

**STATE OF ILLINOIS**



**HOUSE JOURNAL**

**HOUSE OF REPRESENTATIVES**

**NINETY-SIXTH GENERAL ASSEMBLY**

**123RD LEGISLATIVE DAY**

**REGULAR & PERFUNCTORY SESSION**

**TUESDAY, APRIL 13, 2010**

**1:12 O'CLOCK P.M.**

**HOUSE OF REPRESENTATIVES**  
**Daily Journal Index**  
**123rd Legislative Day**

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The House met pursuant to adjournment.

Speaker of the House Madigan in the chair.

Prayer by Pastor Shaun Lewis, who is the Illinois State Director of Capitol Commission.

Representative Washington led the House in the Pledge of Allegiance.

By direction of the Speaker, a roll call was taken to ascertain the attendance of Members, as follows:

111 present. (ROLL CALL 1)

By unanimous consent, Representatives Boland, Jerry Mitchell, Mulligan, Riley and Rita were excused from attendance.

The membership of the House was temporarily reduced to 117 as a result of the vacancy created by the resignation of Representative Graham on March 26, 2010.

### **REQUEST TO BE SHOWN ON QUORUM**

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Dunkin, should be recorded as present at the hour of 1:19 o'clock p.m.

### **REPORTS**

The Clerk of the House acknowledges receipt of the following correspondence:

Amended - December 2009 Bilingual Needs and Bilingual Pay Survey, submitted by Department of Central Management Services on March 24, 2010.

Fiscal Year 2011 Generally Accepted Accounting Principles Report, submitted by Commission on Government Forecasting and Accountability on March 24, 2010.

University of Illinois Annual Financial Audits for the Year Ended June 30, 2009, submitted by Office of the Auditor General on March 26, 2010.

Illinois Emergency Management Agency Compliance Examination For the Two Years Ended June 30, 2009, submitted by Office of the Auditor General on March 26, 2010.

Commission on Government Forecasting and Accountability Compliance Examination For the Two Years Ended June 30, 2009, submitted by Office of the Auditor General on March 26, 2010.

State Board of Elections Compliance Examination For the Two Years Ended June 30, 2009, submitted by Office of the Auditor General on March 26, 2010.

Regional Office of Education #20 Financial Audit For the Year Ended June 30, 2009, submitted by Office of the Auditor General on March 26, 2010.

LaSalle County Regional Office of Education #35 Financial Audit For the Year Ended June 30, 2009, submitted by Office of the Auditor General on March 26, 2010.

Medical Student Scholarship Program Fiscal Year 2009 Annual Report, submitted by Illinois Department of Public Health on March 26, 2010.

2009 Annual Report For the Illinois Motor Vehicle Theft Prevention Council, submitted by Illinois Motor Vehicle Theft Prevention Council on March 29, 2010.

Service Disabled Veteran-Owned Businesses Task Force Report to the Illinois General Assembly - March 2010, submitted by Service Disabled Veteran-Owned Businesses Task Force on March 31, 2010.

Illinois Criminal Justice Information Authority Compliance Examination For the Two Years Ended June 30, 2009, submitted by Office of the Auditor General on March 31, 2010.

Illinois Finance Authority Compliance Examination For the Year Ended June 30, 2009, submitted by Office of the Auditor General on March 31, 2010.

Workers' Compensation Commission Financial Audit (Self-Insurers' Security Fund) For the Year Ended June 30, 2009 and Compliance Examination For the Two Years Ended June 30, 2009, submitted by Office of the Auditor General on March 31, 2010.

Clay/Crawford/Jasper/Lawrence/Richland Counties Regional Office of Education #12 Financial Audit For the Year Ended June 30, 2009, submitted by Office of the Auditor General on March 31, 2010.

Iroquois-Kankakee Regional Office of Education #32 Financial Audit For the Year Ended June 30, 2009, submitted by Office of the Auditor General on March 31, 2010.

Regional Office of Education #38 Financial Audit For the Year Ended June 30, 2009, submitted by Office of the Auditor General on March 31, 2010.

Vermilion County Regional Office of Education #54 Financial Audit For the Year Ended June 30, 2009, submitted by Office of the Auditor General on March 31, 2010.

Will County Regional Office of Education #56 Financial Audit For the Year Ended June 30, 2009, submitted by Office of the Auditor General on March 31, 2010.

Illinois Department of Employment Security Report to the General Assembly - April 2010, submitted by Illinois Department of Employment Security on March 31, 2010.

Illinois Sports Facilities Authority Annual Report for the Year Ended June 30, 2009, submitted by Illinois Sports Facilities Authority on April 1, 2010.

Illinois Criminal Justice Information Authority and the Illinois Integrated Justice Information System Implementation Board's 2010 Annual Report, submitted by Illinois Criminal Justice Information Authority on April 1, 2010.

Executive Order Number 2 (2007) - A Report to the General Assembly July 1, 2007 - March 31, 2010, submitted by The Department of Healthcare and Family Services on April 1, 2010.

Medical Assistance Program Annual Report for the Fiscal Years 2007, 2008 and 2009, submitted by Illinois Department of Healthcare and Family Services on April 1, 2010.

Women and Minorities In the Illinois Labor Force - 2010 Annual Report, submitted by Department of Employment Security on April 1, 2010.

Independent Charter School Authorizer Task Force Report, submitted by Illinois State Board of Education on April 1, 2010.

Fiscal Year 2009 Evaluation Report - Illinois Early Childhood Prevention Initiative Program, submitted by Illinois State Board of Education on April 1, 2010.

Annual Report on School Breakfast Incentives, submitted by Illinois State Board of Education on April 1, 2010.

Illinois State Retirement Systems Financial Condition as of June 30, 2009, submitted by Commission on Government Forecasting and Accountability on April 2, 2010.

2009 Annual Report of the Joint Committee on Administrative Rules, submitted by Joint Committee on Administrative Rules on April 2, 2010.

Institutional Services for Children with Developmental Disabilities, Severe Mental Illness and Severe Emotional Disorders Second Bi-Annual Report, submitted by Department of Human Services on April 6, 2010.

Statistics Being Submitted by the Kewanee Police Department to Comply With the Provisions of Public Act 94-0487, submitted by Kewanee Police Department on April 6, 2010.

Arthur Police Department Annual Report to the Illinois General Assembly Pursuant to Public Act 94-0987, submitted by Arthur Police Department on April 6, 2010.

2009 Annual Flex Time Report As Required by Public Act 87-552 (State Agency Child Care Services Act), submitted by Department of Central Management Services on April 5, 2010.

Quarterly Report To The Legislature - April 1, 2010, submitted by Illinois Department of Corrections on April 7, 2010.

Educational Labor Relations Board Annual Report for Fiscal Year 2009, submitted by Education Labor Relations Board on April 7, 2010.

