



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIFTH GENERAL ASSEMBLY

150TH LEGISLATIVE DAY

TUESDAY, APRIL 29, 2008

1:13 O'CLOCK P.M.

SENATE
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150th Legislative Day

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The Senate met pursuant to adjournment.
Honorable Emil Jones, Jr., President of the Senate, presiding.

The Journal of Thursday, April 17, 2008, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Wednesday, April 23, 2008, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Report on the Creation of the Motor Sports Promotion Council, submitted by the Department of Commerce and Economic Opportunity.

FY 2009 GAAP (General Accepted Accounting Principles) Report, submitted by the Commission on Government Forecasting and Accountability.

FY 2007 Illinois Child Care Report, submitted by the Department of Human Services.

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

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 1 to Senate Joint Resolution Constitutional Amendment 70
Senate Floor Amendment No. 1 to Senate Joint Resolution 90

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

Senate Committee Amendment No. 1 to House Bill 773
Senate Committee Amendment No. 1 to House Bill 1533
Senate Committee Amendment No. 1 to House Bill 3508
Senate Committee Amendment No. 1 to House Bill 5768

EXCUSED FROM ATTENDANCE

On motion of Senator Risinger, Senator Burzynski was excused from attendance due to death in the family.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 672

Offered by Senator Clayborne and all Senators:
Mourns the death of Doris V. Jefferson of Mascoutah.

SENATE RESOLUTION NO. 673

[April 29, 2008]

Offered by Senator Lightford and all Senators:
Mourns the death of Eugene Beauchamp.

SENATE RESOLUTION NO. 674

Offered by Senator Dillard and all Senators:
Mourns the death of Robert Burke Hilsabeck of Hinsdale.

SENATE RESOLUTION NO. 675

Offered by Senator Dillard and all Senators:
Mourns the death of Mary Jean Roush of Downers Grove.

SENATE RESOLUTION NO. 676

Offered by Senator Dillard and all Senators:
Mourns the death of John Lies of Naperville.

SENATE RESOLUTION NO. 677

Offered by Senator Althoff and all Senators:
Mourns the death of former McHenry County College President Robert C. Bartlett.

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

SENATE RESOLUTION NO. 678

WHEREAS, The members of the Illinois Senate wish to recognize and honor the upcoming 102nd anniversary of the founding of the Alpha Phi Alpha Fraternity, Incorporated, the first intercollegiate Greek-letter fraternity established for African-Americans; and

WHEREAS, The Alpha Phi Alpha Fraternity was founded on December 4, 1906, by seven young men, respectfully known as the Seven Jewels, at Cornell University in Ithaca, New York; and

WHEREAS, Henry Arthur Callis, Charles Henry Chapman, Eugene Kinckle Jones, George Biddle Kelley, Nathaniel Allison Murray, Robert Harold Ogle, and Vertner Woodson Tandy, the founders of the Fraternity, recognized the need for a strong bond of brotherhood among African descendants in this country; and

WHEREAS, The aims of the Alpha Phi Alpha Fraternity are manly deeds, scholarship, and love for all mankind; and

WHEREAS, For nearly 102 years, the Alpha Phi Alpha Fraternity has played a fundamental role in the positive development of the character and education of more than 175,000 men; and

WHEREAS, The brothers of Alpha Phi Alpha have shared countless friendships and a common belief in the founding ideals of the fraternity; and

WHEREAS, Alumni from Alpha Phi Alpha include many noteworthy leaders in the areas of government, business, entertainment, science, and higher education; and

WHEREAS, The Alpha Phi Alpha Fraternity has 350 college campus chapters and 350 alumni chapters in the United States of America, the District of Columbia, Africa, Asia, the Caribbean, and Europe; the Theta Chapter (1910) and the Xi Lambda Chapter (1924), both of Chicago, were the first college and alumni chapters, respectively, in the State of Illinois; and

WHEREAS, The Alpha Phi Alpha Fraternity continues to enrich the lives of its members, who, in turn, carry out in their communities a commitment to service and the uplifting of humanity; therefore, be it

[April 29, 2008]

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize and honor the upcoming 102nd anniversary of the founding of the Alpha Phi Alpha Fraternity; and be it further

