Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2596, sponsored by Senator L. Madigan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2644, sponsored by Senator Burzynski was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2645, sponsored by Senator Burzynski was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2648, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2760, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2791, sponsored by Senator Geo-Karis was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2836, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1680, sponsored by Senator Demuzio was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2647, sponsored by Senator Burzynski was taken up, read by title a first time and referred to the Committee on Rules.

COMMITTEE MEETING CANCELLED

Senator T. Walsh, Chairperson of the Committee on State Government Operations announced that State Government Operations Committee meeting scheduled for Wednesday, April 21, 1999 at 1:00 o'clock p.m., in the Senate Chambers has been cancelled.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Myers, **House Bill No. 131** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Fawell, **House Bill No. 235** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, **House Bill No. 325** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mahar, **House Bill No. 379** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **House Bill No. 458** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, **House Bill No. 497** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **House Bill No. 518** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Fawell, **House Bill No. 604** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 607** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 795** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 835** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Sullivan, **House Bill No. 909** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Donahue, **House Bill No. 1188** was taken up and read by title a second time.

Floor Amendment No. 1 was filed earlier today and referred to the Committee on Rules.

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

On motion of Senator Shadid, **House Bill No. 1352** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dudycz, **House Bill No. 1365** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1365 on page 4, line 2, by inserting after the period the following:

"The Department of State Police must process, retain, and additionally provide and disseminate information to the Board concerning criminal charges, arrests, convictions, and their disposition, that have been filed before, on, or after the effective date of this amendatory Act of the 91st General Assembly against a basic academy applicant, law enforcement applicant, or law enforcement officer whose fingerprint identification cards are on file or maintained by the Department of State Police."

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

On motion of Senator Karpiel, **House Bill No. 1784** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **House Bill No. 1806** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 1809** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1809 on page 4, by replacing lines 10 through 14 with the following:

"Upon notice from the Secretary that the registrant has failed to pay the excess mileage fees, the surety shall immediately pay the fees together with any penalties and interest thereon in an amount not to exceed the limits of the bond."

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

On motion of Senator Shadid, **House Bill No. 1871** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

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AMENDMENT NO. 1. Amend House Bill 1871 by replacing the title with the following:

"AN ACT to amend the Illinois Vehicle Code by changing Sections 6-106.1a and 6-106.1b."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 6-106.1a and 6-106.1b as follows:

(625 ILCS 5/6-106.1a)

Sec. 6-106.1a. Cancellation of school bus driver permit; trace of alcohol.

(a) A person who has been issued a school bus driver permit by the Secretary of State in accordance with Section 6-106.1 of this Code and who drives or is in actual physical control of a school bus or any other vehicle owned or operated by or for a public or private school, or a school operated by a religious institution, when the vehicle is being used over a regularly scheduled route for the transportation of persons enrolled as students in grade 12 or below, in connection with any activity of the entities listed, upon the public highways of this State shall be deemed to have given consent to a chemical test or tests of blood, breath, or urine for the purpose of determining the alcohol content of the person's blood if arrested, as evidenced by the issuance of a Uniform Traffic Ticket for any violation of this Code or a similar provision of a local ordinance, if a police officer has probable cause to believe that the driver has consumed any amount of an alcoholic beverage based upon evidence of the driver's physical condition or other first hand knowledge of the police officer. The test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. A urine test may be administered even after a blood or breath test or both has been administered.

(b) A person who is dead, unconscious, or who is otherwise in a condition rendering that person incapable of refusal, shall be deemed

not to have withdrawn the consent provided by paragraph (a) of this Section and the test or tests may be administered subject to the following provisions:

(1) Chemical analysis of the person's blood, urine, breath, or other substance, to be considered valid under the provisions of this Section, shall have been performed according to standards promulgated by the Department of Public Health, in consultation with the Department of State Police, by an individual possessing a valid permit issued by the Department of Public Health for this purpose. The Director of Public Health, in consultation with the Department of State Police, is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct analyses, to issue permits that shall be subject to termination or revocation at the direction of the Department of Public Health, and to certify the accuracy of breath testing equipment. The Department of Public Health shall prescribe rules as necessary.

(2) When a person submits to a blood test at the request of a law enforcement officer under the provisions of this Section, only a physician authorized to practice medicine, a registered nurse, or other qualified person trained in venipuncture and acting under the direction of a licensed physician may withdraw blood for the purpose of determining the alcohol content. This limitation does not apply to the taking of breath or urine specimens.