#### **TEMPORARY COMMITTEE ASSIGNMENTS FOR COMMITTEES NOT REPORTING**

Representative Dunkin replaced Representative Madigan in the Joint Committee on the Metropolitan Pier and Exposition Authority on April 1, 2010.

#### **TEMPORARY COMMITTEE ASSIGNMENTS**

Representative Acevedo replaced Representative Turner in the Committee on Rules on April 8, 2010.

Representative Kosel replaced Representative Schmitz in the Committee on Rules on April 8, 2010.

Representative Watson replaced Representative Black in the Committee on Rules on April 8, 2010.

Representative Mautino replaced Representative Turner in the Committee on Rules on April 12, 2010.

Representative Mautino replaced Representative Turner in the Committee on Rules on April 13, 2010.

#### **REPORTS FROM THE COMMITTEE ON RULES**

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on April 8, 2010, reported the same back with the following recommendations:

#### **LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:**

Aging: SENATE BILL 3590.

Agriculture & Conservation: SENATE BILLS 615, 2578, 2580, 3060 and 3091.

Business & Occupational Licenses: SENATE BILLS 2542 and 3094.

Cities & Villages: SENATE BILLS 2476, 3134, 3313 and 3334.

Consumer Protection: SENATE BILL 3584.

Counties & Townships: SENATE BILLS 575, 3010, 3478, 3585, 3592 and 3749.

Elementary & Secondary Education: SENATE BILLS 2980, 3483, 3515, 3544, 3547, 3608, 3609, 3610, 3630, 3635, 3681 and 3706.  
 Environment & Energy: SENATE BILLS 2490, 3070 and 3692.  
 Environmental Health: SENATE BILLS 851 and 3347.  
 Executive: SENATE BILLS 448, 2499, 2810, 2986, 3044, 3268, 3540 and 3762.  
 Health Care Availability and Accessibility: SENATE BILL 3047.  
 Health Care Licenses: SENATE BILLS 2541, 2635, 3025, 3057, 3061, 3509 and 3637.  
 Health & Healthcare Disparities: SENATE BILL 3129.  
 Higher Education: SENATE BILLS 3222 and 3699.  
 Human Services: SENATE BILLS 2583, 2622, 2931, 3097, 3273, 3290, 3332, 3420, 3743 and 3815.  
 Insurance: SENATE BILLS 663, 2817 and 3096.  
 Judiciary I - Civil Law: SENATE BILLS 2514, 2551, 3180, 3211, 3386, 3467, 3739 and 3747.  
 Judiciary II - Criminal Law: SENATE BILLS 1020, 2462, 2824, 3028, 3084, 3093, 3269, 3293, 3359, 3411, 3539, 3616, 3684 and 3734.  
 Labor: SENATE BILLS 3566 and 3568.  
 Personnel and Pensions: SENATE BILLS 550, 552, 3405 and 3537.  
 Public Utilities: SENATE BILL 2612.  
 Revenue & Finance: SENATE BILLS 374, 459, 735, 2559, 2795, 3147, 3265, 3401, 3529, 3648, 3745, 3780 and 3816.  
 State Government Administration: SENATE BILLS 387, 2798, 2802, 2887, 3169, 3206, 3214, 3249, 3418, 3422, 3429, 3531, 3576, 3587 and 3588.  
 Transportation, Regulation, Roads & Bridges: SENATE BILLS 3282 and 3763.  
 Vehicles & Safety: SENATE BILLS 2951, 3309 and 3732.  
 Youth and Family: SENATE BILL 3543.  
 Fire Protection: SENATE BILLS 676 and 3722.  
 Juvenile Justice Reform: SENATE BILL 3085.

The committee roll call vote on the foregoing Legislative Measures is as follows:

5, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson  
 Y Lang(D)  
 Y Acevedo(D) (replacing Turner)

Y Watson(R) (replacing Black)  
 Y Kosel(R) (replacing Schmitz)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on April 12, 2010, reported the same back with the following recommendations:

**LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:**

Aging: SENATE BILL 3267.  
 Agriculture & Conservation: SENATE BILL 918.  
 Elementary & Secondary Education: SENATE BILL 3266.  
 Environment & Energy: SENATE BILLS 2812 and 3344.  
 Executive: SENATE BILL 2494 and HOUSE RESOLUTION 1037.  
 Human Services: SENATE BILL 2809.  
 Judiciary II - Criminal Law: SENATE BILLS 3797 and 3800.  
 Revenue & Finance: SENATE BILLS 2523 and 3152.  
 State Government Administration: SENATE BILL 3702.  
 Vehicles & Safety: SENATE BILLS 935, 3796 and 3803.

**LEGISLATIVE MEASURES REASSIGNED TO COMMITTEE:**

SENATE BILL 2887 was recalled from the Committee on State Government Administration and reassigned to the Committee on Executive.

The committee roll call vote on the foregoing Legislative Measures is as follows:

3, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson  
Y Lang(D)  
Y Mautino(D) (replacing Turner)

A Black(R), Republican Spokesperson  
A Schmitz(R)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on April 13, 2010, reported the same back with the following recommendations:

**LEGISLATIVE MEASURES REASSIGNED TO COMMITTEE:**

SENATE BILL 3734 was recalled from the Committee on Judiciary II - Criminal Law and reassigned to the Committee on Executive.

The committee roll call vote on the foregoing Legislative Measures is as follows:

3, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson  
A Lang(D)  
Y Mautino(D) (replacing Turner)

A Black(R), Republican Spokesperson  
Y Schmitz(R)

**MOTIONS SUBMITTED**

Representative Smith submitted the following written motion, which was placed on the Calendar on the order of Motions in Writing:

**MOTION**

Pursuant to Rule 25, I move to suspend the posting requirements of Rule 21 in relation to subject matter to be heard in the Committee on Elementary & Secondary Education.

**FISCAL NOTE SUPPLIED**

Fiscal Notes have been supplied for SENATE BILL 3344, and HOUSE BILLS 4872, as amended, and 5279.

**CHANGE OF SPONSORSHIP**

With the consent of the affected members, Representative Tryon was removed as principal sponsor, and Representative Currie became the new principal sponsor of SENATE BILL 374.

With the consent of the affected members, Representative Mathias was removed as principal sponsor, and Representative Lang became the new principal sponsor of SENATE BILL 3797.

With the consent of the affected members, Representative Mathias was removed as principal sponsor, and Representative Lang became the new principal sponsor of SENATE BILL 3800.

With the consent of the affected members, Representative Watson was removed as principal sponsor, and Representative Black became the new principal sponsor of SENATE BILL 3013.

With the consent of the affected members, Representative Osterman was removed as principal sponsor, and Representative Verschoore became the new principal sponsor of SENATE BILL 3288.

With the consent of the affected members, Representative Kosel was removed as principal sponsor, and Representative Reitz became the new principal sponsor of SENATE BILL 2660.