RESOLVED, That we commend all Alpha Phi Alpha brothers, past and present, for their bond of friendship, common ideals and beliefs, and service to community; and be it further

RESOLVED, That we express our best wishes for the Alpha Phi Alpha Fraternity's continued success and growth; and be it further

RESOLVED, That December 4, 2008 is officially proclaimed as Alpha Phi Alpha Day in the Great State of Illinois; and be it further

RESOLVED, That suitable copies of this Resolution be delivered to the Illinois District Director of Alpha Phi Alpha Fraternity, Incorporated, the Assistant Illinois District Director of Alpha Phi Alpha Fraternity, Incorporated, and the Presidents of the 30 College and Alumni Chapters of Alpha Phi Alpha Fraternity, Incorporated of the Great District of Illinois.

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

SENATE RESOLUTION NO. 679

WHEREAS, Chemistry is essential to human life, through applications such as agriculture, the protection of public health, and innovative technologies that save energy and improve quality of life; and

WHEREAS, The products of chemistry can pose risks that, if improperly controlled or regulated, can threaten human health or the environment; and

WHEREAS, The Toxic Substances Control Act (TSCA) of 1976 was enacted by Congress to give the United States Environmental Protection Agency the authority to require testing and to impose restrictions on industrial chemicals produced or imported into the United States; and

WHEREAS, Under its TSCA authority the U.S. EPA has required testing of chemicals that may pose a risk to the environment or to human-health, requires reporting of substantial risks to human health and the environment from chemicals, and can ban the manufacture and import of those chemicals that pose such risks; and

WHEREAS, Advances in technology now allow the detection of chemicals at very low levels in the environment and the human body, at levels that until recently were unable to be detected; and

WHEREAS, Analytical testing has become so sophisticated that a National Academy of Sciences/National Research Council Committee on Human Biomonitoring has declared that tremendous challenges surround the use of biomonitoring information because the ability to detect chemicals in the body far exceeds the ability to determine what such data means to public health; and

WHEREAS, The U.S. Centers for Disease Control has cautioned that the mere presence of a chemical in the human body is not an indication that the chemical causes disease; that toxicity of a chemical is related to its dose or concentration in addition to a person's individual susceptibility; and

WHEREAS, Regulations on the production and import of chemicals is best addressed at the federal level to avoid disruptions in trade and commerce; and

WHEREAS, TSCA provides U.S. EPA the authority and flexibility to adapt regulatory controls on chemicals as the science of detection and risk evolves; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE

[April 29, 2008]

STATE OF ILLINOIS, that the U.S. EPA and the Congress of the United States ensure that the Toxic Substances Control Act of 1976 provides the necessary statutory and regulatory controls necessary to protect human health and the environment from the risks of industrial chemicals; and be it further

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

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

SENATE RESOLUTION NO. 680

WHEREAS, The Department of Healthcare and Family Services requires only a single pay stub to verify annual income eligibility for Medicaid; and

WHEREAS, The Department of Healthcare and Family Services' Office of Inspector General concluded a study in November of 2002 that found 27% of a sample of KidCare enrollees had annual income in excess of income eligibility levels for the KidCare program; and

WHEREAS, The Congressional Budget Office issued a report on the State Children's Health Insurance Program in May of 2007 estimating that 25-50% of those enrolled in the State Children's Health Insurance Program have access to private health insurance; and

WHEREAS, The Congressional Budget Office also found that 60% of those enrolled in the State Children's Health Insurance Program were privately insured in the twelve month period before enrolling in the state-operated plan; and

WHEREAS, The Congressional Budget Office also found that 28% of those enrolled in the State Children's Health Insurance Program were privately insured in the six month period before being enrolled in the state-operated plan; and

WHEREAS, The federal Deficit Reduction Act of 2005 enabled states to more thoroughly verify income in determining eligibility for Medicaid and the State Children's Health Insurance Program; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Auditor General is directed to conduct a performance audit to determine the number of families and individuals that have annual income in excess of current program eligibility standards for the FamilyCare and All Kids programs; and be it further

RESOLVED, That the audit shall estimate how many of those enrolled in FamilyCare and All Kids were previously insured through private insurance plans in the twelve month period before enrollment in the publicly financed programs; and be it further

RESOLVED, That the Auditor General use methods similar to those utilized by the Office of Inspector General in formulating and presenting its study in November of 2002; and be it further

RESOLVED, That the Auditor General commence this audit as soon as possible and make public his findings and recommendations upon completion in accordance with the provisions of Section 3-14 of the Illinois State Auditing Act; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Auditor General.

