

**STATE OF ILLINOIS**



# **HOUSE JOURNAL**

**HOUSE OF REPRESENTATIVES**

**NINETY-FOURTH GENERAL ASSEMBLY**

**141ST LEGISLATIVE DAY**

**REGULAR & PERFUNCTORY SESSION**

**SUNDAY, JANUARY 7, 2007**

**3:12 O'CLOCK P.M.**

**HOUSE OF REPRESENTATIVES**  
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**141st Legislative Day**

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The House met pursuant to adjournment.

Representative Lang in the chair.

Prayer by Doorkeeper of the House Lee A. Crawford, the Pastor of the Cathedral of Praise Christian Center in Springfield, IL.

Representative Washington led the House in the Pledge of Allegiance.

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

107 present. (ROLL CALL 1)

By unanimous consent, Representatives Black, Patterson and Schock were excused from attendance.

### **REQUESTS TO BE SHOWN ON QUORUM**

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Mulligan, should be recorded as present at the hour of 3:30 o'clock p.m.

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Wait, should be recorded as present at the hour of 3:07 o'clock p.m.

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Dunn, should be recorded as present at the hour of 5:00 o'clock p.m.

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Dunkin, should be recorded as present at the hour of 3:46 o'clock p.m.

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Graham, should be recorded as present at the hour of 4:05 o'clock p.m.

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Osterman, should be recorded as present at the hour of 3:40 o'clock p.m.

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Flowers, should be recorded as present at the hour of 3:10 o'clock p.m.

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Collins, should be recorded as present at the hour of 4:10 o'clock p.m.

### **RESIGNATION AND APPOINTMENTS**

#### **OFFICE OF THE SECRETARY OF STATE**

**Jesse White** – Secretary of State

November 30, 2006

Honorable Mark Mahoney  
Clerk of the Illinois House of Representatives  
402 State Capitol  
Springfield, IL 62706

Dear Mr. Mahoney:

This is to inform you that I hereby resign my office as Representative in the General Assembly for the 3<sup>rd</sup> Representative District in the 94<sup>th</sup> General Assembly, effective December 2, 2006.

Sincerely,  
s/William Delgado

William "Willie" Delgado

December 5, 2006

Clerk of the House of Representatives  
 Attn: Mark Mahoney  
 Room 402  
 Capitol Building  
 Springfield, IL 62706

Dear Mr. Mahoney:

This office is forwarding herewith a copy of the Certificate of Appointment from the Democratic Representative Committee of the 3<sup>rd</sup> Representative District, declaring the existence of a vacancy in the Office of Representative in the Ninety-Fourth General Assembly in the 3<sup>rd</sup> Representative District, as a result of the resignation of **William Delgado**, on December 2, 2006.

The Certificate of Appointment by the Democratic Representative Committee of the 3<sup>rd</sup> Representative District states that **Luis Arroyo, 2444 N. Nordica, Chicago, Illinois 60707**, is to fill the vacancy in the Office of Representative, in the Ninety-Fourth General Assembly for the 3<sup>rd</sup> Representative District.

Yours truly,  
 s/JESSE WHITE  
 Secretary of State

NOTICE

Change in the Ninety-Fourth General Assembly  
HOUSE OF REPRESENTATIVES

Appointment

Luis Arroyo  
 2444 N. Nordica  
 Chicago, IL 60707  
 3<sup>rd</sup> Representative District  
 Appointed: December 2, 2006  
 Filed: December 5, 2006

Vacancy

William Delgado  
 3<sup>rd</sup> Representative District  
 Resigned: December 2, 2006  
 Filed: December 5, 2006

**CERTIFICATE OF ORGANIZATION**

Democratic Representative Committee for the  
 3<sup>rd</sup> Representative District, State of Illinois

This is to certify that, in accordance with Section 8-5 of the Illinois Election Code, the Democratic Representative Committee of the 3<sup>rd</sup> Representative District of the State of Illinois met on December 2, 2006, in the city of Chicago, county of Cook, and within the 3<sup>rd</sup> Representative District of the State of Illinois, and organized by electing the following officers:

Joseph Berrios  
 CHAIRMAN

4502 W. Fullerton, Chicago, IL 60639  
 ADDRESS



I, Luis Arroyo, do solemnly swear and affirm that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and I will faithfully discharge the duties of the office of Representative in the General Assembly for the 3<sup>rd</sup> Representative District of the State of Illinois to the best of my ability.

Signed: Luis Arroyo  
Date: December 2, 2006

Subscribed and Sworn to before me on this 2<sup>nd</sup> day of December, 2006.  
s/Felix Cardona Jr.  
Judge or Notary Public

October 30, 2006

Mr. Mark E. Mahoney  
Clerk of the House  
Illinois House of Representatives  
402 State House  
Springfield, Illinois 62706

Dear Mr. Mahoney:

I am resigning effective the close of business December 1, 2006 as a Representative in the Illinois General Assembly. I will be applying to the General Assembly Retirement System and the Municipal Employees' Annuity and Benefit Fund of Chicago (MEA&B) for retirement benefits effective January 1, 2007.