With the consent of the affected members, Representative Hamos was removed as principal sponsor, and Representative Feigenholtz became the new principal sponsor of SENATE BILL 3088.

With the consent of the affected members, Representative Hamos was removed as principal sponsor, and Representative Mautino became the new principal sponsor of SENATE BILL 2544.

### HOUSE RESOLUTIONS

The following resolutions were offered and placed in the Committee on Rules.

#### HOUSE RESOLUTION 1080

Offered by Representative Senger:

WHEREAS, H.R. 693, a bill currently under consideration by Congress, would designate a rail right-of-way as a corridor for inter-suburban commuter rail and other purposes; the bill would also require the U.S. Secretary of Transportation to designate a rail right-of-way as a corridor for inter-suburban commuter rail, provide technical assistance to expedite completion of inter-suburban rail service, and prohibit the increased usage of such a corridor except to increase the availability of inter-suburban commuter rail; and

WHEREAS, The passage of this bill is of utmost importance to the people of the State of Illinois and the nation at large; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge Congress to pass H.R. 693; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Speaker and Minority Leader of the United States House of Representatives, the Majority and Minority Leader of the United States Senate, and the members of the Illinois congressional delegation.

#### HOUSE RESOLUTION 1081

Offered by Representative Senger:

WHEREAS, H.R. 3410, the Taking Responsible Action for Community Safety Act, a bill currently under consideration by Congress, would revise requirements with respect to the consolidation, merger, or acquisition of control involving rail carriers to require public hearings in the affected communities if public hearings on a proposed transaction are held; the bill requires the Surface Transportation Board to consider the effect of any proposed Class I railroad merger on the public interest and prohibits the STB from approving mergers if any adverse impact on safety and on affected communities outweigh their transportation benefits; and

WHEREAS, The passage of this bill is of utmost importance to the people of the State of Illinois and the nation at large; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge Congress to pass H.R. 3410, the Taking Responsible Action for Community Safety Act; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Speaker and Minority Leader of the United States House of Representatives, the Majority and Minority Leader of the United States Senate, and the members of the Illinois congressional delegation.

#### HOUSE RESOLUTION 1083

Offered by Representative Turner:

WHEREAS, The number of people over the age of 60 in the State of Illinois is projected to increase by 87% from 1,966,236 in 2000 to 3,676,295 in 2030 - 1 in every 5 Illinoisans; and

WHEREAS, It has been determined that the elderly population can be vulnerable to abuse, including financial exploitation; and

WHEREAS, The House finds that the State should work in conjunction with the Aging community and financial institutions to protect our elderly citizens (persons 60 or more years of age) from possible financial exploitation; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Department on Aging, in cooperation with the Area Agencies on Aging and Elder Abuse and Neglect Provider Agencies, shall develop a specialized elder abuse training curriculum, in in-person and online versions, to be made available to financial institutions and their trade associations to aid in the training of a variety of financial institution employees and professionals, with the emphasis on tellers and customer service representatives, and on determining the existence of financial exploitation of elderly customers, and that the curriculum should include modules on prevention mechanisms, recognition factors, intervention options, confidentiality, and other legal issues, as well as reporting channels in the event of a determination of suspected financial exploitation of an elderly customer; and be it further

RESOLVED, That the Department on Aging, in cooperation with the Area Agencies on Aging and Elder Abuse and Neglect Provider Agencies, shall develop a specialized roster of qualified professionals available to aid in the training of a variety of financial institution employees and professionals regarding financial exploitation prevention mechanisms, recognition factors, intervention options, confidentiality, and other legal issues, as well as reporting channels in the event of suspected financial exploitation of an elderly customer; and be it further

RESOLVED, That financial institutions direct their customer contact staff to utilize the above training and inform them about the use of consumer information and readily-available tips on recognizing, deterring, and reporting suspected financial abuse; and be it further

RESOLVED, That two years after the training materials are made available, the Department on Aging shall undertake a study of reports of suspected financial exploitation of the elderly made during the immediate prior year, an analysis of trends, and the development of statistical data regarding reports that were made by depository institutions to the Illinois Elder Abuse and Neglect Program, and recommendations regarding financial abuse of the elderly in Illinois; and be it further

RESOLVED, That the Illinois Department of Financial and Professional Regulation, as part of its examination of Illinois-chartered financial institutions, shall record the overall participation by financial institutions in the on-line or in-person training provided by the Department on Aging, participation in the B\*SAFE program, the usage of posters, handouts, and materials intended for use by direct customer contact staff, other training offered at or by each financial institution, and the total number of cases of financial exploitation reported to the Elder Abuse and Neglect Program and law enforcement; the Illinois Department of Financial and Professional Regulation shall submit a report of its findings to the Illinois General Assembly starting January 1, 2011, and annually thereafter; and be it further

RESOLVED, That a copy of this resolution be presented to the Director of the Department on Aging and the Secretary of the Illinois Department of Financial and Professional Regulation.

#### HOUSE RESOLUTION 1090

Offered by Representative D'Amico:

WHEREAS, As of June 2009, there are over 276 million wireless cell phone subscribers in the United States, an increase of 42% from 194 million in June 2005 and nearly 3 times more than the 97 million wireless subscribers in June 2000; and

WHEREAS, Over 600 billion text messages were sent in 2008, nearly 4 times the number sent in 2006; and

WHEREAS, According to the recent National Motor Vehicle Crash Causation Survey, 80% of all traffic incidents and 65% of all near-crashes involved some type of distraction; and

WHEREAS, According to the National Highway Traffic Safety Administration, nearly 6,000 people died in 2008 in incidents involving a distracted or inattentive driver and more than half a million people were injured; and

WHEREAS, According to data from the Fatality Analysis Reporting System, driver distraction was reported to have been involved in 16% of all fatal crashes in 2008, an increase of 12% from 2004; and

WHEREAS, The United States Secretary of Transportation held a Distracted Driving Summit in September of 2009; and

WHEREAS, The Illinois General Assembly has taken steps to decrease distracted driving in Illinois

including prohibiting a driver from text messaging behind the wheel; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize the effort by the United States Congress to combat distracted driving through their declaration of April as Distracted Driving Month and join in their efforts; and be it further

RESOLVED, That we designate the month of April as Distracted Driving Awareness Month in the State of Illinois and encourage the people of the State of Illinois to consider the lives of others on the road and avoid distracted driving.

