



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SIXTH GENERAL ASSEMBLY

17TH LEGISLATIVE DAY

WEDNESDAY, FEBRUARY 25, 2009

12:38 O'CLOCK P.M.

SENATE
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17th Legislative Day

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The Senate met pursuant to adjournment.
Senator Don Harmon, Oak Park, Illinois, presiding.
Prayer by Bishop G.E. Livingston, Life Changers Church of Decatur, Decatur, Illinois.
Senator Jacobs led the Senate in the Pledge of Allegiance.

The Journal of Friday, February 20, 2009, 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.

REPORT RECEIVED

The Secretary placed before the Senate the following report:

ISFA Annual Report 08, submitted by the Illinois Sports Facilities Authority.

The foregoing report was ordered received and placed on file in the Secretary's Office.

MESSAGE FROM THE PRESIDENT

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

February 24, 2009

Ms. Deborah Shipley
Secretary of the Senate
Room 403 State house
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 2-10, I am canceling session on Tuesday, March 3, 2009 and scheduling a session day Friday, March 6, 2009.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno
Democrat Caucus Members
Tim Mapes

COMMUNICATION FROM MINORITY LEADER

**CHRISTINE RADOGNO
STATE REPUBLICAN LEADER · 41ST DISTRICT**

February 25, 2009

Deborah Shipley
Secretary of the Senate
401 State House

[February 25, 2009]

Springfield, Illinois 62706

Dear Secretary Shipley:

Pursuant to Senate Rules 3-1 (d) and 3-2, I am making the following changes to minority membership of the following committees:

Senator Kyle McCarter shall replace former Senator Frank Watson as a member on the following Senate Committees:

Agriculture and Conservation
Education
Licensed Activities
State Government and Veterans Affairs

Senator Kyle McCarter shall replace Senator Frank Watson as Minority Spokesperson on **Senate Commerce Committee**.

Senator Kyle McCarter shall replace Senator Brad Burzynski as a member on the **Senate Financial Institutions Committee**.

These appointments are effective immediately.

Sincerely,
s/Christine Radogno
Senate Republican Leader

cc: Senate President John Cullerton
Assistant Secretary 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 Assignments:

Senate Committee Amendment No. 1 to Senate Bill 32
Senate Committee Amendment No. 1 to Senate Bill 80
Senate Committee Amendment No. 1 to Senate Bill 82
Senate Committee Amendment No. 1 to Senate Bill 86
Senate Committee Amendment No. 1 to Senate Bill 88
Senate Committee Amendment No. 1 to Senate Bill 122
Senate Committee Amendment No. 1 to Senate Bill 125
Senate Committee Amendment No. 2 to Senate Bill 178
Senate Committee Amendment No. 1 to Senate Bill 188
Senate Committee Amendment No. 1 to Senate Bill 214
Senate Committee Amendment No. 1 to Senate Bill 231
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Senate Committee Amendment No. 1 to Senate Bill 283
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Senate Committee Amendment No. 1 to Senate Bill 298
Senate Committee Amendment No. 2 to Senate Bill 317
Senate Committee Amendment No. 3 to Senate Bill 317
Senate Committee Amendment No. 1 to Senate Bill 324
Senate Committee Amendment No. 1 to Senate Bill 1027
Senate Committee Amendment No. 1 to Senate Bill 1283
Senate Committee Amendment No. 1 to Senate Bill 1293
Senate Committee Amendment No. 1 to Senate Bill 1346
Senate Committee Amendment No. 1 to Senate Bill 1351

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Senate Committee Amendment No. 1 to Senate Bill 1393
Senate Committee Amendment No. 1 to Senate Bill 1413

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

Senate Floor Amendment No. 1 to Senate Bill 243
Senate Floor Amendment No. 1 to Senate Bill 270

PRESENTATION OF RESOLUTIONS

Senator Munoz offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 100

Urging the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities and to respect the property rights and human rights of the Ecumenical Patriarchate; and for other purposes.

WHEREAS, The Ecumenical Patriarchate, located in Istanbul, Turkey, is the Sacred See that presides in a spirit of brotherhood over a communion of self-governing churches of the Orthodox Christian world; and

WHEREAS, The See is led by Ecumenical Patriarch Bartholomew, who is the 269th in direct succession to the Apostle Andrew and holds titular primacy as *primus inter pares*, meaning "first among equals," in the community of Orthodox churches world-wide; and

WHEREAS, In 1994, Ecumenical Patriarch Bartholomew, along with leaders of the Appeal of Conscience Foundation, cosponsored the Conference on Peace and Tolerance, which brought together Christian, Jewish, and Muslim religious leaders for an interfaith dialogue to help end the Balkan conflict and the ethnic conflict in the Caucasus region; and

WHEREAS, In 1997, the Congress of the United States awarded Ecumenical Patriarch Bartholomew with the Congressional Gold Medal; and

WHEREAS, Following the terrorist attacks on our nation on September 11, 2001, Ecumenical Patriarch Bartholomew gathered a group of international religious leaders to produce the first joint statement with Muslim leaders that condemned the 9/11 attacks as "antireligious"; and

WHEREAS, In October 2005, the Ecumenical Patriarch, along with Christian, Jewish, and Muslim leaders, cosponsored the Conference on Peace and Tolerance II to further promote peace and stability in southeastern Europe, the Caucasus region, and Central Asia via religious leaders' interfaith dialogue, understanding, and action; and

WHEREAS, The Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300,000,000 members world-wide with more than 2,000,000 members in the United States; and

WHEREAS, Since 1453, the continuing presence of the Ecumenical Patriarchate in Turkey has been a living testament to the religious coexistence of Christians and Muslims; and

WHEREAS, This religious coexistence is in jeopardy because the Ecumenical Patriarchate is considered a minority religion by the Turkish government; and

WHEREAS, The Government of Turkey has limited the candidates available to hold the office of

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Ecumenical Patriarch to only Turkish nationals, and from the millions of Orthodox Christians living in Turkey at the turn of the 20th century and due to the continued policies during this period by the Turkish government, there remain less than 3,000 of the Ecumenical Patriarch's flock left in Turkey today; and

WHEREAS, The Government of Turkey closed the Theological School on the island of Halki in 1971 and has refused to allow it to reopen, thus impeding training for Orthodox Christian clergy; and

WHEREAS, The Turkish government has confiscated nearly 94% of the Ecumenical Patriarchate's properties and has placed a 42% tax, retroactive to 1999, on the Baloukli Hospital and Home for the Aged, a charity hospital run by the Ecumenical Patriarchate; and

WHEREAS, The European Union, a group of nations with a common goal of promoting peace and the well-being of its peoples, began accession negotiations with Turkey on October 3, 2005; and

WHEREAS, The European Union defined membership criteria for accession at the Copenhagen European Council in 1993, obligating candidate countries to achieve certain levels of reform, including stability of institutions guaranteeing democracy, adherence to the rule of law, and respect for and protection of minorities and human rights; and

WHEREAS, The Turkish government's current treatment of the Ecumenical Patriarchate is inconsistent with the membership conditions and goals of the European Union; and

WHEREAS, Orthodox Christians in this State and throughout the United States stand to lose their spiritual leader because of the continued actions of the Turkish government; and

WHEREAS, The Archons of the Ecumenical Patriarchate of the Order of St. Andrew the Apostle, a group of laymen who each have been honored with a patriarchal title, or "offikion", by the Ecumenical Patriarch for their outstanding service to the Orthodox Church, will send an American delegation to Turkey to meet with Turkish government officials, as well as the United States Ambassador to the Republic of Turkey, regarding the Turkish government's treatment of the Ecumenical Patriarchate; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the members of this Senate urge the Government of Turkey to: (1) uphold and safeguard religious and human rights without compromise; (2) cease its discrimination of the Ecumenical Patriarchate; (3) grant the Ecumenical Patriarch appropriate international recognition, ecclesiastic succession, and the right to train clergy of all nationalities; and (4) respect the property rights and human rights of the Ecumenical Patriarchate; and be it further

RESOLVED, That the Secretary of the Senate is authorized and directed to transmit appropriate copies of this resolution to the President of the United States, the United States Ambassador to the Republic of Turkey, the Ambassador of the Republic of Turkey to the United States, and the members of the Illinois Congressional Delegation.