(3) The person tested may have a physician, qualified

technician, chemist, registered nurse, or other qualified person of his or her own choosing administer a chemical test or tests in addition to any test or tests administered at the direction of a law enforcement officer. The test administered at the request of the person may be admissible into evidence at a hearing conducted in accordance with Section 2-118 of this Code. The failure or inability to obtain an additional test by a person shall not preclude the consideration of the previously performed chemical test.

(4) Upon a request of the person who submits to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to the person or that person's attorney by the requesting law enforcement agency within 72 hours of receipt of the test result.

(5) Alcohol concentration means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(6) If a driver is receiving medical treatment as a result of a motor vehicle accident, a physician licensed to practice medicine, registered nurse, or other qualified person trained in venipuncture and acting under the direction of a licensed physician shall withdraw blood for testing purposes to ascertain the presence of alcohol upon the specific request of a law enforcement officer. However, that testing shall not be performed until, in the opinion of the medical personnel on

scene, the withdrawal can be made without interfering with or endangering the well-being of the patient.

(c) A person requested to submit to a test as provided in this Section shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of more than 0.00, may result in the loss of that person's privilege to possess a school bus driver permit. The loss of the individual's privilege to possess a school bus driver permit shall be imposed in accordance with Section 6-106.1b of this Code.

(d) If the person refuses testing or submits to a test that discloses an alcohol concentration of more than 0.00, the law enforcement officer shall immediately submit a sworn report to the Secretary of State on a form prescribed by the Secretary of State certifying that the test or tests were requested under subsection (a) and the person refused to submit to a test or tests or submitted to testing which disclosed an alcohol concentration of more than 0.00. The law enforcement officer shall submit the same sworn report when a person who has been issued a school bus driver permit and who was operating a school bus or any other vehicle owned or operated by or for a public or private school, or a school operated by a religious institution, when the vehicle is being used over a regularly scheduled route for the transportation of persons enrolled as students in grade 12 or below, in connection with any activity of the entities listed, submits to testing under Section 11-501.1 of this Code and the testing discloses an alcohol concentration of more than 0.00 and less than the alcohol concentration at which driving or being in actual physical control of a motor vehicle is prohibited under paragraph (1) of subsection (a) of Section 11-501 0.10.

Upon receipt of the sworn report of a law enforcement officer, the Secretary of State shall enter the school bus driver permit sanction on the individual's driving record and the sanction shall be effective on the 46th day following the date notice of the sanction was given to the person.

The law enforcement officer submitting the sworn report shall serve immediate notice of this school bus driver permit sanction on

the person and the sanction shall be effective on the 46th day following the date notice was given.

In cases where the blood alcohol concentration of more than 0.00 is established by a subsequent analysis of blood or urine, the police officer or arresting agency shall give notice as provided in this Section or by deposit in the United States mail of that notice in an envelope with postage prepaid and addressed to that person at his or her last known address and the loss of the school bus driver permit shall be effective on the 46th day following the date notice was given.

Upon receipt of the sworn report of a law enforcement officer, the Secretary of State shall also give notice of the school bus driver permit sanction to the driver and the driver's current employer by mailing a notice of the effective date of the sanction to the individual. However, shall the sworn report be defective by not containing sufficient information or be completed in error, the

notice of the school bus driver permit sanction may not be mailed to the person or his current employer or entered to the driving record, but rather the sworn report shall be returned to the issuing law enforcement agency.

(e) A driver may contest this school bus driver permit sanction by requesting an administrative hearing with the Secretary of State in accordance with Section 2-118 of this Code. An individual whose blood alcohol concentration is shown to be more than 0.00 is not subject to this Section if he or she consumed alcohol in the performance of a religious service or ceremony. An individual whose blood alcohol concentration is shown to be more than 0.00 shall not be subject to this Section if the individual's blood alcohol concentration resulted only from ingestion of the prescribed or recommended dosage of medicine that contained alcohol. The petition for that hearing shall not stay or delay the effective date of the impending suspension. The scope of this hearing shall be limited to the issues of:

(1) whether the police officer had probable cause to believe that the person was driving or in actual physical control of a school bus or any other vehicle owned or operated by or for a public or private school, or a school operated by a religious institution, when the vehicle is being used over a regularly scheduled route for the transportation of persons enrolled as students in grade 12 or below, in connection with any activity of the entities listed, upon the public highways of the State and the police officer had reason to believe that the person was in violation of any provision of this Code or a similar provision of a local ordinance; and

(2) whether the person was issued a Uniform Traffic Ticket for any violation of this Code or a similar provision of a local ordinance; and

(3) whether the police officer had probable cause to believe that the driver had consumed any amount of an alcoholic beverage based upon the driver's physical actions or other first-hand knowledge of the police officer; and