#### HOUSE JOINT RESOLUTION 114

Offered by Representative Bradley:

WHEREAS, The City of Herrin in Williamson County strongly supports the renaming of the portion of Herrin Road/County Road 2 between Interstate 57 and Highway 149 to the U.S.M.C. Private Joseph W. Ozbourn Memorial Highway; and

WHEREAS, Private Joseph William Ozbourn was born in Herrin on October 24, 1919; and

WHEREAS, The U.S. Navy destroyer USS Ozbourn was commissioned on March 5, 1946 at the Boston Naval Shipyard by his widow; and

WHEREAS, Private Ozbourn was awarded the Medal of Honor for his gallantry in battle; and

WHEREAS, Numerous organizations in Herrin, including the VFW-Southern Leathernecks, the MCL-Knights of Columbus, the American Legion, and the Elks Club, are sponsoring a change in a portion of Herrin Road/County Road 2 in honor of Private Ozbourn; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we designate the portion of Herrin Road/County Road 2 between Interstate 57 and Highway 149 as the U.S.M.C. Private Joseph W. Ozbourn Memorial Highway; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State regulations, plaques or signs giving notice of the name; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Illinois Secretary of Transportation and the Herrin City Council.

#### AGREED RESOLUTIONS

The following resolutions were offered and placed on the Calendar on the order of Agreed Resolutions.

#### HOUSE RESOLUTION 1078

Offered by Representative McGuire:

Congratulates the Joliet Junior College Men's Basketball team on winning the NJCAA Division III National Championship.

#### HOUSE RESOLUTION 1079

Offered by Representative Leitch:

Congratulates the Richwoods High School Boys Basketball Team, the Knights, on finishing in second place at the 2010 Class 3A Boys Basketball Tournament.

#### HOUSE RESOLUTION 1082

Offered by Representative Farnham:

Mourns the death of James P. "Jim" Frost of Carpentersville.

HOUSE RESOLUTION 1084

Offered by Representative Colvin:  
Mourns the death of Kato Gilkey of Chicago.

HOUSE RESOLUTION 1085

Offered by Representative Brauer:  
Honors John R. Gehlbach of Elkhart for his many accomplishments.

HOUSE RESOLUTION 1086

Offered by Representative Crespo:  
Congratulates Joshua VanAssche of Schaumburg on becoming an Eagle Scout.

HOUSE RESOLUTION 1087

Offered by Representative McAsey:  
Congratulates the Bolingbrook High School Girls Basketball Team for defending their Class 4A State Championship.

HOUSE RESOLUTION 1088

Offered by Representative Jehan Gordon:  
Mourns the death of J.M. "Sully" Sullivan of Peoria.

HOUSE RESOLUTION 1089

Offered by Representative Watson:  
Congratulates the members of the Jacksonville Turner Junior High School Titans girls volleyball team on the occasion of the team's victory at the IESA Class 4A State Championship.

HOUSE RESOLUTION 1091

Offered by Representative Rita:  
Congratulates Chicago Police Department K9 Specialist Derrick Rhodes and Sergeant Monica Rhodes for being named the Illinois Sheriff's Association's Deputies of the Year for their bravery.

HOUSE RESOLUTION 1092

Offered by Representative William Davis:  
Congratulates Adelle J. Swanson on the occasion of her retirement after many years of dedicated service with the Riverdale Public Library District.

HOUSE RESOLUTION 1093

Offered by Representative Black:  
Congratulates Michael Hulvey, general manager of Neuhoff Communication Danville, on being named the AMBUCS First Citizen.

HOUSE RESOLUTION 1094

Offered by Representative Currie:  
Congratulates Robert C. Mason on his retirement from the South East Chicago Commission and his lifetime of service to the community.

**HOUSE RESOLUTION 1095**

Offered by Representative Currie:  
Congratulates Dolores "Dolly" A. Pope of Chicago on her 75th birthday.

**HOUSE RESOLUTION 1096**

Offered by Representative Miller:  
Congratulates NASA Astronaut Dr. Robert L. Satcher, Jr., on his first flight into space.

**AGREED RESOLUTION**

HOUSE RESOLUTION 1096 was taken up for consideration.  
Representative Miller requested that all members be added as co-sponsors.  
Representative Miller moved the adoption of the agreed resolution.  
The motion prevailed and the agreed resolution was adopted.

**SUSPEND POSTING REQUIREMENTS**

Pursuant to Rule 25, Representative Smith moved to suspend the posting requirements of Rule 21 in relation to subject matter to be heard in the Committee on Elementary & Secondary Education.  
The motion prevailed.

**AGREED RESOLUTIONS**

HOUSE RESOLUTIONS 1078, 1082, 1084, 1085, 1086, 1087, 1088, 1089, 1091, 1092, 1093, 1094 and 1095 were taken up for consideration.  
Representative Currie moved the adoption of the agreed resolutions.  
The motion prevailed and the agreed resolutions were adopted.

At the hour of 1:42 o'clock p.m., Representative Currie moved that the House do now adjourn until Wednesday, April 14, 2010, at 12:00 o'clock noon, allowing perfunctory time for the Clerk.  
The motion prevailed.  
And the House stood adjourned.

STATE OF ILLINOIS  
NINETY-SIXTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
QUORUM ROLL CALL FOR ATTENDANCE

April 13, 2010

0 YEAS

0 NAYS

112 PRESENT

P Acevedo	P Davis, Monique	P Joyce	P Reitz
P Arroyo	P Davis, William	P Kosel	E Riley
P Bassi	P DeLuca	P Lang	E Rita
P Beaubien	P Dugan	P Leitch	P Rose
P Beiser	P Dunkin (ADDED)	P Lyons	P Sacia
P Bellock	P Durkin	P Mathias	P Saviano
P Berrios	P Eddy	P Mautino	P Schmitz
P Biggins	P Farnham	P May	P Senger
P Black	P Feigenholtz	P McAsey	P Sente
E Boland	P Flider	P McAuliffe	P Smith
P Bost	P Flowers	P McCarthy	P Sommer
P Bradley	P Ford	P McGuire	P Soto
P Brady	P Fortner	P Mell	P Stephens
P Brauer	P Franks	P Mendoza	P Sullivan
P Burke	P Fritchey	P Miller	P Thapedi
P Burns	P Froehlich	P Mitchell, Bill	P Tracy
P Carberry	P Golar	E Mitchell, Jerry	P Tryon
P Cavaletto	P Gordon, Careen	P Moffitt	P Turner
P Chapa LaVia	P Gordon, Jehan	E Mulligan	P Verschoore
P Coladipietro	P Hamos	P Myers	P Wait
P Cole	P Hannig	P Nekritz	P Walker
P Collins	P Harris	P Osmond	P Washington
P Colvin	P Hatcher	P Osterman	P Watson
P Connelly	P Hernandez	P Phelps	P Winters
P Coulson	P Hoffman	P Pihos	P Yarbrough
P Crespo	P Holbrook	P Poe	P Zalewski
P Cross	P Howard	P Pritchard	P Mr. Speaker
P Cultra	P Jackson	P Ramey	
P Currie	P Jakobsson	P Reboletti	
P D'Amico	P Jefferson	P Reis	

E - Denotes Excused Absence

**123RD LEGISLATIVE DAY****Perfunctory Session****TUESDAY, APRIL 13, 2010**

At the hour of 4:36 o'clock p.m., the House convened perfunctory session.