Senator Cullerton offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 101

WHEREAS, The State of Illinois faces an unprecedented budget and fiscal crisis that jeopardizes the operation of State government and the proper delivery of State services; and

WHEREAS, The Commission on Government Forecasting and Accountability (COGFA) indicated on February 5, 2009 that the revenue shortfall for the current fiscal year will be no less than \$2.4 billion; and

WHEREAS, The current Fiscal Year 2009 estimated revenue shortfall and budget deficit are due to
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many factors predominantly related to the Nation's economic conditions; and

WHEREAS, Regardless of the current fiscal condition of the State, State government is responsible for continuing to provide health care services necessary to maintain the well-being of every Illinois citizen; and

WHEREAS, Regardless of the current fiscal condition of the State, State government is responsible for continuing to provide sustainable funding to support the public education system; and

WHEREAS, The State's Fiscal Year 2010 required pension contribution totals \$4.1 billion; and

WHEREAS, The Illinois Comptroller has identified that, at the end of Fiscal Year 2009, the State of Illinois will have a backlog of bills totaling \$4.5 billion; and

WHEREAS, Regardless of the current fiscal condition of the State, State government has the responsibility of paying its bills on time and identifying unnecessary spending; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that a Senate Committee on Deficit Reduction is created and charged with the task of studying all aspects of the estimated budget deficit and revenue shortfall, including, but not limited to: the fiscal costs associated with education, healthcare, pensions, and the operation of State government and departments within State government, as well as all revenue sources that support State government; and be it further

RESOLVED, That the Committee shall be made up of 10 members: 5 shall be appointed by the President of the Senate and 5 shall be appointed by the Minority Leader of the Senate; and be it further

RESOLVED, That the Committee shall have Co-Chairpersons, one appointed by the President of the Senate and one appointed by the Minority Leader of the Senate; Co-Chairpersons shall not be of the same caucus and shall serve at the pleasure of the caucus leader making the appointment; and be it further

RESOLVED, That meetings of the Committee shall be posted and open to the public in accordance with Senate Rules; and be it further

RESOLVED, That the Committee may call upon Constitutional Officers, the Governor's Office of Management and Budget, the Commission on Government Forecasting and Accountability, State Pensions Systems, representatives of public employees, advocates, and any additional agencies or groups as the Committee sees fit in order to hear testimony and gather details and information relating to the purposes of the Committee; and be it further

RESOLVED, That the Committee shall be appointed no later than 1 week after the adoption of this resolution, and the Committee shall submit a report no later than March 25, 2009 to the President of the Senate and the Minority Leader of the Senate.

Senator Lauzen offered the following Senate Joint Resolution, which was referred to the Committee on Assignments:

SENATE JOINT RESOLUTION NO. 34

WHEREAS, Because former United States Senator Peter Fitzgerald was a Republican, a member of the same political party as President George W. Bush, the duty of choosing a candidate for the job of United States Attorney for the Northern District of Illinois was his responsibility; and

WHEREAS, Illinois has a well-earned and long-standing national reputation of politicians of both political parties who engage in flagrant public corruption, abuse of the people's trust, and cronyism; and

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WHEREAS, This unfortunate legacy of bipartisan, personal dishonesty, and public corruption is epitomized by George Ryan and Rod Blagojevich, two individuals whose words and actions leave a stench in the nostrils of honorable men and women; and

WHEREAS, It was necessary that former United States Senator Peter Fitzgerald act boldly and courageously to shake up the political establishment and its endemic culture of corruption by choosing an independent person of impeccable integrity and honor; and

WHEREAS, Senator Fitzgerald came under intense criticism by many, with some of the most fierce criticism coming from within his own political party, for breaking the age-old tradition of naming a prominent Chicago-area attorney to this position; and

WHEREAS, Senator Fitzgerald displayed his willingness to act with great courage, follow the dictates of his well-formed conscience, and do the right thing with no regard for adverse political consequences; and

WHEREAS, One notable example of this courage was when he held-up the federal funding in the United States Senate for the construction of the Abraham Lincoln Museum until he was assured that taxpayer money would not be ill-spent by the awarding of construction contracts through sweetheart deals to political contributors and influence peddlers in Springfield; and

WHEREAS, Senator Fitzgerald again stood tall when he called upon then-sitting Governor George Ryan, a member of his own political party, not to seek re-election because Ryan had become a moral, ethical, and political embarrassment; and

WHEREAS, At the press conference introducing his choice for U.S. Attorney, Senator Fitzgerald stated, "I didn't have a set opinion going into this as to whether the candidate should be from in State or from out of State, but I was determined that the candidate be somebody who is independent and not an insider. I think that the best person is someone who has no connections, no alliances and is not beholden to anyone. I found no one who was better than Pat Fitzgerald."; and

WHEREAS, Patrick Fitzgerald came from humble, working class roots, with both of his parents having emigrated from Ireland; Patrick won a scholarship to attend a prestigious Jesuit high school in New York and worked his way through Amherst College where he made Phi Beta Kappa and later graduated from Harvard with a degree in law; when he worked in the office of the U.S. Attorney for the Southern District of New York, he prosecuted a major heroin smuggling ring and helped convict four members of the Gambino crime family on racketeering and murder charges; he also helped prosecute the terrorists involved in the World Trade Center bombing as well as those responsible for the bombing of U.S. embassies in Africa; and

WHEREAS, Patrick Fitzgerald was once described by a friend as, "Elliot Ness with a Harvard Law Degree and a sense of humor. He just cares passionately about chasing down bad guys"; and

WHEREAS, FBI Director Louis Freeh recommended Patrick Fitzgerald when Senator Fitzgerald asked for names of the best federal prosecutors in the country; and

WHEREAS, U.S. Attorney Patrick Fitzgerald has proven to be an exceptional choice for U.S. Attorney, has displayed a high standard of independence, hard work and integrity, set clear priorities for and re-energized the office, and most importantly has fearlessly sought to root out public corruption; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that Senator Peter Fitzgerald rejected this political status quo, boldly spoke out against abuses of the public trust, and by the appointment of Patrick Fitzgerald to the office of U.S. Attorney, has left a legacy of honesty, integrity, and intolerance for corruption that will serve to restore the public trust in Illinois State government; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to former United States Senator
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Peter Fitzgerald.