The MEA&B requires that I sent them an approved copy of this letter with my application for retirement benefits. Please FAX to 1-773-348-3475 at your earliest convenience.

s/Larry McKeon  
State Representative

**OFFICE OF THE SECRETARY OF STATE**  
**Jesse White** – Secretary of State

December 7, 2006

Clerk of the House of Representatives  
Attn: Mark Mahoney  
Room 402  
Capitol Building  
Springfield, IL 62706

Dear Mr. Mahoney:

This office is forwarding herewith a copy of the Certificate of Appointment from the Democratic Representative Committee of the 13<sup>th</sup> Representative District, declaring the existence of a vacancy in the Office of Representative in the Ninety-Fourth General Assembly in the 13<sup>th</sup> Representative District, as a result of the resignation of **Larry McKeon**, on December 1, 2006.

The Certificate of Appointment by the Democratic Representative Committee of the 13<sup>th</sup> Representative District states that **Greg Harris, 1312 W. Winona, Chicago, Illinois 60640**, is to fill the vacancy in the Office of Representative, in the Ninety-Fourth General Assembly for the 13<sup>th</sup> Representative District.

Yours truly,

s/JESSE WHITE  
Secretary of State

**OFFICE OF THE SECRETARY OF STATE**  
**Jesse White – Secretary of State**

NOTICE  
Change in the Ninety-Fourth General Assembly  
HOUSE OF REPRESENTATIVES

Appointment  
Greg Harris  
1312 W. Winona  
Chicago, IL 60640  
13<sup>th</sup> Representative District  
Appointed: November 25, 2006  
Filed: November 29, 2006

Vacancy  
Larry McKeon  
13<sup>th</sup> Representative District  
Resigned: December 1, 2006  
Filed: December 6, 2006

**CERTIFICATE OF APPOINTMENT TO FILL VACANCY IN THE  
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY**

WHEREAS, a vacancy exists in the office of Representative in the General Assembly from the 13<sup>th</sup> Representative District of the State of Illinois, by reason of the resignation of Larry McKeon as of December 1, 2006; and

WHEREAS, the Democratic Representative Committee of the 13<sup>th</sup> Representative District has declared the existence of a vacancy in said office and has voted to fill the vacancy in accordance with Section 25-6 of the Election Code; and

WHEREAS, at a meeting of the Democratic Representative Committee of the 13<sup>th</sup> Representative District on November 25, 2006, Greg Harris, who resides at 1312 W. Winona, Chicago, Illinois 60640 in the 13<sup>th</sup> Representative District of the State of Illinois, received the required number of votes for appointment to fill the vacancy in office, pursuant to Section 25-6 of the Election Code; therefore

BE IT RESOLVED, on this 25<sup>th</sup> day of November, 2006, that the Democratic Representative Committee of the 13<sup>th</sup> Representative District of the State of Illinois hereby appoints Greg Harris, who resides at 1312 W. Winona, Chicago, Illinois 60640 in the 13<sup>th</sup> Representative District of the State of Illinois, who is eligible to serve as a member of the General Assembly, and who is a member of the Democratic Party, as the Representative in the General Assembly from the 13<sup>th</sup> Representative District of the State of Illinois for the remainder of the term.

s/Gene Schuler  
Committeeman

s/Patrick J. O'Connor  
Committeeman

s/Tom Sharpe  
Committeeman

s/Mike Volini  
Committeeman

State of Illinois            )  
  )  
County of Cook            )

Subscribed and Sworn to before me on this 25<sup>th</sup> day of November, 2006.

s/Daniel Luna  
Notary Public



**CERTIFICATE OF ORGANIZATION**

Democratic Representative Committee for the  
13<sup>th</sup> Representative District, State of Illinois

This is to certify that, in accordance with Section 8-5 of the Illinois Election Code, the Democratic Representative Committee of the 13<sup>th</sup> Representative District of the State of Illinois met on the 29<sup>th</sup> day of August, 2006, in the city of Chicago, county of Cook, and within the 13<sup>th</sup> Representative District of the State of Illinois, and organized by electing the following officers:

Patrick J. O'Connor  
SECRETARY

2930 W. Catalpa, Chicago, 60625  
ADDRESS

Eugene C. Schulter  
CHAIRMAN

4326 N. Bell, Chicago, 60618  
ADDRESS

Signed: Eugene C. Schulter  
CHAIRMAN

Attest: Patrick J. O'Connor  
SECRETARY

**OATH OF OFFICE**

State of Illinois            )  
  )  
County of Cook                )

I, Gregory Harris, do solemnly swear and affirm that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and I will faithfully discharge the duties of the office of Representative in the General Assembly for the 13<sup>th</sup> Representative District of the State of Illinois to the best of my ability.

Signed: Gregory Harris  
Date: December 1, 2006

Subscribed and Sworn to before me on the 1<sup>st</sup> day of December, 2006.

s/Sebastian T. Patti  
Judge of Notary Public

December 28, 2006

Mark Mahoney, Clerk of the House  
Room 402 State House

[January 7, 2007]

10

Springfield, IL 62706

Dear Mr. Clerk:

It is with many fond memories and a deep sense of appreciation for being allowed to serve my district and this great State, that I tender my resignation from the Illinois General Assembly effective 12:01 a.m. on January 2, 2007.

This will afford Representative-Elect **Dennis Reboletti** the opportunity to start immediately on his continued public service.

I offer my thanks and gratitude to all who made my public service such an honor and privilege. In particular, I wish to thank the people of the 46<sup>th</sup> Legislative District for the honor of serving them for the last 32 years in Springfield as their elected Representative.

