



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-EIGHTH GENERAL ASSEMBLY**

**3RD LEGISLATIVE DAY**

**Perfunctory Session**

**WEDNESDAY, JANUARY 16, 2013**

**4:15 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**3rd Legislative Day**

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The Senate met pursuant to adjournment.  
Pursuant to Senate Rule 2-5(c)2, the Secretary of the Senate conducted the perfunctory session.  
Silent prayer was observed.

**REPORTS RECEIVED**

The Secretary placed before the Senate the following reports:

Report designating TACT Holding, Inc. and affiliates as an Illinois High Impact Business, submitted by the Department of Commerce and Economic Opportunity.

ISBE 2012 Annual Report, submitted by the Illinois State Board of Education.

FY 2014 Final Certification of State Contribution under Public Act 097-0694, submitted by the Teachers' Retirement System.

Personal Information Protection Act Report, submitted by the Plainfield Community Consolidated School District 202.

FY 2012 Career and Technical Education Report, submitted by the Illinois State Board of Education.

Annual Tuition and Fee Waiver Report, December 2012, submitted by the Illinois Board of Higher Education.

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

**PRESENTATION OF RESOLUTIONS**

**SENATE RESOLUTION NO. 7**

Offered by Senator Link and all Senators:  
Mourns the death of Joseph I. Leben of Grayslake, formerly of Waukegan.

**SENATE RESOLUTION NO. 8**

Offered by Senator Link and all Senators:  
Mourns the death of Virginia R. Blomquist (nee Olson) of Waukegan.

**SENATE RESOLUTION NO. 9**

Offered by Senator Link and all Senators:  
Mourns the death of Jerome "Jerry" Brolley of Chicago.

**SENATE RESOLUTION NO. 10**

Offered by Senator Link and all Senators:  
Mourns the death of Gary Grogan of Waukegan.

**SENATE RESOLUTION NO. 11**

Offered by Senator Link and all Senators:  
Mourns the death of Mark Koziol, formerly of Waukegan.

**SENATE RESOLUTION NO. 12**

Offered by Senator Link and all Senators:  
Mourns the death of Audrey Marie Herberger (nee O'Hare) of Waukegan.

**SENATE RESOLUTION NO. 13**

Offered by Senator Link and all Senators:  
Mourns the death of Beverly Alice Schlau of Vernon Hills.

**SENATE RESOLUTION NO. 14**

Offered by Senator Link and all Senators:  
Mourns the death of Loretta F. Marren of Waukegan.

**SENATE RESOLUTION NO. 15**

Offered by Senator Link and all Senators:  
Mourns the death of Marlene Abdula Hunt.

**SENATE RESOLUTION NO. 16**

Offered by Senator Link and all Senators:  
Mourns the death of Willie Woods.

**SENATE RESOLUTION NO. 17**

Offered by Senator Link and all Senators:  
Mourns the death of Glenn B. Peterson of Kenosha, Wisconsin.

**SENATE RESOLUTION NO. 18**

Offered by Senators Kotowski - Mulroe and all Senators:  
Mourns the death of Tadeusz S. "Ted" Forsys.

**SENATE RESOLUTION NO. 19**

Offered by Senator Harris and all Members:  
Mourns the death of Josephine Armstead-Bowman of Dixmoor.

**SENATE RESOLUTION NO. 20**

Offered by Senator Haine and all Senators:  
Mourns the death of Dr. Ralph Baahlmann, Sr., of Godfrey.

**SENATE RESOLUTION NO. 21**

Offered by Senator Haine and all Senators:  
Mourns the death of Gerald W. "Jerry" Schmidt of Godfrey.

By direction of the Secretary, the foregoing resolutions were referred to the Resolutions Consent Calendar.

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

**SENATE JOINT RESOLUTION NO. 1**

WHEREAS, During the 97th General Assembly, Senate Joint Resolution 3 created the Illinois Great Migration Centennial Commission to plan for the Great Migration Centennial, which will be commemorated and celebrated from January to December 2016, and to promote a deeper knowledge, understanding, and engagement in the life and times of the African American migration experience; and

WHEREAS, Senate Joint Resolution 3 required that no later than December 31, 2012, the Commission shall report to the General Assembly and the Governor on its planning progress to commemorate and celebrate the Great Migration Centennial; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that instead of December 31, 2012, the Commission shall report to the General Assembly and the Governor on its planning progress to commemorate and celebrate the Great Migration Centennial no later than December 31, 2014; and be it further

RESOLVED, That with this change, the Illinois Great Migration Centennial Commission shall continue to operate pursuant to Senate Joint Resolution 3 of the 97th General Assembly.