Senator Hutchinson offered the following Senate Joint Resolution, which was referred to the Committee on Assignments:

SENATE JOINT RESOLUTION NO. 35

WHEREAS, In 1935, during the middle of the Great Depression, the United States Congress established, by law, that workers in the U.S. must be free to form a collective bargaining unit; and

WHEREAS, The 1948 Universal Declaration of Human Rights implemented by the United Nations recognizes the freedom to form or join a union as a fundamental human right; and

WHEREAS, Workers who first joined unions are credited with starting the American middle class, while continuing to fight for higher living standards, equal rights for all Americans, and ending discrimination in the workplace; and

WHEREAS, 69 percent of Americans agree that it is very or fairly important to have strong laws that give employees the freedom to make their own choice about whether to form a union in their workplace; and

WHEREAS, Union members consistently earn 29 percent higher wages and 35 percent better benefits than those employees who do not belong to a collective bargaining unit; and

WHEREAS, Union membership helps raise workers' pay and narrow the income gap for minorities and women, increasing median weekly earnings by 31 percent for union women workers, 31 percent for African-American workers, 50 percent for Latino workers, and 9 percent for Asian-American workers; and

WHEREAS, Workers across the nation are routinely intimidated when trying to form unions and bargain for a better life; 25 percent of private sector employers illegally fire at least one worker for union activity during organizing campaigns; and

WHEREAS, Recent national surveys show that 60 million non-union workers would like to have a union for collective bargaining in their workplace; furthermore, 78 percent of American adults favor legislation that would make it easier for workers to bargain with their employers; and

WHEREAS, An entire host of business consultants devoted to making sure that the National Labor Relations Act election process does not result in collective bargaining has grown into a \$4 billion industry in the United States; and

WHEREAS, 78 percent of employers force their employees to attend mandatory anti-union meetings; and

WHEREAS, 64 percent of American adults favor strengthening penalties for companies that illegally intimidate or fire employees who try to form a union in their workplace; and

WHEREAS, Employers often refuse to bargain fairly with workers after forming a union by dragging out first contract bargaining for up to two years in 45 percent of successful campaigns; and

WHEREAS, The Employee Free Choice Act has been introduced in the 111th United States Congress in order to restore workers' freedom to join a union; and

WHEREAS, The Employee Free Choice Act will safeguard workers' ability to make their own decisions about joining a union without harassment or fear of losing their jobs, provide for first contract mediation and arbitration, and establish meaningful penalties when employers violate workers' rights; therefore, be it

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RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we support the provisions of the Employee Free Choice Act, which would authorize the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily sign authorization cards designating the union they wish to represent them, provide for first contract mediation and arbitration, and establish meaningful penalties for violations of a worker's freedom to choose a union; and be it further

RESOLVED, That a copy of this resolution be sent to the United States Senate Majority Leader, the Speaker of the United States House of Representatives, and to each member of the Illinois Congressional delegation.

Senator Steans offered the following Senate Joint Resolution, which was referred to the Committee on Assignments:

SENATE JOINT RESOLUTION NO. 36

WHEREAS, Article XI, Section 1 of the Illinois Constitution states, "The public policy of the State and the duty of each person is to provide and maintain a healthful environment for the benefit of this and future generations"; and

WHEREAS, A capital construction program is urgently needed and would fix aging infrastructure in Illinois, create jobs for working men and women, and stimulate the economy; and

WHEREAS, Previous capital construction proposals have called for as much as \$34 billion in spending; and

WHEREAS, The potentially massive public expenditure involved in a capital plan represents a once-in-a-generation opportunity to modernize and improve the basic infrastructure of our State; and

WHEREAS, The 21st century has already witnessed the development of technologies that promise to improve significantly the energy efficiency of buildings; to limit the environmental impact of new roads, bridges, and structures; to bring information technology resources to underserved areas; and to conserve and manage water resources; and

WHEREAS, Previous capital proposals have allocated vast financial resources to projects unguided by the principles of environmental protection, energy efficiency, and sustainability; and

WHEREAS, Numerous scientific studies have concluded that the health of our people can be directly affected by the products used in our buildings and that utilizing alternative green products can greatly reduce the risk of health problems caused by, among other things, volatile organic compounds; and

WHEREAS, Green and sustainable principles and practices promote environmental health and offer significant energy savings; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the General Assembly, together with the Governor, ought to make passage of a green and sustainable comprehensive capital construction plan a top priority; and be it further

RESOLVED, That the principles of environmental health, environmental protection, energy efficiency, and sustainability ought to guide the allocation of all funds in any capital construction plan; and be it further

RESOLVED, That in providing funding for the construction of new buildings or the renovation of existing buildings, the law should require builders to adhere to sustainable building standards including

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the U.S. Green Building Council's Leadership in Environment and Energy Design (LEED) standards or substantially equivalent standards; and be it further

RESOLVED, That in determining the allocation of transportation funding, the State should give due consideration to new public transportation, including rail, in the interest of planning sustainable transportation infrastructure for a more densely-populated society; and be it further

RESOLVED, That in providing for the construction and improvement of roads, the State should prioritize the laying of fiber-optic lines, particularly to rural areas and other regions of the State historically lacking in technological infrastructure; and be it further

RESOLVED, That the State should consider and prioritize each project in light of its potential to create jobs, its environmental impact, and its long-term energy savings.

Senator Lauzen offered the following Senate Joint Resolution, which was ordered printed and referred to the Committee on Assignments:

**SENATE JOINT RESOLUTION NO. 37
CONSTITUTIONAL AMENDMENT**

SC0037

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to add Sections 11 and 12 to Article IX of the Illinois Constitution as follows:

ARTICLE IX
REVENUE

Section 11. LIMITATION ON PROPERTY TAXATION

(a) The maximum amount of any ad valorem tax on real property shall not exceed 2% of the fair cash value of such property, to be collected by the counties and apportioned according to law to the districts within the counties.

The limitation provided for in subsection (a) does not apply to ad valorem taxes or special assessments to pay the principal and interest on:

(1) Bonded indebtedness issued prior July 1, 2008; or

(2) Bonded indebtedness issued on or after July 1, 2008, approved by two-thirds of the votes cast by the voters voting on the proposition.

Section 12. PROPERTY TAX DEFINITIONS AND REQUIREMENTS

(a) The "fair cash value" means either (i) the county assessor's valuation of real property for the 2005 tax year, or (ii) thereafter, the actual acquisition price of real property when purchased, newly constructed, or a change in ownership has occurred after the 2005 assessment. For purposes of this Section, "newly constructed" does not include real property that is reconstructed after a disaster, as declared by the Governor, where the fair market value of the real property, as reconstructed, is comparable to its fair market value prior to the disaster.

However, the General Assembly may provide that, pursuant to definitions and procedures established by the General Assembly, any person 65 years of age or older who resides in property that is eligible for a homestead exemption may transfer the base year value of the property entitled to exemption, with the adjustments authorized by subsection (b), to any replacement dwelling of equal or lesser value located within the same county and purchased or newly constructed by that person as his or her principal residence within two years of the sale of the original property. For purposes of this Section, "any person 65 years of age or older" includes a married couple one member of which is 65 years of age or older.

In addition, the General Assembly may authorize each county board of supervisors to adopt an ordinance making the provisions of this subsection relating to transfer of base year value also applicable to situations in which the replacement dwellings are located in that county and the original properties are located in another county within this State.

(b) The full cash value base may be either (i) increased each year by the lesser of 2% or the rate of inflation, or (ii) reduced as shown in the consumer price index, or to reflect substantial damage,

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destruction, or other factors causing a decline in value.

(c) For purposes of subsection (a), the General Assembly may provide for exemptions from the term "newly constructed".