Sincerely yours,  
s/Lee Daniels  
Lee A. Daniels

**OFFICE OF THE SECRETARY OF STATE**  
**Jesse White – Secretary of State**

January 4, 2007

Clerk of the House of Representatives  
Attn: Mark Mahoney  
Room 402  
Capitol Building  
Springfield, IL 62706

Dear Mr. Mahoney:

This office is forwarding herewith a copy of the Notice of Vacancy from the Representative Committee of the Republican Party of the 46<sup>th</sup> Representative District, declaring the existence of a vacancy in the Office of Representative in the Ninety-Fourth General Assembly in the 46<sup>th</sup> Representative District, as a result of the resignation of **Lee A. Daniels**, on January 2, 2007.

Also enclosed is the copy of the Representative Committee's Certificate of Appointment for **Dennis M. Reboletti, 412 N. Ridgeland, Elmhurst, Illinois 60126**, who was appointed to fill the vacancy in the Office of Representative, in the Ninety-Fourth General Assembly for the 46<sup>th</sup> Representative District.

Yours truly,  
s/JESSE WHITE  
Secretary of State

NOTICE

Change in the Ninety-Fourth General Assembly  
HOUSE OF REPRESENTATIVES

Appointment

Dennis M. Reboletti  
412 N. Ridgeland  
Elmhurst, IL 60126  
46<sup>th</sup> Representative District  
Appointed: January 2, 2007  
Filed: January 4, 2007

Vacancy

Lee A. Daniels  
46<sup>th</sup> Representative District  
Resigned: January 2, 2007  
Filed: January 4, 2007

**CERTIFICATE OF REPRESENTATIVE COMMITTEE ORGANIZATION**

46<sup>th</sup> Representative District )  
 )  
STATE OF ILLINOIS )  
COUNTY OF DUPAGE )

This is to certify that, in accordance with 10 ILCS 5/8-5, the Representative Committee of the Republican Party of the Forty Sixth Representative District met on the 30<sup>th</sup> day of December, 2006, in the City of Elmhurst, County of DuPage, and organized by electing the following officers in conformity with the Election Laws of this State.

Chairman: Kirk W. Dillard  
501 Wedgewood Court  
Hinsdale, Illinois 60521

Secretary: Patrick J. Durante  
1044 N. Jamey Lane  
Addison, Illinois 60101

Signed: Kirk W. Dillard  
CHAIRMAN

Attest: Patrick J. Durante  
SECRETARY

State of Illinois )  
 )  
County of DuPage )  
Subscribed and Sworn to before me on this 30<sup>th</sup> day of December, 2006.  
s/David Joel Carlin  
Notary Public

**NOTIFICATION OF VACANCY**

Representative Committee of the )  
Republican Party of the )  
46<sup>th</sup> Representative District )  
 )  
STATE OF ILLINOIS )  
COUNTY OF DUPAGE )

WHEREAS, Representative Lee A. Daniels, a member of the Republican Party, has resigned as Representative in the General Assembly for the Forty Sixth Representative District;

WHEREAS, Representative Daniels's resignation is effective at 12:01 a.m. on January 2, 2007;

NOW, THEREFORE, the Representative Committee of the Republican Party of the Forty Sixth Representative District does hereby find and declare that the office of Representative in the General Assembly for the Forty Sixth Representative District is vacant effective at 12:01 a.m. on January 2, 2007.

SIGNED: Kirk W. Dillard  
Chairman

State of Illinois )  
 )  
County of DuPage )  
Subscribed and Sworn to before me on this 30<sup>th</sup> day of December, 2006.  
s/David Joel Carlin  
Notary Public

**CERTIFICATE OF APPOINTMENT TO FILL VACANCY IN THE  
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY**

Representative Committee of the )  
Republican Party of the )  
46<sup>th</sup> Representative District )  
 )  
STATE OF ILLINOIS )  
COUNTY OF DUPAGE )

WHEREAS, a vacancy has occurred in the office of Representative in the General Assembly in the 46<sup>th</sup> Representative District of the State of Illinois by reason of resignation of Lee A. Daniels, a duly elected member of the Republican Party from the 46<sup>th</sup> Representative District of the State of Illinois; and

WHEREAS, the Representative Committee of the Republican Party of the 46<sup>th</sup> Representative District has met and voted to fill the vacancy in said office, as required by 10 ILCS 5/26-6;

NOW, THEREFORE, BE IT RESOLVED, that the Representative Committee of the Republican Party of the 46<sup>th</sup> Representative District hereby appoints **Dennis M. Reboletti, of 412 N. Ridgeland, Elmhurst, Illinois, 60126**, a member of the Republican Party, to the office of Representative in the General Assembly in the 46<sup>th</sup> Representative District effective at 12:02 a.m. on January 2, 2007.

s/Kirk W. Dillard  
Chairman

s/Patrick J. Durante  
Secretary

s/Paul Fichtner  
Member

Dated: December 30, 2006

ATTEST: Patrick J. Durante  
Secretary

State of Illinois )  
 )  
County of DuPage )  
Subscribed and Sworn to before me on this 30<sup>th</sup> day of December, 2006.  
s/David Joel Carlin

Notary Public

**OATH OF OFFICE**

State of Illinois            )  
  )  
County of Cook            )

I, Dennis M. Reboletti, do solemnly swear and affirm that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and I will faithfully discharge the duties of the office of Representative in the General Assembly for the 46<sup>th</sup> Representative District of the State of Illinois to the best of my ability.