[January 16, 2013]

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

### SENATE JOINT RESOLUTION NO. 2

WHEREAS, It is highly fitting that the Illinois General Assembly pays honor and respect to the truly great individuals who have served our country and, in doing so, have gone above and beyond the call of duty to take part in truly heroic tasks; and

WHEREAS, Of the millions of men and women who have served this country with the Army, Navy, Air Force, Marines, or Coast Guard, only 3,468 have ever been awarded the highest military decoration awarded by the United States government, the Medal of Honor; and

WHEREAS, The Medal of Honor is awarded for conspicuous gallantry and intrepidity at the risk of one's life above and beyond the call of duty while engaged in an action against any enemy of the United States, while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party; and

WHEREAS, It is a true honor for an individual to be awarded the Medal of Honor and serves to distinguish those individuals as true American heroes; and

WHEREAS, Allen J. Lynch was born on October 28, 1945, in Chicago; he grew up in the Lake Eliza area of Indiana, where he attended Union Center Elementary School and Wheeler Junior High School; and

WHEREAS, After graduating from high school, Allen Lynch joined the United States Army in 1964; he was later sent to Vietnam in the fall of 1966 and was assigned to the 12th Cavalry; he served as a rifleman for several months before becoming his platoon's radiotelephone operator; and

WHEREAS, On December 15, 1967, Allen Lynch was serving as a specialist four in Company D, 1st Battalion (Airmobile), 12th Cavalry Regiment of the 1st Cavalry Division (Airmobile); during a firefight near the Binh Dinh Province of Vietnam, he saw 3 wounded soldiers out in the open who were under intense enemy fire; he quickly dropped his radio and went to help the soldiers; under intense fire, he carried the wounded soldiers to safety and single-handedly defended them against the advancing enemy force for several hours; and

WHEREAS, Following this courageous action, Allen Lynch was subsequently promoted to the rank of sergeant and awarded the Medal of Honor for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty; and

WHEREAS, Allen Lynch's quick thinking and disregard for his own safety were vital in saving those lives, but his fight on behalf of his fellow soldiers did not end on the battlefield; after the war, he settled in Gurnee and worked for the Department of Veterans Affairs, where he advocated for increased benefits for disabled veterans; he later served as chief of the Illinois Attorney General's Veterans Rights Bureau until his retirement in 2005; and

WHEREAS, Allen Lynch continues his dedication to our nation as a volunteer with the Vietnam Veterans of America organization; he serves as the liaison for the Congressional Medal of Honor Society and frequently gives speeches at military-related events; he also performs ministry work with the Lake County Jail; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we designate the Grand Avenue Overpass over Interstate 94 in Gurnee as the "Allen J. Lynch Congressional Medal of Honor Overpass"; and be it further

[January 16, 2013]

RESOLVED, That upon completion of any unfinished sections of highway, the Illinois Department of Transportation is requested to erect at suitable locations, consistent with State and federal regulations, appropriate plaques or signs giving notice of the name; and be it further

RESOLVED, That suitable copies of this resolution be presented to Allen J. Lynch, his family, the Village of Gurnee, the Lake County Board, the Lake County Veterans Assistance Commission, the Secretary of the Illinois Department of Transportation, and the Illinois State Toll Highway Authority.