(d) For purposes of this Section, the term "change in ownership" does not include the acquisition of real property as a replacement for comparable property if the person acquiring the real property has been displaced from the property replaced by eminent domain proceedings, by acquisition by a public entity, or governmental action that has resulted in a judgment of inverse condemnation. The real property acquired shall be deemed comparable to the property replaced if it is similar in size, utility, and function, or if it conforms to state regulations defined by the General Assembly governing the relocation of persons displaced by governmental actions.

(e)(1) Notwithstanding any other provision of this Section, the General Assembly shall provide that the base year value of property that is substantially damaged or destroyed by a disaster, as declared by the Governor, may be transferred to comparable property within the same county that is acquired or newly constructed as a replacement for the substantially damaged or destroyed property.

(2) Except as provided in paragraph (3), this subsection shall apply to any comparable replacement property acquired or newly constructed on or after July 1, 1985, and to the determination of base year values for the 1985-86 fiscal year and fiscal years thereafter.

(3) In addition to the transfer of base year value of property within the same county that is permitted by paragraph (1), the General Assembly may authorize each county board of supervisors to adopt, after consultation with affected local agencies within the county, an ordinance allowing the transfer of the base year value of property that is located within another county in the State and is substantially damaged or destroyed by a disaster, as declared by the Governor, to comparable replacement property of equal or lesser value that is located within the adopting county and is acquired or newly constructed within three years of the substantial damage or destruction of the original property as a replacement for that property. The scope and amount of the benefit provided to a property owner by the transfer of base year value of property pursuant to this paragraph shall not exceed the scope and amount of the benefit provided to a property owner by the transfer of base year value of property pursuant to subsection (a). For purposes of this paragraph, "affected local agency" means any city, special district, school district, or community college district that receives an annual allocation of ad valorem property tax revenues. This paragraph shall apply to any comparable replacement property that is acquired or newly constructed as a replacement for property substantially damaged or destroyed by a disaster, as declared by the Governor, occurring on or after October 20, 1991, and to the determination of base year values for the 1991-92 fiscal year and fiscal years thereafter.

(f) For the purposes of subsection (e):

(1) Property is substantially damaged or destroyed if it sustains physical damage amounting to more than 50 percent of its value immediately before the disaster. Damage includes a diminution in the value of property as a result of restricted access caused by the disaster.

(2) Replacement property is comparable to the property substantially damaged or destroyed if it is similar in size, utility, and function to the property that it replaces, and if the fair market value of the acquired property is comparable to the fair market value of the replaced property prior to the disaster.

(g) For purposes of subsection (a), the terms "purchased" and "change in ownership" do not include the purchase or transfer of real property between spouses, including, but not limited to, all of the following:

(1) Transfers to a trustee for the beneficial use of a spouse, or the surviving spouse of a deceased transferor, or by a trustee of such a trust to the spouse of the trustor.

(2) Transfers to a spouse that take effect upon the death of a spouse.

(3) Transfers to a spouse or former spouse in connection with a property settlement agreement or decree of dissolution of a marriage or legal separation.

(4) The creation, transfer, or termination, solely between spouses, of any co-owner's interest.

(5) The distribution of a legal entity's property to a spouse or former spouse in exchange for the interest of the spouse in the legal entity in connection with a property settlement agreement or a decree of dissolution of a marriage or legal separation.

(h) For purposes of subsection (a), the terms "purchased" and "change in ownership" do not include the purchase or transfer of the principal residence of the transferor in the case of a purchase or transfer between parents and their children, as defined by the General Assembly, and the purchase or transfer of the first \$1,000,000 of the fair cash value of all other real property between parents and their children, as defined by the General Assembly. This subsection shall apply to both voluntary transfers and transfers resulting from a court order or judicial decree.

(i) The General Assembly may provide with respect to a qualified contaminated property.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

Senator Raoul offered the following Senate Joint Resolution, which was ordered printed and referred to the Committee on Assignments:

**SENATE JOINT RESOLUTION NO. 38
CONSTITUTIONAL AMENDMENT**

SC0038

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 3 of Article IX of the Illinois Constitution as follows:

ARTICLE IX
REVENUE

SECTION 3. LIMITATIONS ON INCOME TAXATION

(a) ~~A tax on or measured by income shall be at a non-graduated rate.~~ At any one time there may be no more than one income ~~such~~ tax imposed by the State for State purposes on individuals and one such tax so imposed on corporations. In any such tax imposed upon corporations the rate shall not exceed the weighted average rate imposed on individuals by more than a ratio of 8 to 5.

(b) Laws imposing taxes on or measured by income may adopt by reference provisions of the laws and regulations of the United States, as they then exist or thereafter may be changed, for the purpose of arriving at the amount of income upon which the tax is imposed.

(Source: Illinois Constitution.)

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

Senator Lauzen offered the following Senate Joint Resolution, which was ordered printed and referred to the Committee on Assignments:

**SENATE JOINT RESOLUTION NO. 39
CONSTITUTIONAL AMENDMENT**

SC0039

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend the Illinois Constitution by changing Section 2 of Article IV and Section 2 of Article V as follows:

ARTICLE IV
THE LEGISLATURE

SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the General Assembly by law shall divide the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the third group, for terms of two years, four years and four years. The Legislative Districts in each group shall be distributed substantially equally over the State.

(b) Each Legislative District shall be divided into two Representative Districts. In 1982 and every two

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years thereafter one Representative shall be elected from each Representative District for a term of two years.

A person may not hold the office of State Senator or State Representative, each office considered separately, for more than 12 consecutive years; when computing the 12 years, service in office during any portion of a term that began before January 1, 2011, shall not be counted.

(c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial office with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

(e) No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly.

No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

(Source: Amendment adopted at general election November 4, 1980.)

ARTICLE V THE EXECUTIVE

SECTION 2. TERMS

These elected officers of the Executive Branch shall hold office for four years beginning on the second Monday of January after their election and, except in the case of the Lieutenant Governor, until their successors are qualified. They shall be elected at the general election in 1978 and every four years thereafter.

A person may not hold the office of Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, or Treasurer, each office considered separately, for more than 12 consecutive years; when computing the 12 years, service in office during any portion of a term that began before January 1, 2011, shall not be counted.

(Source: Illinois Constitution.)

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

Senator Lauzen offered the following Senate Joint Resolution, which was ordered printed and referred to the Committee on Assignments:

SENATE JOINT RESOLUTION NO. 40 CONSTITUTIONAL AMENDMENT

SC0040

WHEREAS, We are, in the words of President Abraham Lincoln, a "government of the people, by the people, and for the people"; and

WHEREAS, An amendment to the Illinois Constitution built upon the Lincoln principles of government will serve to strengthen our democracy; and

WHEREAS, The petition rights of our citizens are central to our form of self-government; therefore, be it

[February 25, 2009]

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Sections 1 and 8 of Article IV of the Constitution as follows:

ARTICLE IV
THE LEGISLATURE

SECTION 1. LEGISLATURE - POWER AND STRUCTURE

(a) Except as provided in subsection (b), the legislative power is vested in a General Assembly consisting of a Senate and a House of Representatives, elected by the electors from 59 Legislative Districts and 118 Representative Districts.

(b) The electors reserve to themselves the legislative power to propose bills by petition for consideration by the General Assembly as provided in subsection (b-5) of Section 8.

(Source: Amendment adopted at general election November 4, 1980.)

SECTION 8. PASSAGE OF BILLS

(a) The enacting clause of the laws of this State shall be: "Be it enacted by the People of the State of Illinois, represented in the General Assembly."

(b) The General Assembly shall enact laws only by bill. Except as provided in subsection (b-5), bills may originate in either house, but may be amended or rejected by the other.