Signed: Dennis M. Reboletti

Subscribed and Sworn to before me on this 2<sup>nd</sup> day of January, 2007.  
s/Pamela J. Moretti  
Notary Public

January 2, 2007

Mark Mahoney, Clerk of the House  
Room 402 State House  
Springfield, IL 62706

Dear Mr. Clerk:

It is with many wonderful memories and friendships, along with a great sense of appreciation for being allowed to serve the residents of my district and the people of Illinois, that I tender my resignation from the Illinois House of Representatives effective 11:00 a.m. on January 4, 2007.

This will allow Representative-Elect Mike Fortner the opportunity to start immediately in his new role of State Representative, serving the constituents of the 95<sup>th</sup> District of Illinois.

I am so grateful to the people who have chosen me to serve them as their Representative in Springfield for the last 8 years in the House of Representatives. I look forward to working with you and with all of my distinguished colleagues as I begin my new work in the Illinois Senate.

Sincerely,  
s/Randall M. Hultgren

**OFFICE OF THE SECRETARY OF STATE**  
**Jesse White – Secretary of State**

January 5, 2007

Clerk of the House of Representatives  
Attn: Mark Mahoney  
Room 402  
Capitol Building  
Springfield, IL 62706

Dear Mr. Mahoney:

This office is forwarding herewith a copy of the Notice of Vacancy from the Representative Committee of the Republican Party of the 95<sup>th</sup> Representative District, declaring the existence of a vacancy in the Office of Representative in the Ninety-Fourth General Assembly in the 95<sup>th</sup> Representative District, as a result of the resignation of **Randall M. "Randy" Hultgren**, effective January 4, 2007.

Also enclosed is the copy of the Representative Committee's Certificate of Appointment for **Michael R. Fortner, 212 Fulton Street, West Chicago, Illinois 60185**, who was appointed to fill the vacancy in the Office of Representative, in the Ninety-Fourth General Assembly for the 95<sup>th</sup> Representative District.

Yours truly,  
s/JESSE WHITE  
Secretary of State

**NOTICE**  
Change in the Ninety-Fourth General Assembly  
HOUSE OF REPRESENTATIVES

Appointment  
Michael R. Fortner  
212 Fulton Street  
West Chicago, IL 60185  
95<sup>th</sup> Representative District  
Appointed: January 4, 2007  
Filed: January 5, 2007

Vacancy  
Randall M. "Randy" Hultgren  
95<sup>th</sup> Representative District  
Resigned: January 4, 2007  
Filed: January 5, 2007

**CERTIFICATE OF REPRESENTATIVE COMMITTEE ORGANIZATION**

95<sup>th</sup> Representative District    )  
  )  
STATE OF ILLINOIS            )  
COUNTY OF DUPAGE         )

This is to certify that, in accordance with 10 ILCS 5/8-5, the Representative Committee of the Republican Party of the Ninety-Fifth Representative District met on the 3<sup>rd</sup> day of January, 2007, in the Village of Winfield, County of DuPage, and organized by electing the following officers in conformity with the Election Laws of this State.

Chairman: Kirk W. Dillard  
501 Wedgewood Court  
Hinsdale, Illinois 60521

Secretary: Dennis P. Wiggins  
2079 Carolyn Rd.  
Aurora, Illinois 60506

Signed: Kirk W. Dillard  
CHAIRMAN

Attest: Dennis P. Wiggins  
SECRETARY

State of Illinois                )

County of DuPage )  
 )  
 Subscribed and Sworn to before me on this 3<sup>rd</sup> day of January, 2007.  
s/David Joel Carlin  
 Notary Public

**NOTIFICATION OF VACANCY**

Representative Committee of the )  
 Republican Party of the )  
 95<sup>th</sup> Representative District )  
 )  
 STATE OF ILLINOIS )  
 COUNTY OF DUPAGE )

WHEREAS, Representative Randall M. “Randy” Hultgren, a member of the Republican Party, has resigned as Representative in the General Assembly for the Ninety-Fifth Representative District;

WHEREAS, Representative Hultgren’s resignation is effective at 11:00 a.m. on January 4, 2007;

NOW, THEREFORE, the Representative Committee of the Republican Party of the Ninety-Fifth Representative District does hereby find and declare that the office of Representative in the General Assembly for the Ninety-Fifth Representative District is vacant effective at 11:00 a.m. on January 4, 2007.

SIGNED: Kirk W. Dillard  
Chairman

State of Illinois )  
 )  
 County of DuPage )  
 Subscribed and Sworn to before me on this 3<sup>rd</sup> day of January, 2007.  
s/David Joel Carlin  
 Notary Public

**CERTIFICATE OF APPOINTMENT TO FILL VACANCY IN THE OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY IN THE 95<sup>TH</sup> REPRESENTATIVE DISTRICT**

Representative Committee of the )  
 Republican Party of the )  
 95<sup>th</sup> Representative District )  
 )  
 STATE OF ILLINOIS )  
 COUNTY OF DUPAGE )

WHEREAS, a vacancy has occurred in the office of Representative in the General Assembly in the 95<sup>th</sup> Representative District of the State of Illinois by reason of resignation of Randall M. “Randy” Hultgren, a duly elected member of the Republican Party from the 95<sup>th</sup> Representative District of the State of Illinois; and