(4) whether the person, after being advised by the officer that the privilege to possess a school bus driver permit would be canceled if the person refused to submit to and complete the test or tests, did refuse to submit to or complete the test or tests to determine the person's alcohol concentration; and

(5) whether the person, after being advised by the officer that the privileges to possess a school bus driver permit would be canceled if the person submits to a chemical test or tests and the test or tests disclose an alcohol concentration of more than 0.00 and the person did submit to and complete the test or tests

that determined an alcohol concentration of more than 0.00; and

(6) whether the test result of an alcohol concentration of more than 0.00 was based upon the person's consumption of alcohol in the performance of a religious service or ceremony; and

(7) whether the test result of an alcohol concentration of more than 0.00 was based upon the person's consumption of alcohol through ingestion of the prescribed or recommended dosage of

medicine.

The Secretary of State may adopt administrative rules setting forth circumstances under which the holder of a school bus driver permit is not required to appear in person at the hearing.

Provided that the petitioner may subpoena the officer, the hearing may be conducted upon a review of the law enforcement officer's own official reports. Failure of the officer to answer the subpoena shall be grounds for a continuance if, in the hearing officer's discretion, the continuance is appropriate. At the conclusion of the hearing held under Section 2-118 of this Code, the Secretary of State may rescind, continue, or modify the school bus driver permit sanction.

(f) The results of any chemical testing performed in accordance with subsection (a) of this Section are not admissible in any civil or criminal proceeding, except that the results of the testing may be considered at a hearing held under Section 2-118 of this Code. However, the results of the testing may not be used to impose driver's license sanctions under Section 11-501.1 of this Code. A law enforcement officer may, however, pursue a statutory summary suspension of driving privileges under Section 11-501.1 of this Code if other physical evidence or first hand knowledge forms the basis of that suspension.

(g) This Section applies only to drivers who have been issued a school bus driver permit in accordance with Section 6-106.1 of this Code at the time of the issuance of the Uniform Traffic Ticket for a violation of this Code or a similar provision of a local ordinance, and a chemical test request is made under this Section.

(h) The action of the Secretary of State in suspending, revoking, canceling, or denying any license, permit, registration, or certificate of title shall be subject to judicial review in the Circuit Court of Sangamon County or in the Circuit Court of Cook County, and the provisions of the Administrative Review Law and its rules are hereby adopted and shall apply to and govern every action for the judicial review of final acts or decisions of the Secretary of State under this Section.

(Source: P.A. 90-107, eff. 1-1-98.)

(625 ILCS 5/6-106.1b)

Sec. 6-106.1b. Loss of school bus driver permit privileges; failure or refusal to submit to chemical testing. Unless the loss of school bus driver permit privileges based upon consumption of alcohol by an individual who has been issued a school bus driver permit in accordance with Section 6-106.1 of this Code or refusal to submit to testing has been rescinded by the Secretary of State in accordance with subsection (c) of Section 6-206 of this Code, a person whose privilege to possess a school bus driver permit has been canceled under Section 6-106.1a is not eligible for restoration of the privilege until the expiration of 3 years from the effective date of the cancellation for a person who has refused or failed to complete a test or tests to determine blood alcohol concentration or has submitted to testing with a blood alcohol concentration of more than 0.00 ~~or more~~.

(Source: P.A. 90-107, eff. 1-1-98.)

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

law."

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

On motion of Senator Clayborne, **House Bill No. 2011** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dudycz, **House Bill No. 2041** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2041 by replacing the title with the following:

"AN ACT to amend the Illinois Wage Payment and Collection Act by changing Section 9."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Wage Payment and Collection Act is amended by changing Section 9 as follows:

(820 ILCS 115/9) (from Ch. 48, par. 39m-9)

Sec. 9. Except as hereinafter provided, deductions by employers from wages or final compensation are prohibited unless such deductions are (1) required by law; (2) to the benefit of the employee; (3) in response to a valid wage assignment or wage deduction order; (4) made with the express written consent of the employee, given freely at the time the deduction is made; ~~or~~ (5) made by a municipality with a population of 500,000 or more, a community college district in a city with a population of 500,000 or more, a housing authority in a municipality with a population of 500,000 or more, the Chicago Park District, the Metropolitan Transit Authority, or the Chicago School Reform Board of Trustees to pay a debt owed by the employee to a municipality with a population of 500,000 or more; provided, however, that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment; or (6) made by a housing authority in a municipality with a population of 500,000 or more or a municipality with a population of 500,000 or more to pay a debt owed by the employee to a housing authority in a municipality with a population of 500,000 or more; provided, however, that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment. Before the municipality with a population of 500,000 or more, the Chicago Park District, the Metropolitan Transit Authority, a housing authority in a municipality with a population of 500,000 or more, or the Chicago School Reform Board of Trustees deducts any amount from any salary or wage of an employee to pay a debt owed to a municipality with a population of 500,000 or more under this Section, the municipality shall certify that the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the municipality. Before a housing authority in a municipality with a population of 500,000 or more or a municipality with a population of 500,000 or more deducts any amount from any salary or wage of an employee to pay a debt owed to a housing authority in a municipality with a population of 500,000 or more under this Section, the housing