### INTRODUCTION OF BILLS

**SENATE BILL NO. 40.** Introduced by Senator Bivins, a bill for AN ACT concerning public employee benefits.

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

**SENATE BILL NO. 41.** Introduced by Senator Muñoz, a bill for AN ACT concerning revenue.

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

**SENATE BILL NO. 42.** Introduced by Senator Muñoz, a bill for AN ACT concerning criminal law.

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

**SENATE BILL NO. 43.** Introduced by Senator Lightford, a bill for AN ACT concerning revenue.

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

**SENATE BILL NO. 44.** Introduced by Senator Steans, 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 Assignments.

**SENATE BILL NO. 45.** Introduced by Senator Steans, a bill for AN ACT concerning regulation.

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

**SENATE BILL NO. 46.** Introduced by Senator Frerichs, a bill for AN ACT concerning conservation.

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

**SENATE BILL NO. 47.** Introduced by Senator Frerichs, a bill for AN ACT concerning public aid.

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

**SENATE BILL NO. 48.** Introduced by Senator Martinez, a bill for AN ACT concerning civil law.

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

**SENATE BILL NO. 49.** Introduced by Senator Martinez, a bill for AN ACT concerning civil law.

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

**SENATE BILL NO. 50.** Introduced by Senator Holmes, a bill for AN ACT concerning wildlife.

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

**SENATE BILL NO. 51.** Introduced by Senator Steans, a bill for AN ACT concerning public aid.

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

**SENATE BILL NO. 52.** Introduced by Senator Sullivan, a bill for AN ACT concerning revenue.

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

**SENATE BILL NO. 53.** Introduced by Senator Koehler, a bill for AN ACT concerning health.

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

**SENATE BILL NO. 54.** Introduced by Senator Haine, a bill for AN ACT concerning criminal law.

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

**SENATE BILL NO. 55.** Introduced by Senator Haine, a bill for AN ACT concerning criminal law.

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

**SENATE BILL NO. 56.** Introduced by Senator Collins, a bill for AN ACT concerning civil law.

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

**SENATE BILL NO. 57.** Introduced by Senator Hunter, a bill for AN ACT concerning criminal law.

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

**SENATE BILL NO. 58.** Introduced by Senator Hunter, a bill for AN ACT concerning State government.

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

**SENATE BILL NO. 59.** Introduced by Senator Hunter, a bill for AN ACT concerning State government.

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

**SENATE BILL NO. 60.** Introduced by Senator Hunter, a bill for AN ACT concerning State government.

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

**SENATE BILL NO. 61.** Introduced by Senator Hunter, a bill for AN ACT concerning State government.

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

**SENATE BILL NO. 62.** Introduced by Senator Hunter, a bill for AN ACT concerning health.

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

**SENATE BILL NO. 63.** Introduced by Senator Hunter, a bill for AN ACT concerning State government.

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

**SENATE BILL NO. 64.** Introduced by Senator Hunter, a bill for AN ACT concerning public aid.

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

**SENATE BILL NO. 65.** Introduced by Senator Jacobs, a bill for AN ACT concerning safety.

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

**SENATE BILL NO. 66.** Introduced by Senator Clayborne, a bill for AN ACT concerning gaming.

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

**SENATE BILL NO. 67.** Introduced by Senator Clayborne, a bill for AN ACT concerning education.

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

**SENATE BILL NO. 68.** Introduced by Senator Lightford, a bill for AN ACT concerning employment.

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

**SENATE BILL NO. 69.** Introduced by Senator Kotowski, a bill for AN ACT concerning criminal law.

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

**SENATE BILL NO. 70.** Introduced by Senator Koehler, a bill for AN ACT concerning gaming.

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

**SENATE BILL NO. 71.** Introduced by Senator Clayborne, a bill for AN ACT concerning education.

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

**SENATE BILL NO. 72.** Introduced by Senator Haine, a bill for AN ACT concerning safety.

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

#### APPOINTMENT MESSAGES

The following appointment messages were incorrectly read and journalized on January 10, 2013, as appointment messages of the 97<sup>th</sup> General Assembly numbers 561 through 570. Those appointment messages are hereby correctly read in and journalized as appointment messages of the 98<sup>th</sup> General Assembly as follows:

[January 16, 2013]



**Appointment Message No. 0001**

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Illinois Committee for Agricultural Education

Start Date: December 7, 2012

End Date: March 13, 2014

Name: Kay A. Shipman-Swiech

Residence: 918 S. Summit St., Bloomington, IL 61701

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator William E. Brady

Most Recent Holder of Office: Stacy Stremsterfer

Superseded Appointment Message: Not Applicable

**Appointment Message No. 0002**

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Executive Ethics Commission

Start Date: December 7, 2012

End Date: June 30, 2016

Name: Matthew Berns

Residence: 922 Marion Ave., Highland Park, IL 60035

Annual Compensation: \$37,571

Per diem: Not Applicable

Nominee's Senator: Senator Julie Morrison

Most Recent Holder of Office: Gayl S. Pyatt

[January 16, 2013]

Superseded Appointment Message: Not Applicable

**Appointment Message No. 0003**

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Illinois Committee for Agricultural Education

Start Date: December 7, 2012

End Date: March 13, 2015

Name: Michael E. Gray

Residence: 23 Foothill Rd., Monticello, IL 61856

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Chapin Rose

Most Recent Holder of Office: Donald E. Meyer

Superseded Appointment Message: Not Applicable

**Appointment Message No. 0004**

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Illinois Committee for Agricultural Education