WHEREAS, the Representative Committee of the Republican Party of the 95<sup>th</sup> 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 Representative Committee of the Republican Party of the 95<sup>th</sup> Representative District hereby appoints **Michael R. Fortner, of 212 Fulton Street, West Chicago, Illinois, 60185**, a member of the Republican Party, to the office of Representative in the General Assembly in the 95<sup>th</sup> Representative District effective at 11:01 a.m. on January 4, 2007.

s/Kirk W. Dillard  
Chairman

s/Dennis P. Wiggins  
Secretary

Dated: January 3, 2007

ATTEST: Dennis P. Wiggins  
Secretary

State of Illinois            )  
  )  
County of DuPage            )

Subscribed and Sworn to before me on this 3<sup>rd</sup> day of January, 2007.

s/David Joel Carlin  
Notary Public

**OATH OF OFFICE**

I, Michael R. Fortner, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of State Representative for the 95<sup>th</sup> Representative District of the State of Illinois to the best of my ability.

Signed: Michael R. Fortner

Subscribed and Sworn to before me on this 4<sup>th</sup> day of January, 2007.

s/Robert Thomas  
Chief Justice Supreme Court

**LETTER OF TRANSMITTAL**

January 7, 2007

Mark Mahoney  
Chief Clerk of the House  
402 State House  
Springfield, IL 62706

Dear Clerk Mahoney:

Please be advised that I am extending the Final Action Deadline to January 9, 2007, for the following Senate Bills:

**SENATE BILLS 1959 and 2674.**



If you have questions, please contact my Chief of Staff, Tim Mapes, at 782-6360.

With kindest personal regards, I remain.

Sincerely Yours,  
s/Michael J. Madigan  
Speaker of the House

#### **TEMPORARY COMMITTEE ASSIGNMENTS**

Representative Brauer replaced Representative Hassert in the Committee on Rules on January 4, 2007.

Representative Schmitz replaced Representative Black in the Committee on Rules on January 7, 2007.

Representative Winters replaced Representative Myers in the Committee on Electric Utility Oversight on January 7, 2007.

Representative Hassert replaced Representative Sullivan in the Committee on Electric Utility Oversight on January 7, 2007.

Representative Currie replaced Representative Franks in the Committee on Electric Utility Oversight on January 7, 2007.

Representative Kosel replaced Representative Bill Mitchell in the Committee on Electric Utility Oversight on January 7, 2007.

Representative Hannig replaced Representative Patterson in the Committee on Electric Utility Oversight on January 7, 2007.

Representative Kosel replaced Representative Pihos in the Committee on Elementary & Secondary Education on January 7, 2007.

Representative Soto replaced Representative Osterman in the Committee on Elementary & Secondary Education on January 7, 2007.

Representative William Davis replaced Representative Collins in the Committee on Appropriations-Public Safety on January 7, 2007.

Representative Golar replaced Representative Dunkin in the Committee on Appropriations-Public Safety on January 7, 2007.

Representative Turner replaced Representative Patterson in the Committee on Appropriations-Public Safety on January 7, 2007.

Representative Currie replaced Representative McKeon in the Committee on Executive on January 7, 2007.

Representative Collins replaced Representative Richard Bradley in the Committee on Judiciary II – Criminal Law on January 7, 2007.

**REPORTS FROM THE COMMITTEE ON RULES**

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on January 4, 2007, reported the same back with the following recommendations:

**LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:**

Electric Utility Oversight: Motion to concur with SENATE AMENDMENTS Numbered 1 and 2 to HOUSE BILL 2197.

Judiciary II - Criminal Law: HOUSE AMENDMENT No. 3 to SENATE BILL 2737.

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

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

Y Currie(D), Chairperson  
Y Hannig(D)  
Y Turner(D)

A Black(R), Republican Spokesperson  
Y Brauer(R) (replacing Hassert)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on January 7, 2007, reported the same back with the following recommendations:

**LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:**

That the Floor Amendment be reported “recommends be adopted”:

Motion to Table Amendment No. 1 to SENATE BILL 1714.

Amendment No. 3 to SENATE BILL 1714.

That the resolution be reported “recommends be adopted” and be placed on the House Calendar: SENATE JOINT RESOLUTION 95.

**LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:**

Executive: SENATE BILLS 1959 and 2674.

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

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

Y Currie,Barbara(D), Chairperson  
Y Hannig,Gary(D)  
Y Turner,Arthur(D)

Y Schmitz(R) (replacing Black)  
Y Hassert,Brent(R)

**REPORTS FROM STANDING COMMITTEES**

Representative Molaro, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken on January 7, 2007, reported the same back with the following recommendations:

That the Floor Amendment be reported “recommends be adopted”:

Amendment No. 3 to SENATE BILL 2737.

The committee roll call vote on Amendment No. 3 to Senate Bill 2737 is as follows:

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

Y Molaro,Robert(D), Chairperson  
Y Arroyo,Luis(D)  
Y Bradley,R(D)(replacing Collins)  
Y Durkin,Jim(R)

Y Lindner,Patricia(R), Republican Spokesperson  
Y Bradley,John(D)  
A Cultra,Shane(R)  
Y Froehlich,Paul(R)

Y Golar, Esther(D)	Y Gordon, Careen(D)
Y Howard, Constance(D)	A Jefferies, Elga(D)
Y Mautino, Frank(D)	Y Reis, David(R)
Y Sacia, Jim(R)	A Wait, Ronald(R)

Representative Scully, Chairperson, from the Committee on Electric Utility Oversight to which the following were referred, action taken on January 7, 2007, reported the same back with the following recommendations:

That the Motion be reported "recommends be adopted" and placed on the House Calendar: Motion to concur with Senate Amendments numbered 1 and 2 to HOUSE BILL 2197.