authority shall certify that the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the housing authority. For purposes of this Section, "net amount" means that part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted and "debt due and owing" means (i) a specified sum of money owed to the

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municipality or housing authority for ~~city~~ services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the municipality or housing authority pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review. Where the legitimacy of any deduction from wages is in dispute, the amount in question may be withheld if the employer notifies the Department of Labor on the date the payment is due in writing of the amount that is being withheld and stating the reasons for which the payment is withheld. Upon such notification the Department of Labor shall conduct an investigation and render a judgment as promptly as possible, and shall complete such investigation within 30 days of receipt of the notification by the employer that wages have been withheld. The employer shall pay the wages due upon order of the Department of Labor within 15 calendar days of issuance of a judgment on the dispute.

The Department shall establish rules to protect the interests of both parties in cases of disputed deductions from wages. Such rules shall include reasonable limitations on the amount of deductions beyond those required by law which may be made during any pay period by any employer.

In case of a dispute over wages, the employer shall pay, without condition and within the time set by this Act, all wages or parts thereof, conceded by him to be due, leaving to the employee all remedies to which he may otherwise be entitled as to any balance claimed. The acceptance by an employee of a disputed paycheck shall not constitute a release as to the balance of his claim and any release or restrictive endorsement required by an employer as a condition to payment shall be a violation of this Act and shall be void.

(Source: P.A. 90-22, eff. 6-20-97.)

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

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

On motion of Senator Burzynski, **House Bill No. 2085** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **House Bill No. 2631** having been printed, was taken up and 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

AMENDMENT NO. 1. Amend House Bill 2631, on page 9, line 6, by replacing "2003" with "2004"; and on page 13, line 24, by replacing "2003" with "2004"; and on page 13, line 26, by replacing "2003" with "2004".

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

On motion of Senator Donahue, **House Bill No. 2639** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 2642** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, **House Bill No. 2723** was taken up,

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read by title a second time and ordered to a third reading.

REPORT FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its April 20, 1999 meeting, reported the following House Bills have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: **House Bills numbered 512, 1825, 2112, 2605, 2784 and 2826.**

Commerce and Industry: **House Bills numbered 485 and 520.**

Education: **House Bills numbered 420, 506, 1207, 1293, 1353, 1417, 1501, 1657, 1670, 1728, 1811 and 2045.**

Environment and Energy: **House Bills numbered 92, 1279, 1409 and 2023.**

Executive: **House Bills numbered 157, 279, 452, 793, 914, 943, 1152, 1202, 1383, 1688, 1834, 1980, 2593 and 2632.**

Financial Institutions: **House Bill No. 487.**

Insurance and Pensions: **House Bills numbered 154, 1348 and 1469.**

Judiciary: **House Bills numbered 70, 248, 251, 252, 295, 343, 376, 377, 404, 424, 466, 669, 729, 753, 788, 886, 1097, 1162, 1164, 1180, 1182, 1193, 1413, 1432, 1763, 1764, 1767, 1845, 1858, 1935, 2096, 2098, 2103, 2257, 2306, 2310, 2344, 2347, 2349, 2360 and 2711.**

Licensed Activities: **House Bills numbered 264, 502, 799, 800 and 1860.**

Local Government: **House Bills numbered 306, 525, 541, 727, 806, 833, 841, 843, 940, 1117, 1137, 1151, 1790, 2125 and 2359.**

Public Health and Welfare: **House Bills numbered 427, 721, 923, 979, 1306, 1308, 1399, 1732, 1762, 1839, 1942, 2026, 2198, 2216 and 2308.**

Revenue: **House Bills numbered 134, 402, 813, 842, 1302, 1327, 1693, 1695, 1743 and 2180.**

State Government Operations: **House Bills numbered 1224, 1406, 2047 and 2088.**

Transportation: **House Bills numbered 1102, 1252, 1408, 1739, 1874, 1972, 2751 and 2823.**

At the hour of 1:25 o'clock p.m., on motion of Senator Noland, the Senate stood adjourned until Wednesday, April 21, 1999 at 12:00 o'clock noon.