[April 29, 2008]

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

SENATE RESOLUTION NO. 681

WHEREAS, The All Kids program under the Covering ALL KIDS Health Insurance Act as created by P.A. 94-693 requires no documentation of immigration status for the purpose of being eligible for benefits under the program; and

WHEREAS, The Department of Healthcare and Family Services has demonstrated that as of December of 2006, 23,000 of the 39,000 newly eligible enrollees in the All Kids program (60%) failed to provide documentation of immigration status at the time of enrollment; and

WHEREAS, The State of Illinois receives no federal medical assistance percentage (FMAP) for any person made eligible for Medicaid benefits that do not provide documentation of immigration status; and

WHEREAS, The State of Illinois has already spent tens of millions of dollars on the population of children that did not provide the Department with documentation of immigration status; and

WHEREAS, The issue of immigration status was central to the debate that occurred on the floor of the Illinois Senate concerning the enabling legislation for the All Kids program, House Bill 806; and

WHEREAS, Significant time has passed since the enactment and initial execution of the All Kids program; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Department of Healthcare and Family Services provide a monthly report to the Illinois General Assembly of those enrolling or re-enrolling in the All Kids program in the previous month and specify which of those new and re-enrolled children were made eligible by the provisions contained in P.A. 94-693; and be it further

RESOLVED, That the Department of Healthcare and Family Services further specify which of these enrolled or re-enrolled children did not provide documentation of immigration status at the time of initial enrollment or subsequent re-enrollment in the All Kids program; and be it further

RESOLVED, That this report be made available to the public on the website of the Department of Healthcare and Family Services; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Director of Healthcare and Family Services.

Senators Bomke – Murphy – Pankau – Bivins – Dahl, Burzynski, J. Jones, Radogno, Cronin, Brady, Rutherford and Althoff offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 96

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the 2008 report of the Compensation Review Board is hereby disapproved in whole in accordance with Section 5 of the Compensation Review Act; and be it further

RESOLVED, That a copy of this resolution be directed to the Compensation Review Board.

MESSAGES FROM THE GOVERNOR

[April 29, 2008]

Message for the Governor by Larry O'Brien
Acting Deputy Chief of Staff for Legislative Affairs

April 8, 2008

Mr. President,

The Governor directs me to lay before the Senate the following Message:

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT

To the Honorable
Members of the Senate
Ninety-Fifth General Assembly

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable body.

s/Rod Blagojevich
GOVERNOR

CENTRAL MIDWEST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMMISSION

To be a member of the Central Midwest Interstate Low-Level Radioactive Waste Commission for a term commencing March 31, 2008 and ending January 19, 2009:

Joseph G. Klinger
Non-salaried

CHICAGO GARY REGIONAL AIRPORT AUTHORITY BOARD

To be a member of the Chicago Gary Regional Airport Authority Board for a term commencing March 31, 2008:

Susan R. Shea
Non-salaried

WORKFORCE INVESTMENT BOARD, ILLINOIS

To be a member of the Illinois Workforce Investment Board for a term commencing March 17, 2008 and ending July 1, 2010:

Janet Payne
Non-salaried

To be a member of the Illinois Workforce Investment Board for a term commencing March 31, 2008 and ending July 1, 2010:

Lawrence M. Walsh
Non-salaried

Message for the Governor by Larry O'Brien
Acting Deputy Chief of Staff for Legislative Affairs

April 10, 2008

[April 29, 2008]

Mr. President,

The Governor directs me to lay before the Senate the following Message:

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT

To the Honorable
Members of the Senate
Ninety-Fifth General Assembly

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable body.