(b-5) Bills may be proposed by a petition signed by a number of electors equal in number to at least 6% of the total votes cast for candidates for Governor in the preceding gubernatorial election. A petition shall contain the text of the bill, shall have been signed by the petitioning electors not more than one year preceding the filing of the petition, and shall be filed with the Secretary of State not earlier than the second Wednesday in January in any year and not later than the fourth Wednesday in March in that year. The procedure for determining the validity and sufficiency of a petition shall be provided by law, but the procedure shall take not longer than 30 days.

If a petition is determined to be valid and sufficient as provided by law, the bill proposed by the petition shall be proposed to the members of the House of Representatives by the Speaker of the House of Representatives and to the members of the Senate by the President of the Senate. The bill may not be amended by either house. A record vote of all the members of the House of Representatives and all the members of the Senate shall be taken on the bill not more than 30 days after the petition is determined to be valid and sufficient.

(c) No bill shall become a law without the concurrence of a majority of the members elected to each house. Final passage of a bill shall be by record vote. In the Senate at the request of two members, and in the House at the request of five members, a record vote may be taken on any other occasion. A record vote is a vote by yeas and nays entered on the journal.

(d) A bill shall be read by title on three different days in each house. A bill and each amendment thereto shall be reproduced and placed on the desk of each member before final passage.

Bills, except bills for appropriations and for the codification, revision or rearrangement of laws, shall be confined to one subject. Appropriation bills shall be limited to the subject of appropriations.

A bill expressly amending a law shall set forth completely the sections amended.

The Speaker of the House of Representatives and the President of the Senate shall sign each bill that passes both houses to certify that the procedural requirements for passage have been met.

(Source: Illinois Constitution.)

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

Senator Lauzen offered the following Senate Joint Resolution, which was ordered printed and referred to the Committee on Assignments:

**SENATE JOINT RESOLUTION NO. 41
CONSTITUTIONAL AMENDMENT**

SC0041

[February 25, 2009]

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Sections 1 and 2 of Article IV of the Illinois Constitution as follows:

ARTICLE IV
THE LEGISLATURE

SECTION 1. LEGISLATURE - POWER AND STRUCTURE

The legislative power is vested in a General Assembly consisting of a Senate and a House of Representatives, elected by the electors from 59 Legislative Districts and 39 ~~48~~ Representative Districts.

(Source: Amendment adopted at general election November 4, 1980.)

SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the General Assembly by law shall divide the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the third group, for terms of two years, four years and four years. The Legislative Districts in each group shall be distributed substantially equally over the State.

~~(b) In 2012 and every two years thereafter, three Representatives. Each Legislative District shall be divided into two Representative Districts. In 1982 and every two years thereafter one Representative shall be elected from each Representative District for a term of two years. No political party shall limit its nominations to less than three candidates for Representatives in any Representative District. In elections for Representatives, including those for nomination, each elector may cast three votes for one candidate or distribute them equally among no more than three candidates. The candidates highest in votes shall be declared elected.~~

(c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial office with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to serve for the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

(e) No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly.

No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

(Source: Amendment adopted at general election November 4, 1980.)

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act and applies to the election of Representatives in 2012 and thereafter.

MESSAGES FROM THE HOUSE

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

[February 25, 2009]

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 10
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 49
A bill for AN ACT concerning finance.
HOUSE BILL NO. 50
A bill for AN ACT concerning government.
HOUSE BILL NO. 61
A bill for AN ACT concerning local government.
HOUSE BILL NO. 164
A bill for AN ACT concerning criminal law.
Passed the House, February 20, 2009.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 10, 49, 50, 61 and 164** were taken up, ordered printed and placed on first reading.

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 a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 192
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 211
A bill for AN ACT concerning libraries.
HOUSE BILL NO. 224
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 282
A bill for AN ACT concerning police.
HOUSE BILL NO. 347
A bill for AN ACT concerning local government.
Passed the House, February 20, 2009.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 192, 211, 224, 282 and 347** were taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 49, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 59, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 192, sponsored by Senator Maloney, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 204, sponsored by Senator Risinger, was taken up, read by title a first time and referred to the Committee on Assignments.

[February 25, 2009]

House Bill No. 211, sponsored by Senator Dahl, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 228, sponsored by Senator J. Jones, was taken up, read by title a first time and referred to the Committee on Assignments.

MESSAGE FROM THE SECRETARY OF STATE

OFFICE OF THE SECRETARY OF STATE
JESSE WHITE • Secretary of State

November 21, 2008

Honorable Deborah Shipley
Secretary of the Senate
Room 401
Capitol Building
Springfield, Illinois 62706

Dear Ms. Shipley:

This office is forwarding herewith a copy of a Notice of Vacancy from the Legislative Committee of the Republican Party of the 51st Legislative District declaring the existence of a vacancy in the Office of Senator in the 96th General Assembly in the 51st Legislative District, as a result of the resignation of **Senator Frank Watson**, effective February 16, 2009.

Also enclosed is the copy of the Legislative Committee's Certificate of Appointment for **Kyle L. McCarter, Lebanon, Illinois** who was appointed to fill the vacancy in the Office of Senator, in the 96th General Assembly for the 51st Legislative District.

Yours truly,
s/Jesse White
Secretary of State

OFFICE OF THE SECRETARY OF STATE
JESSE WHITE • Secretary of State

NOTICE

Changes in the **Ninety-Sixth** General Assembly

SENATE

Appointment

Kyle L. McCarter
Lebanon, Illinois
51st Legislative District
Appointed: February 21, 2009
Filed: February 25, 2009

Vacancy

Frank Watson
51st Legislative District
Resigned: February 16, 2009
Filed: February 25, 2009

cc: Communications Department
House Speaker Madigan
House Republican Leader Cross
Legal Department
Legislative Affairs
Office of the Governor
Secretary of State

[February 25, 2009]

Senate President Cullerton
Senate Republican Leader Radogno
State Board of Elections

CERTIFICATE OF LEGISLATIVE OR REPRESENTATIVE COMMITTEE ORGANIZATION

LEGISLATIVE DISTRICT)

STATE OF ILLINOIS
COUNTY OF MADISON

This is to certify that, in accordance with 10 ILCS 5/8-5, the Legislative Committee of the Republican Party of the 51st Legislative District met on February 17, 2009, in the City of Highland, County of Madison and organized by electing the following officers in conformity with the Election Laws of this State.

Jerrold H. Stocks
500 s. Henderson, Mt. Zion, IL 62549

Curtis R. Haas
524 E. Main, Greenville, IL 62246

SIGNED: s/Jerrold H. Stocks
CHAIRMAN

ATTEST: s/Curtis R. Haas
SECRETARY

NOTIFICATION OF VACANCY

Legislative Committee of the)
Republican Party of the)
51st Legislative District)

STATE OF ILLINOIS)

WHEREAS, State Senator Frank Watson, a member of the Republican Party, has resigned as Senator in the General Assembly for the 51st Legislative District; and

WHEREAS, Senator Frank Watson was the duly elected State Senator for the 51st Legislative District for the 96th General Assembly; and

WHEREAS, Senator Frank Watson's resignation was effective Feb. 16, 2009;

NOW THEREFORE, the Legislative Committee of the Republican Party of the 51st Legislative District does hereby find and declare that the office of State Senator for the 51st District is vacant for the remainder of the 96th General Assembly.

s/Jerrold H. Stocks
Chairman

s/Curtis R. Haas
Secretary

DATE: Feb. 17, 2007

CERTIFICATE OF APPOINTMENT TO FILL VACANCY IN
LEGISLATIVE DISTRICT OFFICE

[February 25, 2009]

WHEREAS, a vacancy has occurred in the office of State Senator in the 51st Legislative District of Illinois by reason of the resignation of Frank Watson, a duly elected officer of the Republican Party from the 51st Legislative District of Illinois; and

WHEREAS, the Legislative Committee of the Republican Party of the 51st Legislative District has met and voted to fill the vacancy

In said office, as required by 10 ILCS 5/25-6.

