

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-SEVENTH GENERAL ASSEMBLY

122ND LEGISLATIVE DAY

PERFUNCTORY SESSION

TUESDAY, APRIL 10, 2012

1:32 O'CLOCK P.M.

HOUSE OF REPRESENTATIVES
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122nd Legislative Day

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NOTE: Full text of Amendments will not be included in House Journals from the 97th GA forward; they can be viewed on the Illinois General Assembly website (www.ilga.gov). For inquiries regarding this, please contact the House Clerk's office.

The House of Representatives met in Perfunctory Session pursuant to notice from the Speaker.

RESIGNATIONS AND APPOINTMENTS

April 3, 2012

The Honorable Michael J. Madigan
Speaker of the House
300 Capitol Building
Springfield, IL 62706

Dear Speaker Madigan:

I write to inform you that I am retiring from my position as State Representative of the 86th Legislative District, effective 9 a.m. on Friday, April 6, 2012.

It has sincerely been my honor to work with you and all of my colleagues in the House of Representatives. For the last nineteen years it has been my great privilege to have served the people of the 86th District and the State of Illinois. I am proud of the work we were able to do on behalf of Illinois' residents.

I thank the people of the 86th District for giving me the opportunity to serve them all these years, I thank my colleagues and most importantly the staff for all their friendship and assistance, and warmly thank my wife and family for all the support they have given to me.

Sincerely,

s/Jack McGuire
State Representative
Assistant Majority Leader
86th District

CERTIFICATION OF REPRESENTATIVE COMMITTEE ORGANIZATION

109th Representative District)
)
STATE OF ILLINOIS)
COUNTY OF Effingham)

This is to certify that, in accordance with 10 ILCS 5/8-5, the Republican Representative Committee of the One Hundred Ninth Representative District convened on the 2nd day of April, 2012, in the Village of Beecher City located in the County of Effingham, and organized by electing the following officers in conformity with the election laws of this state.

Chairman: s/Earl Deckard

P.O. Box 213 Oblong, IL 62449

Secretary: s/Steve Donaldson

19316 N. 225th St. Beecher City, IL 62414

SIGNED: s/Earl Deckard
Chairman

ATTEST: s/ Steve Donaldson
Secretary

s/Myrna E. Evans
Notary Public

Dated: 4/2/2012

**CERTIFICATE OF APPOINTMENT TO FILL VACANCY
IN THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY
IN THE ONE HUNDRED NINTH REPRESENTATIVE DISTRICT**

Republican Representative Committee)
of the 109th Representative District)

STATE OF ILLINOIS)
COUNTY OF Effingham)

WHEREAS, a vacancy has occurred in the office of Representative in the General Assembly in the 109th Representative District of the State of Illinois as a result of the resignation on March 22, 2012 of Roger Eddy, a duly elected member of the Republican Party from the 109th Representative District of the State of Illinois for the 97th General Assembly; and

WHEREAS, the Republican Representative Committee of the Republican Party of the 109th Representative District has met and voted to fill the vacancy in said office, as required by 10 ILCS 5/25-6;

NOW, THEREFORE, BE IT RESOLVED that the Republican Representative Committee of the 109th Representative District hereby appoints Brad E. Halbrook of P.O. Box 644, Shelbyville, Illinois, a member of the Republican Party, to the office of Representative in the General Assembly in the 109th Representative District for the 97th General Assembly, effective April 2nd, 2012;

AND BE IT FURTHER RESOLVED, that such appointment shall be effective upon the Appointee taking the oath of office.