s/Rod Blagojevich
GOVERNOR

EMPLOYMENT SECURITY REVIEW BOARD, DEPARTMENT OF

To be a member of the Department of Employment Security Review Board for a term commencing April 7, 2008 and ending January 19, 2009:

Elwood Flowers, Sr.
Salaried

EMPLOYMENT SECURITY ADVISORY BOARD, DEPARTMENT OF

To be a member of the Department of Employment Security Advisory Board for a term commencing April 7, 2008 and ending January 19, 2009:

Thomas E. Caliper
Non-salaried

To be a member of the Department of Employment Security Advisory Board for a term commencing April 7, 2008 and ending January 19, 2009:

Timothy E. Drea
Non-salaried

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

To be a member of the Illinois Housing Development Authority for a term commencing April 4, 2008 and ending January 12, 2009:

Floyd A. Gardner III
Non-salaried

Message for the Governor by Larry O'Brien
Acting Deputy Chief of Staff for Legislative Affairs

April 17, 2008

Mr. President,

The Governor directs me to lay before the Senate the following Message:

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT

[April 29, 2008]

To the Honorable
Members of the Senate
Ninety-Fifth General Assembly

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable body.

s/Rod Blagojevich
GOVERNOR

ILLINOIS POWER AGENCY

To be Director of the Illinois Power Agency for a term commencing April 21, 2008 and ending January 19, 2009:

Mark J. Pruitt
Salaried

PRISONER REVIEW BOARD

To be a member of the Prisoner Review Board for a term commencing April 14, 2008 and ending January 21, 2013:

Salvador Z. Diaz
Salaried

CARNIVAL AMUSEMENT SAFETY BOARD

To be a member of the Carnival Amusement Safety Board for a term commencing April 11, 2008 and ending January 17, 2009:

Richard S. Boyd
Non-salaried

To be a member of the Carnival Amusement Safety Board for a term commencing April 11, 2008 and ending January 17, 2010:

James A. Wright, Jr.
Non-salaried

EASTERN ILLINOIS ECONOMIC DEVELOPMENT AUTHORITY

To be a member of the Eastern Illinois Economic Development Authority for a term commencing April 11, 2008 and ending January 16, 2012:

John E. Dreher
Non-salaried

To be a member of the Eastern Illinois Economic Development Authority for a term commencing April 11, 2008 and ending January 21, 2013:

George R. Levi
Non-salaried

BOARD OF NATURAL RESOURCES AND CONSERVATION

To be a member of the Board of Natural Resources and Conservation for a term commencing April 11, 2008:

[April 29, 2008]

Sidney M. Marder
Non-salaried

The foregoing Messages from the Governor were referred to the Committee on Executive Appointments.

INTRODUCTION OF BILLS

SENATE BILL NO. 3033. Introduced by Senator Schoenberg, a bill for AN ACT concerning appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 3034. Introduced by Senator Schoenberg, a bill for AN ACT concerning appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 1809, sponsored by Senator Raoul, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4434, sponsored by Senator Holmes, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4471, sponsored by Senator Holmes, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4567, sponsored by Senator Holmes, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4675, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5059, sponsored by Senator Holmes, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5243, sponsored by Senator Bivins, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5764, sponsored by Senator Demuzio, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5860, sponsored by Senator Forby, was taken up, read by title a first time and referred to the Committee on Rules.

Senator Link asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

Senator Risinger asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

At the hour of 1:37 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 2:38 o'clock p.m., the Senate resumed consideration of business.
Senator DeLeo, presiding.

Senator Brady moved that pursuant to Senate Rule 7-9, HJRCA 28 be discharged from the Executive Committee and that HJRCA 28 be placed on the Senate Calendar on the Order of Constitutional Amendments First Reading.

The Chair stated that the Senate is not on that order of business at this time.

INQUIRIES OF THE CHAIR

Senator Dillard had an inquiry of the Chair as to whether or not HJRCA 28 has been printed on today's Calendar.

The Chair stated that it is not on the Calendar and is currently being held in Senate Executive Committee.

Senator Dillard had a further inquiry as to the whereabouts of a motion in writing filed by Senator Cronin regarding HJRCA 28.