Start Date: December 7, 2012

End Date: March 13, 2015

Name: Vern J. McGinnis

Residence: 2515 Garlington Lane, Bloomington, IL 61704

Annual Compensation: Expenses

Per diem: Not Applicable

[January 16, 2013]

Nominee's Senator: Senator Jason Barickman

Most Recent Holder of Office: David L. Cattron

Superseded Appointment Message: Not Applicable

**Appointment Message No. 0005**

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Inspector General

Agency or Other Body: Illinois Department of Human Services

Start Date: December 10, 2012

End Date: January 19, 2015

Name: Michael J. McCotter

Residence: 7629 W. Catalpa Ave., Chicago, IL 60656

Annual Compensation: Determined by the Agency

Per diem: Not Applicable

Nominee's Senator: Senator John G. Mulroe

Most Recent Holder of Office: Daniel Dyslin

Superseded Appointment Message: Appointment Message 494 of the 97th General Assembly

**Appointment Message No. 0006**

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Illinois Committee for Agricultural Education

Start Date: December 7, 2012

End Date: March 13, 2015

Name: Timothy Reed

Residence: 209 W. Barr Avenue, Jerseyville, IL 62052

Annual Compensation: Expenses

[January 16, 2013]

Per diem: Not Applicable

Nominee's Senator: Senator William "Sam" McCann

Most Recent Holder of Office: John T. Kabat

Superseded Appointment Message: Not Applicable

**Appointment Message No. 0007**

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: Medical Licensing Board

Start Date: July 30, 2012

End Date: January 1, 2014

Name: Dennis D. Palmer, D.O.

Residence: 707 NW 5th Ave., Aledo, IL 61231

Annual Compensation: Expenses

Per diem: Determined by the Secretary

Nominee's Senator: Senator Darin LaHood

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

**Appointment Message No. 0008**

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: State Board of Health

Start Date: December 31, 2012

End Date: November 1, 2015

Name: Dr. Peter Orris

[January 16, 2013]

Residence: 5206 S. Kenwood Ave., Chicago, IL 60615

Annual Compensation: Expenses

Per diem: \$150

Nominee's Senator: Senator Kwame Raoul

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

**Appointment Message No. 0009**

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: State Board of Health

Start Date: December 31, 2012

End Date: November 1, 2015

Name: Carolyn C. Lopez

Residence: 2906 W. Wilson Ave., Chicago, IL 60625

Annual Compensation: Expenses

Per diem: \$150 per diem (not to exceed \$10,000 per year)

Nominee's Senator: Senator John J. Cullerton

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

**Appointment Message No. 0010**

To the Honorable Members of the Senate, Ninety-Eighth General Assembly:

I, Pat Quinn, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Member

Agency or Other Body: State Board of Health

Start Date: December 31, 2012

End Date: November 1, 2015

[January 16, 2013]

Name: Tim J. Vega

Residence: 1714 Saddleridge Ct., Washington, Illinois 61571

Annual Compensation: Expenses

Per diem: \$150 per diem

Nominee's Senator: Senator William E. Brady

Most Recent Holder of Office: Reappointment

Superseded Appointment Message: Not Applicable

Under the rules, the foregoing Appointment Messages were referred to the Committee on Assignments.

### MESSAGE FROM THE GOVERNOR

#### EXECUTIVE ORDER

13-01

#### EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF THE SENIOR HEALTH INSURANCE PROGRAM OF THE DEPARTMENT OF INSURANCE TO THE DEPARTMENT ON AGING

**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 (the "Act"), 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 the 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 Insurance and the Department on Aging are executive agencies directly responsible to the Governor which exercise the rights, powers, duties and responsibilities derived from 20 ILCS 1405 *et seq.* and 20 ILCS 105 *et seq.*, respectively; and

**WHEREAS**, the Senior Health Insurance Program at the Department of Insurance offers important counseling services for older adults and their caregivers regarding how to best take advantage of public benefits to meet long-term care needs; and

**WHEREAS**, the Department of Insurance administers such counseling services pursuant to its authority under Section 1405-15 of the Civil Administrative Code (the "Department of Insurance Law"), 20 ILCS 1405; and

**WHEREAS**, the Department of Insurance and the Department on Aging have successfully partnered in the past to maximize outreach opportunities for older adults by using the Aging Network in Illinois; and

**WHEREAS**, streamlining and consolidating the functions related to the Senior Health Insurance Program 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, realize savings in administrative costs, promote more effective sharing of best practices and realize other cost savings, among other things; and