**TEMPORARY COMMITTEE ASSIGNMENTS**

Representative Hannig replaced Representative Crespo in the Committee on Cities & Villages on April 13, 2010.

Representative Thapedi replaced Representative Rita in the Committee on Consumer Protection on April 13, 2010.

**REPORTS FROM STANDING COMMITTEES**

Representative Collins, Chairperson, from the Committee on Public Utilities to which the following were referred, action taken on April 13, 2010, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 3464.

The committee roll call vote on Senate Bill 3464 is as follows:

9, Yeas; 0, Nays; 0, Answering Present.

Y Collins(D), Chairperson	Y Holbrook(D), Vice-Chairperson
Y Bost(R), Republican Spokesperson	Y Arroyo(D)
Y Coladipietro(R)	Y Connelly(R)
Y Crespo(D)	Y Durkin(R)
A Franks(D)	A Jefferson(D)
A Mendoza(D)	A Saviano(R)
Y Sullivan(R)	A Thapedi(D)

Representative Beiser, Chairperson, from the Committee on Transportation, Regulation, Roads & Bridges to which the following were referred, action taken on April 13, 2010, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 3430 and 3462.

The committee roll call vote on Senate Bill 3430 is as follows:

15, Yeas; 0, Nays; 0, Answering Present.

Y Beiser(D), Chairperson	A Miller(D), Vice-Chairperson
Y Brauer(R), Republican Spokesperson	Y Black(R)
A Bradley(D)	Y D'Amico(D)
Y Hatcher(R)	A Hoffman(D)
Y Holbrook(D)	Y Howard(D)
Y Lyons(D)	Y McAuliffe(R)
Y McGuire(D)	Y Poe(R)
Y Reboletti(R)	Y Sommer(R)
A Soto(D)	Y Tracy(R)
Y Wait(R)	

The committee roll call vote on Senate Bill 3462 is as follows:

13, Yeas; 0, Nays; 0, Answering Present.

Y Beiser(D), Chairperson	A Miller(D), Vice-Chairperson
Y Brauer(R), Republican Spokesperson	Y Black(R)
A Bradley(D)	Y D'Amico(D)
Y Hatcher(R)	A Hoffman(D)
Y Holbrook(D)	Y Howard(D)
Y Lyons(D)	Y McAuliffe(R)
Y McGuire(D)	Y Poe(R)
A Reboletti(R)	Y Sommer(R)
A Soto(D)	A Tracy(R)
Y Wait(R)	

Representative Monique Davis, Chairperson, from the Committee on Insurance to which the following were referred, action taken on April 13, 2010, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 3004.

The committee roll call vote on Senate Bill 3004 is as follows:

16, Yeas; 0, Nays; 0, Answering Present.

Y Davis, Monique(D), Chairperson	A Yarbrough(D), Vice-Chairperson
Y Watson(R), Republican Spokesperson	Y Beaubien(R)
Y Berrios(D)	Y Brady(R)
A Colvin(D)	A Dunkin(D)
A Feigenholtz(D)	A Ford(D)
A Fritchey(D)	Y Gordon, Careen(D)
A Harris(D)	Y Lang(D)
Y Leitch(R)	Y Mautino(D)
Y Mell(D)	Y Mitchell, Bill(R)
Y Osmond(R)	Y Pritchard(R)
Y Rose(R)	Y Senger(R)
Y Stephens(R)	

Representative Phelps, Chairperson, from the Committee on Agriculture & Conservation to which the following were referred, action taken on April 13, 2010, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 2632, 2959, 3604 and 3719.

The committee roll call vote on Senate Bill 3719 is as follows:

9, Yeas; 0, Nays; 0, Answering Present.

Y Phelps(D), Chairperson	Y Verschoore(D), Vice-Chairperson
Y Sacia(R), Republican Spokesperson	Y Cavaletto(R)
Y Cultra(R)	Y Dugan(D)
Y Flider(D)	A Flowers(D)
A Hamos(D)	Y Moffitt(R)
Y Myers(R)	A Reis(R)
A Reitz(D)	

The committee roll call vote on Senate Bills 2632, 2959 and 3604 is as follows:

13, Yeas; 0, Nays; 0, Answering Present.

Y Phelps(D), Chairperson	Y Verschoore(D), Vice-Chairperson
Y Sacia(R), Republican Spokesperson	Y Cavaletto(R)
Y Cultra(R)	Y Dugan(D)
Y Flider(D)	Y Flowers(D)



Y Hamos(D)  
 Y Myers(R)  
 Y Reitz(D)

Y Moffitt(R)  
 Y Reis(R)

Representative Colvin, Chairperson, from the Committee on Consumer Protection to which the following were referred, action taken on April 13, 2010, reported the same back with the following recommendations:

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 2540 and 3645.

The committee roll call vote on Senate Bills 2540 and 3645 is as follows:

8, Yeas; 0, Nays; 0, Answering Present.

Y Colvin(D), Chairperson

A Sullivan(R), Republican Spokesperson

Y Bost(R)

Y Farnham(D)

A Jefferson(D)

A Ramey(R)

Y Tracy(R)

A Jackson(D), Vice-Chairperson

Y Beaubien(R)

Y Crespo(D)

A Hernandez(D)

Y Pihos(R)

Y Thapedi(D) (replacing Rita)

Representative Froehlich, Chairperson, from the Committee on Cities & Villages to which the following were referred, action taken on April 13, 2010, reported the same back with the following recommendations:

That the bill be reported “do pass” and be placed on the order of Second Reading-- Short Debate: SENATE BILL 2614.

The committee roll call vote on Senate Bill 2614 is as follows:

6, Yeas; 2, Nays; 0, Answering Present.

Y Froehlich(D), Chairperson

Y Mathias(R), Republican Spokesperson

Y Fortner(R)

A Stephens(R)

Y Wait(R)

A Riley(D), Vice-Chairperson

Y Hannig(D) (replacing Crespo)

N Sente(D)

N Walker(D)

Y Yarbrough(D)

Representative Flowers, Chairperson, from the Committee on Health Care Availability and Accessibility to which the following were referred, action taken on April 13, 2010, reported the same back with the following recommendations:

That the resolution be reported “recommends be adopted” and be placed on the House Calendar: HOUSE RESOLUTION 876.

The committee roll call vote on House Resolution 876 is as follows:

8, Yeas; 0, Nays; 0, Answering Present.

Y Flowers(D), Chairperson

Y Osmond(R), Republican Spokesperson

A Connelly(R)

Y Golar(D)

A Mulligan(R)

Y Sommer(R)

Y May(D), Vice-Chairperson

A Burns(D)

A Dugan(D)

Y Harris(D)

Y Schmitz(R)

Y Zalewski(D)

## INTRODUCTION AND FIRST READING OF BILLS

The following bills were introduced, read by title a first time, ordered reproduced and placed in the Committee on Rules:

HOUSE BILL 6845. Introduced by Representative Holbrook, AN ACT concerning business.