BE IT RESOLVED that the Legislative Committee of the Republican Party of the 51st Legislative District of Illinois hereby appoints

Kyle C. McCarter of Lebanon, Illinois, a member of the Republican Party, to the office of State Senator in the 51st Legislative District of Illinois.

s/Jerrold H. Stocks 26397
CHAIRMAN Vote Cast
Legislative Committee of
the 51st Legislative District

s/Curtis R. Haas 7102
SECRETARY Vote Cast

s/Donald Metzler 15582
Vote Cast

s/Mark Hoffman 4279
Vote Cast

s/Michael J. Hall 7488
Vote Cast

s/Bill Zychlewicz 9473
Vote Cast

s/Gail E. Wolfe 5288
Vote Cast

s/Steve Donaldson 2366
Vote Cast

s/Brad Halbrook 4743
Vote Cast

STATE OF ILLINOIS

I, Kyle L. McCarter, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of State Senator to the best of my abilities.

s/Kyle McCarter

Subscribed and sworn to before me, this 23 day of February.

s/Helen M. Albert
Notary Public, State of Illinois

[February 25, 2009]

At the hour of 12:55 o'clock p.m., Senator Lightford, presiding, and the Senate stood at ease until the call of the Chair.

AT EASE

At the hour of 1:04 o'clock p.m., Senator Harmon, presiding, and the Senate resumed consideration of business.

REPORTS FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its February 25, 2009 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: **SENATE BILLS 1443 and 1526.**

Appropriations I: **HOUSE BILL 1027; SENATE BILLS 1468, 1495, 1525, 1622, 1634, 1637, 1639, 1640 and 1644.**

Appropriations II: **SENATE BILLS 1452 AND 1599**

Consumer Protection: **SENATE BILLS 1483, 1484, 1507, 1558, 1589, 1597, 1629 and 1631.**

Criminal Law: **SENATE BILLS 1425, 1429, 1528, 1628, 1655 and 1657.**

Education: **SENATE BILLS 1508, 1521, 1557, 1616, 1645 and 1658.**

Elections: **SENATE BILLS 1466, 1473, 1475, 1591 and 1614.**

Energy: **SENATE BILL 1357.**

Environment: **SENATE BILLS 1269, 1489, 1601, 1603 and 1607.**

Executive: **SENATE BILLS 1258, 1344, 1448, 1454, 1460, 1470, 1477, 1532, 1533, 1534, 1548, 1587, 1604, 1633, 1650 and 1656.**

Financial Institutions: **SENATE BILLS 1563, 1620 and 1647.**

Gaming: **SENATE BILLS 1431, 1432, 1595, 1606, 1623 and 1654.**

Higher Education: **SENATE BILLS 1358, 1453, 1485, 1524, 1580 and 1624.**

Human Services: **SENATE BILLS 1372, 1404, 1449, 1497, 1583 and 1643.**

Insurance: **SENATE BILLS 1506 and 1632.**

Judiciary: **SENATE BILLS 1274, 1430, 1433, 1487, 1493, 1529, 1556, 1578, 1579, 1582, 1590, 1596, 1610 and 1621.**

Labor: **SENATE BILLS 1547, 1612 and 1618.**

Licensed Activities: **SENATE BILLS 1383, 1444, 1486 and 1600.**

Local Government: **SENATE BILLS 1352, 1398, 1446, 1451, 1511 and 1527.**

Pensions and Investments: **SENATE BILLS 294, 1463, 1479, 1510, 1530, 1531, 1542, 1561, 1581, 1585, 1611, 1625, 1642, 1648, 1651, 1652 and 1653.**

[February 25, 2009]

Public Health: **SENATE BILLS 95, 1455, 1494, 1496, 1516, 1535 and 1617.**

Revenue: **SENATE BILLS 1434, 1445, 1480, 1490, 1513, 1522, 1544, 1550, 1551, 1553, 1554, 1562, 1630 and 1638.**

State Government and Veterans Affairs: **SENATE BILLS 300, 1471, 1472, 1474, 1481, 1482, 1549, 1592, 1602, 1609 and 1627.**

Transportation: **SENATE BILLS 297, 1450, 1467, 1491, 1512, 1520, 1541, 1586, 1598 and 1659.**

Senator Clayborne, Chairperson of the Committee on Assignments, reported that the Committee recommends that **Senate Bill No. 1417** be re-referred from the Committee on Commerce to the Committee on Transportation.

Senator Clayborne, Chairperson of the Committee on Assignments, during its February 25, 2009 meeting, reported the following Senate Resolutions have been assigned to the indicated Standing Committees of the Senate:

Appropriations I: **Senate Resolution No. 101.**

Education: **Senate Joint Resolution No. 20.**

Environment: **Senate Joint Resolution No. 21.**

Human Services: **Senate Joint Resolution No. 32; Senate Resolution No. 94.**

Pensions and Investments: **Senate Resolution No. 75.**

Public Health: **Senate Joint Resolution No. 31.**

State Government and Veterans Affairs: **House Joint Resolution No. 4; Senate Joint Resolutions Numbered 29 and 30; Senate Resolutions Numbered 87, 93 and 99.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its February 25, 2009 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: **Senate Committee Amendment No. 1 to Senate Bill 1413.**

Appropriations I: **Senate Committee Amendment No. 1 to House Bill 1027.**

Criminal Law: **Senate Committee Amendment No. 1 to Senate Bill 64; Senate Committee Amendment No. 1 to Senate Bill 104; Senate Committee Amendment No. 1 to Senate Bill 298.**

Education: **Senate Committee Amendment No. 1 to House Bill 235; Senate Committee Amendment No. 1 to House Bill 261; Senate Committee Amendment No. 1 to House Bill 1293.**

Elections: **Senate Committee Amendment No. 1 to Senate Bill 80; Senate Committee Amendment No. 1 to Senate Bill 283.**

Energy: **Senate Committee Amendment No. 1 to Senate Bill 82.**

Environment: **Senate Committee Amendment No. 1 to Senate Bill 125.**

[February 25, 2009]

Executive: **Senate Committee Amendment No. 1 to Senate Bill 285; Senate Committee Amendment No. 1 to Senate Bill 324; Senate Committee Amendment No. 1 to Senate Bill 1346.**

Higher Education: **Senate Committee Amendment No. 1 to House Bill 263.**

Human Services: **Committee Amendment No. 1 to Senate Bill 231; Committee Amendment No. 1 to Senate Bill 1283.**

Judiciary: **Senate Committee Amendment No. 1 to Senate Bill 154; Senate Committee Amendment No. 1 to Senate Bill 188.**

Licensed Activities: **Senate Committee Amendment No. 1 to Senate Bill 32; Senate Committee Amendment No. 1 to Senate Bill 69; Senate Committee Amendment No. 1 to Senate Bill 122.**

Pensions and Investments: **Senate Committee Amendment No. 1 to Senate Bill 214.**

Public Health: **Senate Committee Amendment No. 2 to Senate Bill 178; Senate Committee Amendment No. 1 to Senate Bill 1351; Senate Committee Amendment No. 1 to Senate Bill 1393.**

Revenue: **Senate Committee Amendment No. 1 to Senate Bill 86; Senate Committee Amendment No. 1 to Senate Bill 88; Senate Committee Amendment No. 3 to Senate Bill 317.**

Transportation: **Senate Committee Amendment No. 1 to Senate Bill 1341.**

ANNOUNCEMENT

Senator Clayborne announced that the session scheduled for Tuesday, March 3, 2009, has been cancelled and rescheduled for Friday, March 6, 2009.