<u>s/Earl Deckard</u> Chairman	<u>5521</u> votes Cast	<u>s/Steve Donaldson</u> Secretary	<u>2082</u> Votes Cast
<u>Keith Miller/via phone</u> Member	<u>4899</u> Votes Cast	<u>Jerry Sidwell/via phone</u> Member	<u>3095</u> Votes Cast
<u>Rex Goble/via phone</u> Member	<u>4606</u> Votes Cast	<u>Aaron Ferguson/via phone</u> Member	<u>3686</u> Votes Cast
<u>Don Loudermilk/via phone</u> Member	<u>1703</u> Votes Cast	<u>John Shambo/via phone</u> <u>for Brad Halbrook</u> Member	<u>2590</u> Votes Cast

Dated: 4/2/2012

Subscribed and sworn to before me on this 2nd day of April, 2012.

s/Myrna E. Evans
Notary Public

REPORTS

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

Women and Minorities in the Illinois Labor Force - 2012 Annual Report, submitted by Illinois Department of Employment Security on April 2, 2012.

Fiscal Analysis of the Downstate Police and Downstate Fire Pension Funds in Illinois - 2012 Edition, submitted by Commission on Government Forecasting and Accountability on April 2, 2012.

2012 Illinois Department of Employment Security Bilingual Frontline Staff Report, submitted by Illinois Department of Employment Security on April 3, 2012.

Illinois Department of Transportation Land Bill 2012 Descriptions of Property, submitted by Illinois Department of Transportation on April 3, 2012:

Section 15 – Parcel # 675x345
Section 10 – Parcel # 800xC81 & 800xC86
Section 15 – Parcel # 409579V
Section 20 – Parcel # 409162V
Section 25 – Parcel # 5x01106
Section 30 – Parcel # 409161V
Section 35 – Parcel # 675x344
Section 40 – Parcel # 3EX0102
Section 45 – Parcel # 800xC67

Annual Report of Projects Funded under the Safe Routes to School Construction Program, submitted by Illinois Department of Transportation on April 5, 2012.

Streamlining Illinois' Regional Offices of Education Commission Report, submitted by Illinois State Board of Education on April 5, 2012.

State Services Assurance Act Bilingual Position Report, submitted by Illinois Department of Natural Resources on April 5, 2012.

State African American Employment Plan Survey Report, submitted by Illinois State Board of Education on April 5, 2012.

State Hispanic Employment Plan Survey Report, submitted by Illinois State Board of Education on April 5, 2012.

Annual Report: The Costs and Benefits of Renewable Resource Procurement in Illinois Under the Illinois Power Agency and Illinois Public Utilities Acts, submitted by Illinois Power Agency on April 5, 2012.

Management Audit of the Department of State Police's Administration of the Firearm Owner's Identification Act - April 2012, submitted by Office of the Auditor General on April 6, 2012.

Illinois Department of Agriculture Compliance Examination For the Two Years Ended June 30, 2011, submitted by Office of the Auditor General on April 6, 2012.

The Illinois Literacy Foundation Financial Audit and Compliance Examination For the Two Years Ended June 30, 2011, submitted by Office of the Auditor General on April 6, 2012.

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Macon/Piatt Counties Regional Office of Education #39 Financial Audit For the Year Ended June 30, 2011, submitted by Office of the Auditor General on April 6, 2012.

North Cook Intermediate Service Center No. 1 Financial Audit For the Year Ended June 30, 2011, submitted by Office of the Auditor General on April 6, 2012.

Illinois State Building Energy Expense Study Fiscal Year 2010 and Projected Fiscal Years 2011- 2013, submitted by Illinois Department of Commerce and Economic Opportunity State Building Energy Program on April 9, 2012.

2011 Public Pension Report (2009 - 2010), submitted by Illinois Department of Insurance Public Pension Division on April 10, 2012.

LETTERS OF TRANSMITTAL

April 10, 2012

Tim Mapes
Chief Clerk of the House
300 State House
Springfield, IL 62706

Dear Clerk Mapes:

Pursuant to House Rule 9(a), by this letter I am establishing that the House of Representatives will be in **Perfunctory Session on Tuesday, April 10, 2012.**

With kindest personal regards, I remain.