HOUSE BILL 6846. Introduced by Representative Black, AN ACT concerning appropriations.

HOUSE BILL 6847. Introduced by Representative Dugan, AN ACT concerning revenue.

HOUSE BILL 6848. Introduced by Representative Farnham, AN ACT concerning revenue.

### **SENATE BILLS ON FIRST READING**

Having been reproduced, the following bills were taken up, read by title a first time and placed in the Committee on Rules: SENATE BILLS 2507 (McGuire), 2747 (Reis) and 3011 (McCarthy).

### **INTRODUCTION OF EXECUTIVE ORDERS**

The following Executive Orders were taken up, was read into the record and placed in the Committee on Rules:

#### **EXECUTIVE ORDER 2010-04**

#### **EXECUTIVE ORDER TO CONSOLIDATE AGENCIES BY THE TRANSFER OF CERTAIN REPRODUCTION SERVICES OF THE DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY, THE DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES, THE DEPARTMENT OF PUBLIC HEALTH AND THE DEPARTMENT ON AGING TO THE DEPARTMENT OF HUMAN SERVICES FACILITY AT 5020 INDUSTRIAL DRIVE, BUILDING B, SPRINGFIELD, ILLINOIS**

**WHEREAS**, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

**WHEREAS**, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that "Reorganization" includes, in pertinent part (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, and (b) the consolidation or coordination of whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and

**WHEREAS**, the Department of Commerce and Economic Opportunity ("DCEO"), the Department of Healthcare and Family Services ("HFS"), the Department of Public Health ("DPH"), the Department on Aging ("Aging") and the Department of Human Services ("DHS") are executive agencies directly responsible to the Governor which exercise the rights, powers, duties and responsibilities derived from 20 ILCS 605, et seq., 20 ILCS 2205, et seq., 20 ILCS 2310, et seq., 20 ILCS 110, et seq. and 20 ILCS 1305, et seq. respectively; and

**WHEREAS**, DCEO, HFS, DPH, Aging and DHS presently maintain individual reproduction services independent of each other, although these services share common functions, duties and responsibilities, as well as utilize the same or similar equipment and materials; and

**WHEREAS**, the transfer and consolidation of the DCEO, HFS, DPH, Aging and DHS reproduction services offers the opportunity to eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, realize savings in administrative costs, promote more effective sharing of best practices and state of the art technology and realize other cost savings, among other things; and

**WHEREAS**, the aforementioned benefits of consolidation can be achieved by transferring the reproduction services from DCEO, HFS, DPH and Aging to a DHS facility in 5020 Industrial Drive, Building B, Springfield, Illinois, 62703; and

**WHEREAS**, as Governor of the State of Illinois, I am committed to effectively using all existing State resources in order to streamline State government operations; and

**WHEREAS**, for purposes of this Executive Order, DCEO, HFS, DPH, Aging and DHS's reproduction services are sometimes referred to collectively as the "Services," DHS is sometimes referred to as the "Receiving Agency," and the DCEO, HFS, DPH and Aging are sometimes referred to as the "Transferring Agencies;" and

**WHEREAS**, prior to the final transfer, discussed in paragraph I.A., below, the specific functions, as well as the staff performing those functions, of the DCEO, HFS, DPH and Aging reproduction services shall be transferred to DHS by way of interagency agreements between DCEO, HFS, DPH and Aging and DHS (the "Agencies' Interagency Agreements") in accordance with the objectives of this Executive Order; and

**THEREFORE**, I, Pat Quinn, Governor of the State of Illinois, pursuant to the supreme executive authority of the Governor as set forth in Article V, Section 8 and pursuant to the authority to reorganize agencies under the jurisdiction of the Governor as set forth in Article V, Section 11 of the Illinois Constitution, do hereby order as follows:

#### **I. TRANSFER**

- a. Effective July 1, 2010, or as soon thereafter as practicable, the powers, duties, rights and responsibilities related to the Services, including staff and positions, shall be transferred from DCEO, HFS, DPH and Aging to the DHS facility at 5020 Industrial Drive, Building B, Springfield, Illinois, 62703 in accordance with the Agencies' Interagency Agreements. The statutory powers, duties, rights and responsibilities of the Transferring Agencies associated with these Services derive from 20 ILCS 605, et seq., 20 ILCS 2205, et seq., 20 ILCS 2310, et seq. and 20 ILCS 110, et seq. These transfers shall be permanent, unless otherwise the subject of subsequent Executive Order or other law.
- b. Whenever any provision of an Executive Order or any Act or section thereof transferred by this Executive Order provides for membership of the Director and/or Secretary of the Transferring Agencies on any council, commission, board or other entity relating to the Services, the Secretary of the Receiving Agency or her designee(s) shall serve in that place. If more than one such person is required by law to serve on any council, commission, board or other entity, an equivalent number of representatives of the Receiving Agency shall so serve.

#### **II. EFFECT OF TRANSFER**

The powers, duties, rights and responsibilities vested in the Services shall not be affected by this Executive Order, except that all management and staff support or other resources necessary to the operations of the Services shall be provided by the Receiving Agency.

- a. The status and rights of employees in the Transferring Agencies engaged in the performance of the functions of the Services shall not be affected by the transfer. The rights of the employees, the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order. Personnel under the Transferring Agencies affected by this Executive Order shall continue their service within the Receiving Agency.
- b. All books, records, papers, documents, property, contracts, and pending business pertaining to the powers, duties, rights and responsibilities related to the Services and transferred by this Executive Order from the Transferring Agencies to the Receiving Agency, shall be delivered to the Receiving Agency; provided, however, that the delivery of such information shall not violate any applicable confidentiality constraints.

- c. All unexpended appropriations and balances and other funds available for use in connection with any of the Services shall be transferred for use by the Receiving Agency for the Services pursuant to the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriation was originally made and in accordance with applicable state and federal law.

### **III. SAVINGS CLAUSE**

- a. The powers, duties, rights and responsibilities related to the Services and transferred from the Transferring Agencies by this Executive Order shall be vested in and shall be exercised by the Receiving Agency. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the Transferring Agencies or their divisions, officers or employees.
- b. Every person or entity shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as had been exercised by the Transferring Agencies or their divisions, officers or employees.
- c. Every officer of the Receiving Agency shall, for every offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.
- d. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Transferring Agencies in connection with any of the functions of the Services transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Receiving Agency.
- e. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the Services before this Executive Order takes effect; such actions or proceedings may be defended, prosecuted and continued by the Receiving Agency.
- f. Any rules of the Transferring Agencies that relate to the Services which are in full force on the effective date of this Executive Order and have been duly adopted by the Transferring Agencies shall become the rules of the Receiving Agency for the Services. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rulings filed with the Secretary of State by the Transferring Agencies that relate to the Services and are pending in the rulemaking process on the effective date of this Executive Order and pertain to the functions transferred, shall be deemed to have been filed by the Receiving Agency. As soon as practicable hereafter, the Receiving Agency shall revise and clarify the rules transferred to them under this Executive Order to reflect the reorganization of rights, power and duties effected by this Executive Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The Receiving Agency may propose and adopt under the Illinois Administrative Act such other rules of the reorganized agencies that will now be administered by the Receiving Agency.