The Chair stated that the motion is on file with the Secretary's Office and in Rules Committee.

Senator Dillard had a further inquiry as to what constitutional amendments would be considered by the Senate today.

The Chair stated that the constitutional amendment that is printed on the Senate Calendar will be considered today.

Senator Althoff had an inquiry of the Chair with regard to a "request to change sponsorship" filed by the lead House sponsor with regard to HJRCA 28 and whether or not that request would be considered today.

The Chair stated that the letters are on file with the Secretary's Office and that the Chair would inquire into the matter.

READING CONSTITUTIONAL AMENDMENT A THIRD TIME

On motion of Senator Frerichs, Senate Joint Resolution Constitutional Amendment No. 92, as amended, having been printed, was taken up, read in full a third time.

Senator Frerichs moved that Senate Joint Resolution Constitutional Amendment No. 92, as amended, be adopted.

Senator Radogno moved that pursuant to Senate Rule 7-9, HJRCA 28 be discharged from the Senate Executive Committee.

The Chair stated that the Senate is not on that order of business.

Senator Cronin inquired as to how many votes are needed for passage.

The Chair stated the matter requires a three-fifths majority for passage.

Senator Dillard appealed the ruling of the Chair as it relates to Senator Radogno's motion being ruled out of order and requests a roll call vote.

The Chair stated there was no ruling from the Chair on Senator Radogno's motion.

Senator Righter raised a point of order in that if Senator Radogno's efforts on her motion with regard to HJRCA 28 was not out of order, that he also makes that motion; that pursuant to Senate Rule 7-9, HJRCA 28 be discharged from the Senate Executive Committee.

The Chair stated that the Senate is in the middle of a debate on a constitutional amendment and that if the Senator would like to address the constitutional amendment, he has the floor. If he would like to hold his request for the motion, the Chair will get back to it when this order of business is finished.

Senator Righter stated he has made a motion pursuant to our rules and asks the Chair to address that motion.

The Chair ruled that according to Senate Rule 7-5, when a question is under debate, no motion may be entertained except to adjourn to a certain time. The Chair further requested that Senator Righter present his motion in writing and deliver it to the Secretary.

Senator Righter appealed the ruling of the Chair.

And the question being, "Shall the ruling of the Chair be sustained?" a call of the roll was had resulting as follows:

Yeas 35; Nays 21.

The following voted in the affirmative:

Bond	Frerichs	Koehler	Raoul
Clayborne	Garrett	Kotowski	Schoenberg
Collins	Haine	Lightford	Silverstein
Crotty	Halvorson	Link	Steans
Cullerton	Harmon	Maloney	Sullivan
DeLeo	Hendon	Martinez	Viverito
Delgado	Holmes	Meeks	Wilhelmi
Demuzio	Hunter	Munoz	Mr. President
Forby	Jacobs	Noland	

The following voted in the negative:

Althoff	Dillard	Murphy	Rutherford
Bivins	Hultgren	Pankau	Syverson
Bomke	Jones, J.	Peterson	Watson
Brady	Laufen	Radogno	
Cronin	Luechtefeld	Righter	
Dahl	Millner	Risinger	

And the motion prevailed.

And the ruling of the Chair was sustained.

Senator Frerichs again moved that Senate Joint Resolution Constitutional Amendment No. 92, as amended, be adopted.

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

Yeas 19; Nays 35; Present 1.

The following voted in the affirmative:

Collins	Harmon	Maloney	Steans
Crotty	Hendon	Meeks	Viverito
Cullerton	Hunter	Noland	Wilhelmi
Delgado	Koehler	Raoul	Mr. President
Frerichs	Link	Silverstein	

The following voted in the negative:

Althoff	Demuzio	Jones, J.	Radogno
Bivins	Dillard	Kotowski	Righter
Bomke	Forby	Laufen	Risinger
Bond	Garrett	Luechtefeld	Rutherford
Brady	Haine	Martinez	Schoenberg
Clayborne	Halvorson	Millner	Sullivan
Cronin	Holmes	Murphy	Syverson
Dahl	Hultgren	Pankau	Watson
DeLeo	Jacobs	Peterson	

The following voted present:

[April 29, 2008]

Lightford

Having failed to receive a vote of three-fifths of the members elected, the resolution was declared lost.