Sincerely yours,

s/Michael J. Madigan
Speaker of the House

April 10, 2012

Timothy D. Mapes
Chief Clerk of the House
300 State House
Springfield, IL 62706

Dear Clerk Mapes:

Please be advised that I am extending the house bill third reading deadline to May 31, 2012 for the following house bills:

House Bills: 3859, 4211 and 4866

With kindest personal regards, I remain.

Sincerely yours,

s/ Michael J. Madigan
Speaker of the House

HOUSING AFFORDABILITY IMPACT NOTES SUPPLIED

Housing Affordability Impact Notes have been supplied for HOUSE BILLS 5453, as amended and 5454, as amended.

BALANCED BUDGET NOTE SUPPLIED

A Balanced Budget Note has been supplied for HOUSE BILL 5745.

CHANGE OF SPONSORSHIP

With the consent of the affected members, Representative Dunkin was removed as principal sponsor, and Representative Phelps became the new principal sponsor of SENATE BILL 3573.

HOUSE RESOLUTION

The following resolution was offered and placed in the Committee on Rules.

HOUSE RESOLUTION 920

Offered by Representative Madigan:

WHEREAS, In 1963, Coach George Ireland led the Loyola Chicago Ramblers to the NCAA basketball championship; the team lost only 2 games that season and led the nation in scoring with 91.8 points per game; and

WHEREAS, Coach Ireland and the Loyola University teams of the early 1960s are considered by many to be responsible for ushering in a new era of racial equality in the sport by shattering all color barriers in NCAA men's basketball; and

WHEREAS, It is difficult to appreciate what Coach Ireland and his team went through, starting in 1961, in breaking what had been a longstanding "gentleman's agreement" to not play more than 3 African-American players; and

WHEREAS, During the 1962-1963 season, Coach Ireland played 4 African-American Loyola starters in every game; the Ramblers became the first team in NCAA Division I history to play an all African-American lineup, doing so in a game against Wyoming in December of 1962; and

WHEREAS, In 1963, Loyola shocked the nation and changed college basketball forever by starting 4 African-American players in the NCAA Tournament, as well as the championship game; and

WHEREAS, Despite their success during that season, players had to endure terrible bigotry, including racial taunts and abuse; and

WHEREAS, Coach Ireland received countless pieces of hate mail from the KKK and other racist individuals and tried to shield his team in every way possible; and

WHEREAS, The team remained focused on the sport they loved, despite knowing that police surrounded the sports facility because violence might erupt at any moment; and

WHEREAS, Loyola's defeat of 2-time defending NCAA champion Cincinnati, in overtime by a score of 60-58, was the crowning achievement in the school's nearly decade-long struggle with racial inequality in men's college basketball, highlighted by the tumultuous events of that year's NCAA Tournament; and

WHEREAS, Loyola's 1963 NCAA title was historic, not only because of the racial makeup of Loyola's team, but also because Cincinnati had started 3 black players, making 7 of the 10 starters in the 1963 NCAA Championship game African-American; and

WHEREAS, The City of Chicago has many storied sports teams, but the Loyola Ramblers basketball

team of 1963 and Coach Ireland hold an exalted place because they are the only Division I Illinois basketball team to win a national championship, and because they paved the way for the long-overdue integration of races in college basketball prior to the 1964 Civil Rights Act; and

WHEREAS, All 5 starting players from the national championship game graduated from Loyola with degrees; several went on to earn advanced degrees in law and business; and

WHEREAS, The journey of the Ramblers is not just the story of an underdog team overcoming great odds to beat favored Cincinnati, a much larger basketball program that held the number 1 ranking and had won the previous 2 national championships; the real significance of this coach and this team is the lasting impact of their bravery for having broken the racial barrier in college basketball that had been allowed to prevail for decades; and

WHEREAS, The 2013 Hall of Fame induction season will mark the 50th anniversary of the Loyola Basketball Championship; and

WHEREAS, Both Coach Don Haskins and the players of the 1966 Texas Western College Miners have been inducted to the Naismith Hall of Fame in recognition of their achievement as the first all-African-American college basketball team to win the national championship; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we wholeheartedly urge the relevant authorities to nominate and induct Coach George Ireland and the 1963 Loyola Chicago basketball championship team into the Naismith Memorial Basketball Hall of Fame.