### **IV. SEVERABILITY**

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or

application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

s/Pat Quinn  
Governor

Issued by the Governor: April 1, 2010  
Filed with the Secretary of State: April 1, 2010

### **EXECUTIVE ORDER 2010-05**

#### **EXECUTIVE ORDER COMMISSIONING A PLAN FOR INTEGRATING THE DEPARTMENT OF JUVENILE JUSTICE INTO THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**WHEREAS**, supervising delinquent youth requires specialized training for staff, unique approaches to facilities management, and programming that provides treatment and rehabilitative services; and

**WHEREAS**, the Department of Juvenile Justice was created as a stand-alone agency, after having been a division of the Department of Corrections, as a step towards managing the delinquent youth population of the State of Illinois with the intention of creating positive outcomes for young people and their families; and

**WHEREAS**, the mission of the Department of Children and Family Services is to provide social services to children and their families, to operate children's institutions, and to provide certain other rehabilitative and residential services; and

**WHEREAS**, integrating the Department of Juvenile Justice into the Department of Children and Family Services would best advance a culture change from a punitive approach toward a rehabilitative, treatment-focused model of care that engages families, promotes public safety, and holds youth accountable for their actions while providing better services for young people in facilities and after release; and

**WHEREAS**, the Illinois Constitution authorizes reorganizing executive branch agencies pursuant to either a multilateral process or a unilateral process: legislation passed by the General Assembly or an Agency Reorganization Executive Order issued pursuant to Article V, Section 11; and

**WHEREAS**, reorganizing the Department of Juvenile Justice will require a participatory and transparent process that involves multiple state agencies, members of the General Assembly, representatives of organized labor and the advocacy community; and

**THEREFORE**, I, Pat Quinn, Governor of Illinois, pursuant to the supreme executive authority of the Governor as set forth in Article V, Section 8 of the Illinois Constitution, do hereby order as follows:

#### **I. STATEMENT OF POLICY**

All employees of the State of Illinois, employed in executive branch agencies that are directly responsible to the Governor [hereinafter "employees"], are hereby directed that the administration's policy is to seek the integration of the Department of Juvenile Justice into the Department of Children and Family Services by means of legislation.

#### **II. COOPERATION**

All employees are directed to cooperate and assist integrating the Department of Juvenile Justice into the Department of Children and Family Services.

##### **a. Affected Agencies**

The following offices and agencies (hereinafter “affected agencies”) shall prioritize facilitating the integration of the Department of Juvenile Justice into the Department of Children and Family Services:

- i. The Office of the Governor
- ii. The Department of Children and Family Services
- iii. The Department of Juvenile Justice
- iv. The Department of Corrections
- v. The Department of Central Management Services
- vi. The Public Safety Shared Services Center
- vii. The Department of Human Services
- viii. The Department of Healthcare and Family Services.

**III. EMPLOYEE RESPONSIBILITIES**

a. Integration Plan

The overall objective of the collaboration required by this executive order is to develop a plan (hereinafter “integration plan”) for implementing in an expeditious and efficient manner, the formal and functional integration of the Department of Juvenile Justice into the Department of Children and Family Services. The integration plan will include, but is not limited to, the following elements:

- i. Legislation that modifies statute to implement the merger;
- ii. Administrative regulations or administrative directives necessary for the merger;
- iii. Interagency agreements that effectuate or facilitate the merger.

b. Collaboration with Organized Labor, Advocacy Organizations, and the Legislature

Employees of the affected agencies shall develop an integration plan in collaboration with:

- i. representatives of organized labor;
- ii. advocacy organizations, individuals experienced in juvenile court issues, and other stakeholders; and
- iii. the members and staff of the General Assembly to craft legislation.

**IV. SAVINGS CLAUSE**

Nothing in this Executive Order shall be construed to contravene any state or federal law.

**V. EFFECTIVE DATE**

This order shall become effective upon its filing with the Office of the Secretary of State.

s/Pat Quinn  
Governor

Issued by the Governor: April 1, 2010  
Filed with the Secretary of State: April 1, 2010

**EXECUTIVE ORDER 2010-06**

**EXECUTIVE ORDER TO TRANSFER FUNCTIONS FROM THE DEPARTMENT OF HUMAN SERVICES TO THE DEPARTMENT OF PUBLIC HEALTH**

**WHEREAS**, the Illinois Department of Human Services (DHS) makes grants from the Diabetes Research Checkoff Fund, a special fund in the State treasury, to public or private entities in Illinois for the purpose of funding research concerning diabetes; and

**WHEREAS**, DHS, through its public health promotion programs and materials, directs information on diabetes, asthma, and pulmonary disorder prevention toward population groups in Illinois that are considered at high risk of developing these diseases; and

**WHEREAS**, DHS supports and staffs the Illinois State Diabetes Commission, which is chaired by the Secretary of DHS and whose members are appointed by the Secretary; and

**WHEREAS**, the Illinois Department of Public Health (DPH) has general supervision of the health and welfare of the people of Illinois; and

**WHEREAS**, one of the missions of DPH is to educate the general public in matters pertaining to health, by publishing and distributing materials relating to the prevention and control of diseases; and

**WHEREAS**, DPH has considerable experience awarding grants to public or private agencies and organizations for the development of health programs or services; and

**WHEREAS**, transferring the diabetes-related grant program; the diabetes, asthma, and pulmonary disorder educational prevention functions; and the Illinois State Diabetes Commission, all described above, from DHS to DPH will be beneficial to both Departments and the people of the State of Illinois; and

**WHEREAS**, Article V, Section 11 of the Illinois Constitution provides that the Governor, by Executive Order, may reassign functions among or reorganize executive agencies which are directly responsible to him; and

**WHEREAS**, Section 3.2 of Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that "Reorganization" includes, in pertinent part, (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, and (b) the abolition of the whole or any part of any agency which does not have, or upon the taking effect of such reorganization will not have, any functions; and

**WHEREAS**, DHS is an executive agency directly responsible to the Governor; and

**WHEREAS**, DPH is an executive agency directly responsible to the Governor;

**THEREFORE**, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I, Patrick J. Quinn, Governor of Illinois, hereby order:

**I. TRANSFER OF PROGRAM FUNCTIONS FROM DHS TO DPH**

- a. Effective July 1, 2010, all program functions performed by DHS pursuant to Sections 10-9 and 10-10 of the Department of Human Services Act, 20 ILCS 1305/1-1 *et seq.*, and Public Act 094-0788, together with all of the powers, duties, rights, and responsibilities of DHS relating to those functions are transferred from DHS to DPH.
- b. Effective July 1, 2010, DPH shall make grants from appropriations from the Diabetes Research Checkoff Fund to recognized public or private entities in Illinois for the purpose of funding research concerning the disease of diabetes. At least 50% of the grants made from the Fund shall be made to entities that conduct research for juvenile diabetes. For these purposes, the term "research" includes, without limitation, expenditures to develop and advance the understanding, techniques, and modalities effective in the detection, prevention, screening, management, and treatment of diabetes and may include clinical trials in Illinois. Moneys received for this purpose, including, without limitation, income tax checkoff receipts and gifts, grants, and awards from any public or private person or entity, shall be deposited

into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

c. Effective July 1, 2010, DPH shall include within its public health promotion programs and materials information to be directed toward population groups in Illinois that are considered at high risk of developing diabetes, asthma, and pulmonary disorders, such as Hispanics, people of African descent, the elderly, obese individuals, persons with high blood sugar content, and persons with a family history of diabetes. The information shall inform members of such high risk groups about the causes and prevention of diabetes, asthma, and pulmonary disorders, the types of treatment for these diseases, and how treatment may be obtained. By February 15, 2011, and each February 15 thereafter, DPH shall file a report with the General Assembly concerning its activities and accomplishments as to these educational prevention efforts during the previous calendar year.

d. Effective July 1, 2010, the Illinois State Diabetes Commission is reconstituted within DPH.

i. Members. The Commission shall consist of members that are residents of this State and shall include an Executive Committee appointed by the Director of DPH. The members of the Commission shall be appointed by the Director of DPH as follows:

- (1) The Director of DPH or the Director's designee, who shall serve as chairperson of the Commission.
- (2) Physicians who are board certified in endocrinology, with at least one physician with expertise and experience in the treatment of childhood diabetes and at least one physician with expertise and experience in the treatment of adult onset diabetes.
- (3) Health care professionals with expertise and experience in the prevention, treatment, and control of diabetes.
- (4) Representatives of organizations or groups that advocate on behalf of persons suffering from diabetes.
- (5) Representatives of voluntary health organizations or advocacy groups with an interest in the prevention, treatment, and control of diabetes.
- (6) Members of the public who have been diagnosed with diabetes.

The Director of DPH may appoint additional members deemed necessary and appropriate by the Director.

ii. Appointments. Members of the Commission shall be appointed within 60 days after the effective date of this Executive Order. A member shall continue to serve until his or her successor is duly appointed and qualified.

iii. Meetings. Meetings shall be held 3 times per year or at the call of the Commission chairperson.

iv. Reimbursement. Members shall serve without compensation but shall, subject to appropriation, be reimbursed for reasonable and necessary expenses actually incurred in the performance of the member's official duties.

v. Department Support of Commission. DPH shall provide administrative support and current staff as necessary for the effective operation of the Commission.

vi. Duties. The Commission shall perform all of the following duties:

- (1) Hold public hearings to gather information from the general public on issues pertaining to the prevention, treatment, and control of diabetes.
- (2) Develop a strategy for the prevention, treatment, and control of diabetes in this State.



- (3) Examine the needs of adults, children, racial and ethnic minorities, and medically underserved populations who have diabetes.
  - (4) Prepare and make available an annual report on the activities of the Commission to the Director of Public Health, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, and the Governor by June 30 of each year, beginning on June 30, 2011.
- vii. Funding. DPH may accept on behalf of the Commission any federal funds or gifts and donations from individuals, private organizations, and foundations and any other funds that may become available.
- e. DHS and DPH shall cooperate to ensure that the transfer of these functions is completed as soon as practical.

## II. EFFECT OF TRANSFER

- a. Neither the functions transferred by this Executive Order from DHS to DPH, nor any powers, duties, rights, and responsibilities related to those functions, shall be affected by this Executive Order, except that they shall all be performed or exercised by DPH from the effective date of the transfer.
- b. The staff of DHS engaged in the performance of the transferred functions may be transferred to DPH. The status and rights of such employees under the Personnel Code shall not be affected by the transfers. The rights of the employees, the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement, or annuity plan shall not be affected by this Executive Order.
- c. All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the functions transferred by this Executive Order from DHS to DPH, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be transferred to DPH. The transfer of that information shall not, however, violate any applicable confidentiality constraints.
- d. All unexpended appropriation balances and other funds available to DHS for use in connection with the functions transferred by this Executive Order shall be transferred and made available to DPH for use in connection with the functions transferred by this Executive Order. Unexpended balances so transferred shall be expended only for the purpose for which the appropriations were originally made.

## III. SAVINGS CLAUSE

- a. The powers, duties, rights, and responsibilities relating to the functions transferred from DHS to DPH by this Executive Order shall be vested in and shall be exercised by DPH. Each act done in exercise of such powers, duties, rights, and responsibilities shall have the same legal effect as if done by DHS or its divisions, officers, or employees.
- b. Every officer of DPH shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing laws for the same offense by any officer whose powers or duties were transferred under this Executive Order.
- c. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon DHS in connection with any of the functions transferred by this Executive Order, the same shall be made, given, furnished, or served in the same manner to or upon DPH.
- d. This Executive Order shall not affect any act done, ratified, or canceled, or any right

occurring or established or any action or proceeding had or commenced in an administrative, civil, or criminal case regarding the functions of DHS before this Executive Order takes effect; such actions may be prosecuted or continued by DPH.

- e. Any rules of DHS that relate to the functions transferred by this Executive Order that are in full force on the effective date of this Executive Order, and that have been duly adopted by DPH, shall become the rules of DPH. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rules filed with the Secretary of State by DHS that are pending in the rulemaking process on the effective date of this Executive Order, and that pertain to the functions transferred, shall be deemed to have been filed by DPH. As soon as practicable hereafter, DPH shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, powers, and duties affected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. DPH, consistent with DHS' authority to do so, may propose and adopt under the Illinois Administrative Procedures Act such other rules of DHS that will now be administered by DPH. To the extent that, prior to the effective date of the transfers, the Secretary of DHS had been empowered to prescribe regulations or had other authority with respect to the transferred functions, such duties shall be exercised from and after the effective date of the transfer by the Director of DPH.
- f. For the purposes of the Successor Agency Act, DPH is declared to be the successor agency of DHS, but only with respect to the functions that are transferred to DPH by this Executive Order.
- g. Whenever a provision of law refers to DHS in connection with its performance of a function that is transferred to DPH by this Executive Order, that provision shall be deemed to refer to DPH on and after the effective date of this Executive Order.

#### **IV. SEVERABILITY**

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

s/Pat Quinn  
Governor

Issued by the Governor: April 1, 2010  
Filed with the Secretary of State: April 1, 2010

At the hour of 4:40 o'clock p.m., the House Perfunctory Session adjourned.