REPORTS FROM RULES COMMITTEE

Senator Halvorson, Chairperson of the Committee on Rules, during its April 29, 2008 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Human Services: **Senate Committee Amendment No. 1 to House Bill 3508.**

Public Health: **Senate Committee Amendment No. 1 to House Bill 1449; Senate Committee Amendment No. 1 to House Bill 3446.**

Senator Halvorson, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

SJRCA 70

The foregoing resolution was placed on the Secretary's Desk.

Senator Halvorson, Chairperson of the Committee on Rules, during its April 29, 2008 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Education: **Senate Floor Amendment No. 1 to SJR 90.**

Executive: **Senate Floor Amendment No. 1 to SJRCA 70.**

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced that all committees previously scheduled for this afternoon have been canceled.

The Chair announced that the Executive Committee will meet today at the hour of 5:30 o'clock p.m.

COMMUNICATION FROM MINORITY LEADER

ILLINOIS STATE SENATE
FRANK C. WATSON
STATE SENATOR
51ST SENATE DISTRICT

March 7, 2008

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

[April 29, 2008]

Dear Secretary Shipley:

Pursuant to Rule 3-2(c), I hereby appoint Senator Kirk Dillard to temporarily replace Senator Brad Burzynski as a member of the Senate Executive Committee. This appointment is effective immediately.

Sincerely,
s/Frank Watson
Senate Republican Leader

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

At the hour of 4:30 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 6:49 o'clock p.m., the Senate resumed consideration of business.
Senator DeLeo, presiding.

LEGISLATIVE MEASURE FILED

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

Senate Floor Amendment No. 2 to Senate Joint Resolution Constitutional Amendment 70

REPORT FROM STANDING COMMITTEE

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

Senate Floor Amendment No. 1 to SJCA 70

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

READING CONSTITUTIONAL AMENDMENT A FIRST TIME

On motion of Senator Cronin, Senate Joint Resolution Constitutional Amendment No. 70, having been printed, was taken up.

Senator Hendon offered the following amendment and moved its adoption.

**AMENDMENT NO. 1 TO SENATE JOINT RESOLUTION CONSTITUTIONAL
AMENDMENT 70**

AMENDMENT NO. 1. Amend Senate Joint Resolution Constitutional Amendment 70 by replacing everything after the title with the following:

"RESOLVED, BY THE SENATE OF THE NINETY-FIFTH 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 Section 7 to Article III of the Illinois Constitution as follows:

SECTION 7. RECALL OF EXECUTIVE OFFICERS, MEMBERS OF THE GENERAL ASSEMBLY, JUDGES, AND LOCAL OFFICERS

[April 29, 2008]

(a) Electors may petition for the recall of an executive branch officer as identified in Section 1 of Article V, a member of the General Assembly, a Supreme, an Appellate, or a Circuit Judge, or a salaried elected officer of a unit of local government. If the recall petition is valid, on a separate ballot the question "Shall (name of person) be recalled from the office of (office)" must be submitted to the electors, along with the names of any candidates certified for the successor election, at a special election called by the State Board of Elections or at a regularly scheduled election to occur not more than 100 days after the date of certification of the recall petition. The officer, member, or judge subject to recall may be a candidate in the successor election.

(b) An executive branch officer, a member of the General Assembly, a Supreme, an Appellate, or a Circuit Judge, or a salaried elected officer of a unit of local government is immediately removed upon certification of the recall election results if a majority of the electors voting on the question vote to recall the officer, member, or judge. If an officer, member, or judge is recalled, the candidate who receives the highest number of votes in the successor election is elected successor for the balance of the term. Once a recall election petition is certified, the petition may not be withdrawn and another recall petition may not be initiated against that officer, member, or judge during the remainder of his or her current term of office.