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 6149. Introduced by Representative Biss, AN ACT concerning public employee benefits.

HOUSE BILL 6150. Introduced by Representative Biss, AN ACT concerning public employee benefits.

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 281 (Mussman), 639 (Beiser), 1351 (G. Harris), 2888 (Mathias), 2999 (Rose), 3250 (McAsey), 3279 (Rita), 3380 (Rita), 3406 (Rose), 3420 (Bradley), 3513 (D. Burke), 3514 (Zalewski), 3584 (Lilly), 3619 (Biss), 3765 (K. Burke) and 3792 (Tryon).

HOUSE JOINT RESOLUTIONS CONSTITUTIONAL AMENDMENTS FIRST READING

Representative Madigan introduced the following:

HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 49

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Article XIII of the Illinois Constitution by adding Section 5.1 as follows:

ARTICLE XIII GENERAL PROVISIONS SECTION 5.1. PENSION AND RETIREMENT BENEFIT INCREASES

(a) No bill, except a bill for appropriations, that provides a benefit increase under any pension or retirement system of the State, any unit of local government or school district, or any agency or instrumentality thereof, shall become law without the concurrence of three-fifths of the members elected to each house of the General Assembly. If the Governor vetoes such a bill by returning it with objections to the house in which it originated, the provisions of Article IV, Section 9 shall govern the passage of that bill except that such bill shall not become law unless, upon its return, it is passed by a record vote of two-thirds of the members elected to each house of the General Assembly. If the Governor returns such a bill with specific recommendations for change to the house in which it originated, the provisions of Article IV, Section 9 shall govern the acceptance of those specific recommendations except that such recommendations may be accepted only by a record vote of two-thirds of the members elected to each house of the General Assembly, regardless of the bill's date of passage or effective date.

For purposes of this subsection, the term "benefit increase" means a change to any pension or other law that results in a member of a pension or retirement system receiving a new benefit or an enhancement to a benefit, including, but not limited to, any changes that (i) increase the amount of the pension or annuity that a member could receive upon retirement, or (ii) reduce or eliminate the eligibility requirements or other terms or conditions a member must meet to receive a pension or annuity upon retirement. The term "benefit increase" also means a change to any pension or other law that expands the class of persons who may become a member of any pension or retirement system or who may receive a pension or annuity from a pension or retirement system. An increase in salary or wage level, by itself, shall not constitute a "benefit increase" unless that increase exceeds limitations provided by law.

(b) No ordinance, resolution, rule, or other action of the governing body, or an appointee or employee of the governing body, of any unit of local government or school district that provides an emolument increase to an official or employee that has the effect of increasing the amount of the pension or annuity that an official or employee could receive as a member of a pension or retirement system shall be valid without the concurrence of three-fifths of the members of that governing body. For purposes of this subsection, the term "emolument increase" means the creation of a new or enhancement of an existing advantage, profit or gain that an official or employee receives by virtue of holding office or employment, including, but not limited to, compensated time off, bonuses, incentives, or other forms of compensation. An increase in salary or wage level, by itself, shall not constitute an "emolument increase" unless that increase exceeds limitations provided by law.