The committee roll call vote on Motion to concur with Senate Amendments numbered 1 and 2 to House Bill 2197 is as follows:

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

N Scully, George(D), Chairperson	N Verschoore, Patrick(D), Vice-Chairperson
Y Krause, Carolyn(R), Republican Spokesperson	Y Beaubien, Mark(R)
Y D'Amico, John(D)	Y Currie(D) (replacing Franks)
Y Froehlich, Paul(R)	Y Granberg, Kurt(D)
Y Madigan, Michael(D)	Y Kosel(R) (replacing Mitchell, B)
Y Winters(R) (replacing Myers)	Y Hannig(D) (replacing Patterson)
N Phelps, Brandon(D)	Y Stephens, Ron(R)
Y Hassert(R) (replacing Sullivan)	

Representative Giles, Chairperson, from the Committee on Elementary & Secondary Education to which the following were referred, action taken on January 7, 2007, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 862.

The committee roll call vote on Senate Bill 862 is as follows:

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

Y Giles, Calvin(D), Chairperson	Y Davis, Monique(D), Vice-Chairperson
Y Mitchell, Jerry(R), Republican Spokesperson	A Bassi, Suzanne(R)
Y Beiser, Daniel(D)	Y Chapa LaVia, Linda(D)
A Colvin, Marlow(D)	Y Dugan, Lisa(D)
Y Eddy, Roger(R)	Y Flider, Robert(D)
A Joyce, Kevin(D)	Y Miller, David(D)
Y Moffitt, Donald(R)	A Mulligan, Rosemary(R)
Y Munson, Ruth(R)	Y Soto(D) (replacing Osterman)
Y Kosel(R) (replacing Pihos)	Y Pritchard, Robert(R)
Y Reis, David(R)	A Smith, Michael(D)
Y Watson, Jim(R)	

Representative Hannig, Chairperson, from the Committee on Appropriations-Public Safety to which the following were referred, action taken on January 7, 2007, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 1537.

The committee roll call vote on Senate Bill 1537 is as follows:

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

Y Hannig, Gary(D), Chairperson	Y Washington, Eddie(D), Vice-Chairperson
N Schmitz, Timothy(R), Republican Spokesperson	Y Boland, Mike(D)
Y Davis, W(D) (replacing Collins)	Y Colvin, Marlow(D)

Y D'Amico,John(D)  
 Y Jefferies,Elga(D)  
 N Moffitt,Donald(R)  
 N Osmond,JoAnn(R)  
 N Ramey,Harry(R)  
 A Stephens,Ron(R)  
 Y Yarbrough,Karen(D)

Y Golar(D) (replacing Dunkin)  
 N McAuliffe,Michael(R)  
 Y Molaro,Robert(D)  
 Y Turner(D) (replacing Patterson)  
 N Saviano,Angelo(R)  
 A Wait,Ronald(R)

Representative Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken on January 7, 2007, reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 1959 and 2674.

The committee roll call vote on Senate Bills 1959 is as follows:

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

Y Burke,Daniel(D), Chairperson	Y Lyons,Joseph(D), Vice-Chairperson
Y Kosel,Renee(R), Republican Spokesperson	Y Acevedo,Edward(D)
Y Berrios,Maria(D)	Y Biggins,Bob(R)
Y Bradley,Richard(D)	Y Hassert,Brent(R)
Y Currie(D) (replacing McKeon)	Y Meyer,James(R)
Y Molaro,Robert(D)	A Saviano,Angelo(R)
A Madigan,Michael(D)	

The committee roll call vote on Senate Bills 2674 is as follows:

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

Y Burke,Daniel(D), Chairperson	Y Lyons,Joseph(D), Vice-Chairperson
Y Kosel,Renee(R), Republican Spokesperson	Y Acevedo,Edward(D)
Y Berrios,Maria(D)	Y Biggins,Bob(R)
Y Bradley,Richard(D)	Y Hassert,Brent(R)
Y McKeon,Larry(D)	Y Meyer,James(R)
Y Molaro,Robert(D)	A Saviano,Angelo(R)
A Madigan,Michael(D)	

### MOTIONS SUBMITTED

Representative Reitz submitted the following written motion, which was referred to the Committee on Rules:

#### MOTION

I move to concur with Senate Amendments numbered 1 and 2 to HOUSE BILL 2197.

Representative Scully submitted the following written motion, which was placed in the Committee on Rules:

#### MOTION

I move to table Amendment No. 1 to HOUSE BILL 1714.

### VETO MOTION SUBMITTED

Representative Lindner submitted the following written motion, which was placed on the order of Motions:

#### MOTION

I move that the House concur with the Senate in the passage of SENATE BILL 380, the Veto of the Governor notwithstanding.

**FISCAL NOTE SUPPLIED**

A Fiscal Note has been supplied for SENATE BILL 1714, as amended.

**PENSION NOTE SUPPLIED**

A Pension Note has been supplied for SENATE BILL 1714, as amended.

**STATE DEBT IMPACT NOTE SUPPLIED**

A State Debt Impact Note has been supplied for SENATE BILL 1714, as amended.