POSTING NOTICES WAIVED

Senator Schoenberg moved to waive the six-day posting requirement on **House Bill No. 1027** so that the bill may be heard in the Committee on Appropriations I that is scheduled to meet February 25, 2009.

The motion prevailed.

Senator Cullerton moved to waive the six-day posting requirement on **Senate Resolution No. 101** so that the bill may be heard in the Committee on Appropriations I that is scheduled to meet February 25, 2009.

The motion prevailed.

ANNOUNCEMENT

The Chair announced the following committee meetings:

Agriculture and Conservation, 1 o'clock p.m., in Room 409
Elections, 1 o'clock p.m., in Room 400
Public Health, 1:00 o'clock p.m., in Room 212
Higher Education, 2:30 o'clock p.m., in Room 409
Human Services, 2:30 o'clock p.m., in Room 212
Judiciary, 2:30 o'clock p.m., in Room 400
Appropriations I, 4:00 o'clock p.m., in Room 212
Education, 4:00 o'clock p.m., in Room 409
Transportation, 4:00 o'clock p.m., in Room 400

[February 25, 2009]

At the hour of 1:22 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 5:24 o'clock p.m., the Senate resumed consideration of business.
Senator Harmon, presiding.

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 Assignments:

Senate Committee Amendment No. 1 to Senate Bill 31
Senate Committee Amendment No. 2 to Senate Bill 40
Senate Committee Amendment No. 1 to Senate Bill 259

REPORTS FROM STANDING COMMITTEES

Senator Crotty, Chairperson of the Committee on Elections, to which was referred **Senate Bill No. 1370**, reported the same back with the recommendation that the bill do pass.
Under the rules, the bill was ordered to a second reading.

Senator Crotty, Chairperson of the Committee on Elections, to which was referred **Senate Bill No. 80**, 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 Frerichs, Chairperson of the Committee on Agriculture and Conservation, to which was referred **Senate Bills Numbered 38 and 1413**, 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 Delgado, Chairperson of the Committee on Public Health, to which was referred **Senate Bills Numbered 321 and 1335**, reported the same back with the recommendation that the bills do pass.
Under the rules, the bills were ordered to a second reading.

Senator Delgado, Chairperson of the Committee on Public Health, to which was referred **Senate Bills Numbered 178 and 1393**, 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 Hunter, Chairperson of the Committee on Human Services, to which was referred **Senate Bills Numbered 275 and 326**, reported the same back with the recommendation that the bills do pass.
Under the rules, the bills were ordered to a second reading.

Senator Hunter, Chairperson of the Committee on Human Services, to which was referred **Senate Bills Numbered 231 and 1283**, 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.

[February 25, 2009]

Senator Maloney, Chairperson of the Committee on Higher Education, to which was referred **Senate Bill No. 325**, reported the same back with the recommendation that the bill do pass.

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

Senator Maloney, Chairperson of the Committee on Higher Education, to which was referred **Senate Bill No. 263**, 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, to which was referred **Senate Bill No. 1389**, reported the same back with the recommendation that the bill do pass.

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

Senator Wilhelmi, Chairperson of the Committee on Judiciary, to which was referred **Senate Bills Numbered 154 and 188**, 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 Trotter, Chairperson of the Committee on Appropriations I, to which was referred **Senate Bills Numbered 1221 and 1252**, reported the same back with the recommendation that the bills do pass.

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

Senator Trotter, Chairperson of the Committee on Appropriations I, to which was referred **House Bill No. 1027**, 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 Trotter, Chairperson of the Committee on Appropriations I, to which was referred **Senate Resolution No. 101**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 101** was placed on the Secretary's Desk.

Senator Meeks, Chairperson of the Committee on Education, to which was referred **Senate Bills Numbered 187, 226, 1276 and 1412**, reported the same back with the recommendation that the bills do pass.

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

Senator Meeks, Chairperson of the Committee on Education, to which was referred **Senate Bills Numbered 123, 235 and 1293**, 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 Sandoval, Chairperson of the Committee on Transportation, to which was referred **Senate Bills Numbered 75, 1268 and 1297**, reported the same back with the recommendation that the bills do pass.

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

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred **Senate Bill No. 148**, 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 Sandoval, Chairperson of the Committee on Transportation, to which was referred **Senate Joint Resolutions numbered 2 and 12**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Joint Resolutions numbered 2 and 12** were placed on the Secretary's Desk.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 102

Offered by Senator Demuzio and all Senators:
Mourns the death of Peter W. Olroyd II of Carlinville.

SENATE RESOLUTION NO. 103

Offered by Senator Murphy and all Senators:
Mourns the death of Anne Marie O'Neill, nee Mulkerin.

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

MESSAGES FROM THE HOUSE

A message from the House by
Mr. Mahoney, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 5
A bill for AN ACT concerning State government.

HOUSE BILL NO. 22
A bill for AN ACT concerning employment.

HOUSE BILL NO. 36
A bill for AN ACT concerning finance.

HOUSE BILL NO. 43
A bill for AN ACT concerning transportation.

HOUSE BILL NO. 78
A bill for AN ACT concerning public health.

HOUSE BILL NO. 80
A bill for AN ACT concerning education.
Passed the House, February 25, 2009.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 5, 22, 36, 43, 78 and 80** were taken up, ordered printed and placed on first reading.

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 a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 84
A bill for AN ACT concerning appropriations.

HOUSE BILL NO. 88
A bill for AN ACT concerning State government.

HOUSE BILL NO. 150
A bill for AN ACT concerning education.

HOUSE BILL NO. 153
A bill for AN ACT concerning civil law.

HOUSE BILL NO. 168

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A bill for AN ACT concerning education.
 HOUSE BILL NO. 210
 A bill for AN ACT concerning appropriations.
 Passed the House, February 25, 2009.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 84, 88, 150, 153, 168 and 210** were taken up, ordered printed and placed on first reading.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Schoenberg, **House Bill No. 1027** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1 TO HOUSE BILL 1027

AMENDMENT NO. 1. Amend House Bill 1027 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Interfund Borrowing Act of 2009.

Section 5. Interfund transfers.

(a) Notwithstanding any other provision of State law to the contrary, on the effective date of this Act, or as soon thereafter as practical, for the purpose of making hospital access payments as set forth in the Title XIX State plan amendments 08-06 and 08-07 submitted by the Department of Healthcare and Family Services and approved by the Center for Medicaid and State Operations as required in 305 ILCS 5/5A-12.2, the State Comptroller shall direct and the State Treasurer shall transfer amounts into the Hospital Provider Fund from the designated funds not exceeding the following totals:

General Obligation Bond Retirement and Interest Fund.....	\$335,000,000
State Employees' Retirement System Fund.....	\$175,000,000

(b) On and after the effective date of this Act of the 96th General Assembly through April 14, 2009, if either the General Obligation Bond Retirement and Interest Fund or the State Employees' Retirement System Fund has insufficient cash from which the State Comptroller may make expenditures properly supported by appropriations from the fund, then the State Treasurer and State Comptroller shall transfer from the General Revenue Fund to the fund only such amount as is immediately necessary to satisfy outstanding expenditure obligations on a timely basis, subject to the provisions of the State Prompt Payment Act. All or a portion of the amounts transferred from the General Revenue Fund to a fund pursuant to this subsection (b) from time to time may be re-transferred by the State Comptroller and the State Treasurer from the receiving fund into the General Revenue Fund as soon as and to the extent that deposits are made into or receipts are collected by the receiving fund.