(c) No action of the governing body, or an appointee or employee of the governing body, of any pension or retirement system created or maintained for the benefit of officers or employees of the State, any unit of local government or school district, or any agency or instrumentality thereof that results in a beneficial determination shall be valid without the concurrence of three-fifths of the members of that governing body. For the purposes of this subsection, the term "beneficial determination" means an interpretation or application of pension or other law by the governing body, or an appointee or employee of the governing body, that reverses or supersedes a previous interpretation or application and either (i) results in an increase in the amount of the pension or annuity received by a member of the pension or retirement system or (ii) results in a person becoming eligible to receive a pension or annuity from the pension or retirement system. The term "beneficial determination" shall not include a beneficial determination mandated by a final decision of a court of competent jurisdiction.

(d) Nothing in this Section shall prevent the passage or adoption of any law, ordinance, resolution, rule, policy, or practice that further restricts the ability to provide a "benefit increase", "emolument increase", or "beneficial determination" as those terms are used under this Section.

SCHEDULE

This Constitutional Amendment takes effect on January 9, 2013.

The foregoing HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 49 was taken up, read in full a first time, ordered reproduced and placed in the Committee on Rules.

At the hour of 1:38 o'clock p.m., the House Perfunctory Session adjourned.

At the hour of 3:20 o'clock p.m., the House reconvened perfunctory session.

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 6151. Introduced by Representative Madigan, AN ACT concerning appropriations.

HOUSE BILL 6152. Introduced by Representative Madigan, AN ACT concerning finance.

SENATE BILLS ON FIRST READING

Having been reproduced, the following bill was taken up, read by title a first time and placed in the Committee on Rules: SENATE BILL 3337 (Mell).

At the hour of 3:21 o'clock p.m., the House Perfunctory Session adjourned.

At the hour of 3:53 o'clock p.m., the House reconvened perfunctory session.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Greg Harris replaced Representative Lang in the Committee on Rules on April 10, 2012.

Representative Mell replaced Representative Mautino in the Committee on Rules on April 10, 2012.

REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on April 10, 2012, reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the bill be reported "approved for consideration" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 3859, 4211 and 4866.

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Armed Forces & Military Affairs: SENATE BILLS 3670 and 3671.
Business & Occupational Licenses: SENATE BILLS 3237 and 3685.
Cities & Villages: SENATE BILL 3536.
Counties & Townships: SENATE BILLS 3324 and 3809.
Disability Services: HOUSE AMENDMENT No. 1 to HOUSE BILL 4866.
Elementary & Secondary Education: SENATE BILLS 2850, 3393 and 3410; SENATE JOINT RESOLUTION 61.
Environment & Energy: SENATE BILL 2947.
Executive: SENATE BILLS 3257 and 3262.
Financial Institutions: SENATE BILL 3217.
Health Care Licenses: SENATE BILL 3385.
Higher Education: SENATE BILLS 2949, 3428 and 3635.
Human Services: SENATE BILLS 680, 2574, 2818 and 2820.
Insurance: SENATE BILL 3242.
Judiciary I - Civil Law: SENATE BILLS 2492, 2536, 2849 and 3626.

Judiciary II - Criminal Law: SENATE BILLS 2520, 2537, 2819, 2944, 3423, 3433, 3458, 3579 and 3673.

Personnel and Pensions: HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 49 and Motion to Concur with HOUSE AMENDMENT No. 1 to HOUSE BILL 3474.

Revenue & Finance: HOUSE BILLS 6151 and 6152, SENATE BILLS 2503, 2971, 3148, 3151, 3250, 3320, 3386, 3607 and HOUSE AMENDMENT No. 1 to HOUSE BILL 4211.

State Government Administration: SENATE BILLS 2493, 2844, 3287, 3358, 3452, 3489, 3508, 3746 and HOUSE RESOLUTION 920.

Transportation: Vehicles & Safety: SENATE BILLS 2488, 2524, 2528, 3409 and 3487.

Environmental Health: SENATE BILL 2950.

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 Schmitz(R), Republican Spokesperson

Y Harris, G.(D) (replacing Lang)

A Leitch(R)

Y Mell(D) (replacing Mautino)

At the hour of 3:53 o'clock p.m., the House Perfunctory Session adjourned.