**HOME RULE NOTE SUPPLIED**

A Home Rule Note has been supplied for SENATE BILL 1714, as amended.

**STATE MANDATES FISCAL NOTE SUPPLIED**

A State Mandates Fiscal Note has been supplied for SENATE BILL 1714, as amended.

**MESSAGES FROM THE SENATE**

A message from the Senate by

Ms. Hawker, Secretary:

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

Senate Bill No. 380

A bill for AN ACT concerning education.

I am further directed to transmit to the House of Representatives the following copy of the Governor's veto message to the Senate:

Passed by the Senate, January 8, 2007, by a three-fifths vote.

Linda Hawker, Secretary of the Senate

January 5, 2007

To the Honorable Members of the  
Illinois Senate  
94th General Assembly

Pursuant to Article IV, Section 9(b) of the Illinois Constitution of 1970, I hereby veto Senate Bill 380, entitled "AN ACT concerning education." A section of Senate Bill 380 would allow for an increase in taxes without a referendum.

For this reason, I hereby veto and return Senate Bill 380.

Sincerely,  
ROD R. BLAGOJEVICH  
Governor

**AGREED RESOLUTIONS**

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

HOUSE RESOLUTION 1555

Offered by Representative Hultgren:  
Honors Pace Chairman John Case on his retirement.

HOUSE RESOLUTION 1556

Offered by Representative Krause:  
Honors Gary E. Parrin on his retirement as Elk Grove Village Manager.

HOUSE RESOLUTION 1557

Offered by Representative Washington:  
Mourns the passing of Leroy Percy Jones of Waukegan, Illinois.

HOUSE RESOLUTION 1558

Offered by Representative Cross:  
Congratulates the Troy Middle School girls cross country team on winning the IESA State Championship on October 14, 2006.

HOUSE RESOLUTION 1559

Offered by Representative Lyons:  
Congratulates Louis J. Glunz III and Louis J. Glunz IV on the 50th anniversary of Regis Technologies, Inc.

HOUSE RESOLUTION 1560

Offered by Representative Howard:  
Congratulates C.H. James and Company on the opening of new Burger King restaurants in the Chicago area.

HOUSE RESOLUTION 1561

Offered by Representative Patterson:  
Mourns the death of Dorothy J. Harbour.

HOUSE RESOLUTION 1562

Offered by Representative Granberg:  
Mourns the death of the Honorable Judge Terrence Hopkins of Mount Vernon, Illinois.

HOUSE RESOLUTION 1563

Offered by Representative Granberg:  
Congratulates the 2006 inductees of the Centralia Sports Hall of Fame.

HOUSE RESOLUTION 1564

Offered by Representative Brady:

Congratulates Vince Trosino on his retirement.

HOUSE RESOLUTION 1565

Offered by Representative Tracy:  
Congratulates Dr. Zakiah Ali on the occasion of her retirement.

HOUSE RESOLUTION 1566

Offered by Representative Bill Mitchell:  
Congratulates Gene Vance on having the Clinton Post Office named in his honor.

HOUSE RESOLUTION 1567

Offered by Representative Jakobsson:  
Congratulates McKinley Presbyterian Church at the University of Illinois, Champaign on their centennial.

HOUSE RESOLUTION 1568

Offered by Representative Howard:  
Mourns the death of James E. Cook of Chicago, Illinois.

HOUSE RESOLUTION 1569

Offered by Representative John Bradley:  
Congratulates Tim Murphy of West Frankfort, Illinois on creating Candy Cane Lane each Christmas.

HOUSE RESOLUTION 1570

Offered by Representative Cross:  
Mourns the death of former United States President Gerald Ford.

HOUSE RESOLUTION 1572

Offered by Representative Jakobsson:  
Congratulates Richard Powers on winning the National Book Award.

HOUSE RESOLUTION 1573

Offered by Representative Jakobsson:  
Honors the Foellinger Auditorium on the occasion of its 100th anniversary.

HOUSE RESOLUTION 1574

Offered by Representative Cross:  
Congratulates the Plano High School football team on winning the Class 3A division State Football Championship.

HOUSE RESOLUTION 1575

Offered by Representative Durkin:  
Mourns the death of Don Hubert of Chicago, Illinois.

HOUSE JOINT RESOLUTION 154

Offered by Representative Washington:

Recognizes the first week of February in 2007 and each subsequent year as Oprah Winfrey Week.

### **RECALL**

At the request of the principal sponsor, Representative McGuire, SENATE BILL 1714 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

### **RECESS**

At the hour of 3:38 o'clock p.m., Representative Lang moved that the House do now take a recess until the call of the Chair.

The motion prevailed.

At the hour of 5:22 o'clock p.m., the House resumed its session.

Representative Lang in the Chair.

### **SUSPEND POSTING REQUIREMENTS**

Pursuant to Rule 25, Representative Currie moved to suspend the posting requirements of Rule 21 in relation SENATE BILLS 1959 and 2674.

The motion prevailed.

### **SENATE BILL ON SECOND READING**

SENATE BILL 1714. Having been recalled on January 7, 2007, and held on the order of Second Reading, the same was again taken up.

On the Motion of Representative Scully, Committee Amendment No. 1 was ordered to lie on the table. The motion prevailed.

Floor Amendment No. 2 remained in the Committee on Rules.