(c) Any elector of the State, or the applicable Legislative or Representative District, Judicial District, Judicial Circuit, or unit of local government, may file an affidavit with the State Board of Elections providing notice of intent to circulate a petition to recall an officer, member, or judge no sooner than 6 months after the beginning of the officer's, member's, or judge's current term of office. An affidavit must be filed by an elector of the Legislative or Representative District, Judicial District, Judicial Circuit, or unit of local government for which the recall petition will be circulated. The affidavit must identify the name of the officer, member, or judge and the office to be recalled, the name and address of the proponents of the recall petition, and the date of filing with the State Board of Elections. An affidavit providing notice of intent to circulate a petition to recall a Supreme, an Appellate, or a Circuit Judge may not be filed unless the Judicial Inquiry Board has filed a complaint against that Judge under subsection (c) of Section 15 of Article VI. A recall petition shall not be circulated prior to filing the affidavit, and a recall petition must be filed with the State Board of Elections no later than 160 days after filing the affidavit.

(d) A petition to recall an executive branch officer must include signatures of electors of the State equal to at least 12% of the total votes cast for the office in the election at which the officer or member was elected, with signatures equal to at least 1% of the vote for the office from at least 5 separate counties. A petition to recall a Governor or Lieutenant Governor elected jointly under Section 4 of Article V must include both officers. A petition to recall a member of the General Assembly must be signed by electors of the applicable Legislative District or Representative District equal to at least 20% of the total votes cast for the office in the election at which the member was elected. A petition to recall a Supreme, an Appellate, or a Circuit Judge must be signed by the electors of the applicable Judicial District or Judicial Circuit equal to at least 20% of the total votes cast for the office of Governor in the most recent election at which the Governor was elected. A petition to recall a salaried officer of a unit of local government must be signed by electors of the unit of local government equal to at least 20% of the total votes cast for the office in the election at which the officer was elected. The form, circulation, and manner of filing a recall petition shall comply with the requirements provided by law for a statewide advisory public question, except the deadlines set forth in this Section.

(e) A recall petition is valid unless an objection is made within 45 days after the date the petition is filed, and an objection to the recall petition may be made in the same manner as to a candidate for the office subject to recall. The State Board of Elections shall certify the recall petition not more than 105 days after the date the recall petition is filed. Any recall petition or election pending on the date of the next general election at which a candidate for the office subject to recall is elected is moot.

(f) If a recall election is initiated, the name of no successor candidate may appear on the ballot unless a nominating petition has been filed with the State Board of Elections no more than 40 days after filing of the recall petition. The nominating petition of an established party candidate must contain the same number of signatures and be circulated in the same manner as an established party candidate for nomination to the office subject to recall, except the petition must be circulated no more than 40 days prior to the last day for filing nomination petitions. The nominating petition of an independent or new party candidate must contain the same number of signatures and be circulated in the same manner as an independent or new party candidate, respectively, for election to the office subject to recall, except the petition must be circulated no more than 40 days prior to the last day for filing nomination petitions. A nominating petition may be objected to in the same manner as a candidate for the office subject to recall, unless otherwise provided by law. The State Board of Elections shall certify a valid nominating petition

not more than 105 days after the date the recall petition is filed.

(g) An election to determine whether to recall an executive officer, a member of the General Assembly, a Supreme, an Appellate, a Circuit Judge, or an officer of a unit of local government and to elect a successor shall be proclaimed by the State Board of Elections and held not less than 60 days and no more than 100 days after the date of certification of the recall petition.

(h) The provisions of this Section are self-executing and judicially enforceable.

SCHEDULE

The State Board of Elections shall proceed, as soon as all the returns are received but no later than 31 days after the election, to canvass the votes given for and against this Constitutional Amendment, as shown by the abstracts of votes cast. If this Constitutional Amendment is approved by either three-fifths of those voting on the question or a majority of those voting in the election, then the State Board of Elections shall declare the adoption of this Constitutional Amendment and it shall, upon declaration of its adoption, take effect and become a part of the Constitution of this State. This Schedule supersedes and applies notwithstanding any statute to the contrary, and no other requirements, including without limitation proclamation of the results of the vote or notice by publication, are necessary for its effectiveness."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, Senate Joint Resolution Constitutional Amendment No. 70, as amended, was read in full a first time and ordered to a second reading.

At the hour of 7:14 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, April 30, 2008, at 12:00 o'clock noon.