[January 16, 2013]

**WHEREAS**, the aforementioned benefits of consolidation can be achieved by transferring the Senior Health Insurance Program, its functions, and staff from the Department of Insurance to the Department on Aging; and

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

**I. Transfer**

- a) Effective April 1, 2013, or as soon thereafter as practicable, the powers, duties, rights and responsibilities related to the functions of the Senior Health Insurance Program, as established in Section 1405-15 of the Department of Insurance Law, as well as the staff performing those functions, shall be transferred from the Department of Insurance to the Department on Aging.
- b) Whenever any provision of any previous Executive Order, any Act, or any section of any Act transferred by this Executive Order provides for membership of the Director of the Department of Insurance, or his or her respective designee, on any board, commission, council, or other entity relating to the functions of the Senior Health Insurance Program, the Director of the Department on Aging, or his or her respective designee, shall serve in that place. If more than one such person is required by law to serve on any board, commission, council, or, other entity, then an equivalent number of representatives of the Department on Aging shall so serve, if necessary.

**II. Effect of Transfer**

- a) The powers, duties, rights and responsibilities vested in or associated with the functions of the Senior Health Insurance Program shall not be affected by this Executive Order, except that all management and staff support or other resources necessary to the operations of this Program shall be provided by the Department on Aging.
- b) Personnel under the Department of Insurance affected by this Executive Order shall continue their service within the Department on Aging. The status and 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, contracts, correspondence, documents, papers, personnel files, property (real and personal), records, other associated items, and pending business in any way pertaining to the powers, duties, rights and responsibilities related to the functions of the Senior Health Insurance Program shall be transferred from the Department of Insurance and delivered to the Department on Aging for continuation, modification, or termination, as appropriate, including, but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Department on Aging; provided, however, that the delivery of such information shall not violate any applicable confidentiality constraints.
- d) All unexpended appropriations and the balances of any funds, grants, donations, or other moneys available for use by the Department of Insurance in connection with the functions of the Senior Health Insurance Program shall be transferred to the Department on Aging for continued use in supporting this Program as directed by the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriation was originally made.

[January 16, 2013]

### III. Savings Clause

- a) The powers, duties, rights and responsibilities related to the functions of the Senior Health Insurance Program and transferred from the Department of Insurance by this Executive Order shall be vested in and shall be exercised by the Department on Aging. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the Department of Insurance or one of its 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 Department of Insurance or one of its divisions, officers or employees.
- c) Every officer of the Department on Aging shall, for any 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 of the Department of Insurance 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 Department of Insurance in connection with any of the functions of the Senior Health Insurance Program transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Department on Aging.
- 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 functions of the Senior Health Insurance Program before this Executive Order takes effect; such actions or proceedings may be prosecuted and continued by the Department on Aging.
- f) This Executive Order shall not affect the legality of any rules relating to the functions of the Senior Health Insurance Program which were duly adopted by the Department of Insurance and in full force on the effective date of this Executive Order. Any proposed rules filed with the Secretary of State by the Department of Insurance pertaining to the transferred functions that are pending in the rulemaking process on the effective date of this Executive Order shall be deemed to have been filed by the Department on Aging. As soon as practicable hereafter, the affected agencies shall revise and clarify the transferred rules under this Executive Order to reflect the reorganization of rights, powers and duties affected by this Order. If necessary, the affected agencies may also propose, adopt, or repeal rules, rule amendments, and rule recodifications using the procedures available under the Illinois Administrative Act as appropriate to effectuate this Executive Order, except that existing title, part, and section numbering for the affected rules may be retained.
- g) To the extent necessary or prudent to fully implement the intent of this Executive Order, the Department of Insurance and the Department on Aging may enter into one or more interagency agreements to ensure the full and appropriate transfer of all functions of the Senior Health Insurance Program.

### 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.

[January 16, 2013]



**V. Effective Date**

This Executive Order shall be in full force and effect upon its filing with the Secretary of State.

s/Pat Quinn  
Pat Quinn  
Governor of Illinois

Issued \_\_\_\_\_ by \_\_\_\_\_ the \_\_\_\_\_ Governor:  
Filed with the Secretary of State:

Under the rules, the foregoing Executive Order was referred to the Committee on Assignments.

At the hour of 4:29 o'clock p.m., pursuant to **House Joint Resolution No. 2**, the Chair announced the Senate stand adjourned until Wednesday, January 23, 2013, in perfunctory session, or until the call of the President.