(c) As soon as practical upon receipt of assessment payments to the Hospital Provider Fund pursuant to 305 ILCS 5/5A-2 and 5/5A-4, but under no circumstance later than April 14, 2009, any amounts transferred to the Hospital Provider Fund under the authority of this Section shall be transferred back and receipted by the specific fund of origin, with the General Obligation Bond Retirement and Interest Fund first being repaid in full. These transfers back to the funds of origin shall be made and receipted notwithstanding any other State law to the contrary. If, as of April 14, 2009, there is insufficient money in the Hospital Provider Fund to make the transfers as provided in this Section, then those transfers shall instead be made from the General Revenue Fund. Transfers must be made from the Hospital Provider Fund to the General Revenue Fund to replace any such transfers made as soon as there is sufficient money in the Hospital Provider Fund to do so.

Section 10. Interest payable to the General Obligation Bond Retirement and Interest Fund and the State Employees' Retirement System Fund. As soon as practical after all amounts initially transferred

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from the General Obligation Bond Retirement and Interest Fund and the State Employees' Retirement System Fund have been transferred back pursuant to Section 5 of this Act, the State Treasurer shall calculate the amounts of interest that would have accrued to both the General Obligation Bond Retirement and Interest Fund and the State Employees' Retirement System Fund if those transfers had not occurred and transfer those amounts from the Hospital Provider Fund to the General Obligation Bond Retirement and Interest Fund and the State Employees' Retirement System Fund.

Section 15. Prohibition on payments to contractors. No fees or expenses shall be paid by the State to any contractual legal counsel, financial advisor, or other consultant or contractor in relation to the actions authorized pursuant to this Act.

Section 90. The Illinois Public Aid Code is amended by changing Section 5A-8 as follows:

(305 ILCS 5/5A-8) (from Ch. 23, par. 5A-8)

Sec. 5A-8. Hospital Provider Fund.

(a) There is created in the State Treasury the Hospital Provider Fund. Interest earned by the Fund shall be credited to the Fund. The Fund shall not be used to replace any moneys appropriated to the Medicaid program by the General Assembly.

(b) The Fund is created for the purpose of receiving moneys in accordance with Section 5A-6 and disbursing moneys only for the following purposes, notwithstanding any other provision of law:

(1) For making payments to hospitals as required under Articles V, VI, and XIV of this Code, under the Children's Health Insurance Program Act, and under the Covering ALL KIDS Health Insurance Act.

(2) For the reimbursement of moneys collected by the Illinois Department from hospitals or hospital providers through error or mistake in performing the activities authorized under this Article and Article V of this Code.

(3) For payment of administrative expenses incurred by the Illinois Department or its agent in performing the activities authorized by this Article.

(4) For payments of any amounts which are reimbursable to the federal government for payments from this Fund which are required to be paid by State warrant.

(5) For making transfers, as those transfers are authorized in the proceedings authorizing debt under the Short Term Borrowing Act, but transfers made under this paragraph (5) shall not exceed the principal amount of debt issued in anticipation of the receipt by the State of moneys to be deposited into the Fund.

(6) For making transfers to any other fund in the State treasury, but transfers made under this paragraph (6) shall not exceed the amount transferred previously from that other fund into the Hospital Provider Fund.

(7) For State fiscal years 2004 and 2005 for making transfers to the Health and Human Services Medicaid Trust Fund, including 20% of the moneys received from hospital providers under Section 5A-4 and transferred into the Hospital Provider Fund under Section 5A-6. For State fiscal year 2006 for making transfers to the Health and Human Services Medicaid Trust Fund of up to \$130,000,000 per year of the moneys received from hospital providers under Section 5A-4 and transferred into the Hospital Provider Fund under Section 5A-6. Transfers under this paragraph shall be made within 7 days after the payments have been received pursuant to the schedule of payments provided in subsection (a) of Section 5A-4.

(7.5) For State fiscal year 2007 for making transfers of the moneys received from hospital providers under Section 5A-4 and transferred into the Hospital Provider Fund under Section 5A-6 to the designated funds not exceeding the following amounts in that State fiscal year:

Health and Human Services

Medicaid Trust Fund..... \$20,000,000

Long-Term Care Provider Fund..... \$30,000,000

General Revenue Fund..... \$80,000,000.

Transfers under this paragraph shall be made within 7 days after the payments have been received pursuant to the schedule of payments provided in subsection (a) of Section 5A-4.

(7.8) For State fiscal year 2008, for making transfers of the moneys received from hospital providers under Section 5A-4 and transferred into the Hospital Provider Fund under Section 5A-6 to the designated funds not exceeding the following amounts in that State fiscal year:

Health and Human Services

Medicaid Trust Fund.....\$40,000,000

Long-Term Care Provider Fund.....\$60,000,000

General Revenue Fund.....\$160,000,000.

Transfers under this paragraph shall be made within 7 days after the payments have been received pursuant to the schedule of payments provided in subsection (a) of Section 5A-4.

(7.9) For State fiscal years 2009 through 2013, for making transfers of the moneys received from hospital providers under Section 5A-4 and transferred into the Hospital Provider Fund under Section 5A-6 to the designated funds not exceeding the following amounts in that State fiscal year:

Health and Human Services

Medicaid Trust Fund.....\$20,000,000

Long Term Care Provider Fund.....\$30,000,000

General Revenue Fund.....\$80,000,000.

Except as provided under this paragraph, transfers ~~Transfers~~ under this paragraph shall be made within 7 business days after the payments have been received pursuant to the schedule of payments provided in subsection (a) of Section 5A-4. For State fiscal year 2009, transfers to the General Revenue Fund under this paragraph shall be made on or before June 30, 2009, as sufficient funds become available in the Hospital Provider Fund to both make the transfers and continue hospital payments.

(8) For making refunds to hospital providers pursuant to Section 5A-10.

Disbursements from the Fund, other than transfers authorized under paragraphs (5) and (6) of this subsection, shall be by warrants drawn by the State Comptroller upon receipt of vouchers duly executed and certified by the Illinois Department.

(c) The Fund shall consist of the following:

- (1) All moneys collected or received by the Illinois Department from the hospital provider assessment imposed by this Article.
- (2) All federal matching funds received by the Illinois Department as a result of expenditures made by the Illinois Department that are attributable to moneys deposited in the Fund.
- (3) Any interest or penalty levied in conjunction with the administration of this Article.
- (4) Moneys transferred from another fund in the State treasury.
- (5) All other moneys received for the Fund from any other source, including interest earned thereon.

(d) (Blank).

(Source: P.A. 94-242, eff. 7-18-05; 94-839, eff. 6-6-06; 95-707, eff. 1-11-08; 95-859, eff. 8-19-08.)

Section 95. Repeal. The Interfund Borrowing Act of 2009 is repealed on July 1, 2009.

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.

At the hour of 5:30 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, February 26, 2009, at 10:15 o'clock a.m.