Representative Scully offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend Senate Bill 1714 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Sections 16-102, 16-111, and 16-113 as follows:

(220 ILCS 5/16-102)

Sec. 16-102. Definitions. For the purposes of this Article the following terms shall be defined as set forth in this Section.

"Alternative retail electric supplier" means every person, cooperative, corporation, municipal corporation, company, association, joint stock company or association, firm, partnership, individual, or other entity, their lessees, trustees, or receivers appointed by any court whatsoever, that offers electric power or energy for sale, lease or in exchange for other value received to one or more retail customers, or that engages in the delivery or furnishing of electric power or energy to such retail customers, and shall include, without limitation, resellers, aggregators and power marketers, but shall not include (i) electric utilities (or any agent of the electric utility to the extent the electric utility provides tariffed services to retail customers through that agent), (ii) any electric cooperative or municipal system as defined in Section 17-100 to the extent that the electric cooperative or municipal system is serving retail customers within any area in which it is or would be entitled to provide service under the law in effect immediately prior to the effective date of this amendatory Act of 1997, (iii) a public utility that is owned and operated by any public institution of higher education of this State, or a public utility that is owned by such public institution of



higher education and operated by any of its lessees or operating agents, within any area in which it is or would be entitled to provide service under the law in effect immediately prior to the effective date of this amendatory Act of 1997, (iv) a retail customer to the extent that customer obtains its electric power and energy from that customer's own cogeneration or self-generation facilities, (v) an entity that owns, operates, sells, or arranges for the installation of a customer's own cogeneration or self-generation facilities, but only to the extent the entity is engaged in owning, selling or arranging for the installation of such facility, or operating the facility on behalf of such customer, provided however that any such third party owner or operator of a facility built after January 1, 1999, complies with the labor provisions of Section 16-128(a) as though such third party were an alternative retail electric supplier, or (vi) an industrial or manufacturing customer that owns its own distribution facilities, to the extent that the customer provides service from that distribution system to a third-party contractor located on the customer's premises that is integrally and predominantly engaged in the customer's industrial or manufacturing process; provided, that if the industrial or manufacturing customer has elected delivery services, the customer shall pay transition charges applicable to the electric power and energy consumed by the third-party contractor unless such charges are otherwise paid by the third party contractor, which shall be calculated based on the usage of, and the base rates or the contract rates applicable to, the third-party contractor in accordance with Section 16-102.

"Base rates" means the rates for those tariffed services that the electric utility is required to offer pursuant to subsection (a) of Section 16-103 and that were identified in a rate order for collection of the electric utility's base rate revenue requirement, excluding (i) separate automatic rate adjustment riders then in effect, (ii) special or negotiated contract rates, (iii) delivery services tariffs filed pursuant to Section 16-108, (iv) real-time pricing, or (v) tariffs that were in effect prior to October 1, 1996 and that based charges for services on an index or average of other utilities' charges, but including (vi) any subsequent redesign of such rates for tariffed services that is authorized by the Commission after notice and hearing.

"Competitive service" includes (i) any service that has been declared to be competitive pursuant to Section 16-113 of this Act, (ii) contract service, and (iii) services, other than tariffed services, that are related to, but not necessary for, the provision of electric power and energy or delivery services.

"Contract service" means (1) services, including the provision of electric power and energy or other services, that are provided by mutual agreement between an electric utility and a retail customer that is located in the electric utility's service area, provided that, delivery services shall not be a contract service until such services are declared competitive pursuant to Section 16-113; and also means (2) the provision of electric power and energy by an electric utility to retail customers outside the electric utility's service area pursuant to Section 16-116. Provided, however, contract service does not include electric utility services provided pursuant to (i) contracts that retail customers are required to execute as a condition of receiving tariffed services, or (ii) special or negotiated rate contracts for electric utility services that were entered into between an electric utility and a retail customer prior to the effective date of this amendatory Act of 1997 and filed with the Commission.

"Delivery services" means those services provided by the electric utility that are necessary in order for the transmission and distribution systems to function so that retail customers located in the electric utility's service area can receive electric power and energy from suppliers other than the electric utility, and shall include, without limitation, standard metering and billing services.

"Electric utility" means a public utility, as defined in Section 3-105 of this Act, that has a franchise, license, permit or right to furnish or sell electricity to retail customers within a service area.

"Mandatory transition period" means the period from the effective date of this amendatory Act of 1997 through the date on which the Commission has approved declarations of competitive service, pursuant to Section 16-113, for all classes of service offered in the service areas of all electric utilities that, on December 31, 2005, served at least 100,000 customers ~~January 1, 2007.~~

"Municipal system" shall have the meaning set forth in Section 17-100.

"Real-time pricing" means tariffed retail charges for delivered electric power and energy that vary hour-to-hour and are determined from wholesale market prices using a methodology approved by the Illinois Commerce Commission.

"Retail customer" means a single entity using electric power or energy at a single premises and that (A) either (i) is receiving or is eligible to receive tariffed services from an electric utility, or (ii) that is served by a municipal system or electric cooperative within any area in which the municipal system or electric cooperative is or would be entitled to provide service under the law in effect immediately prior to the effective date of this amendatory Act of 1997, or (B) an entity which on the effective date of this Act was receiving electric service from a public utility and (i) was engaged in the practice of resale and

redistribution of such electricity within a building prior to January 2, 1957, or (ii) was providing lighting services to tenants in a multi-occupancy building, but only to the extent such resale, redistribution or lighting service is authorized by the electric utility's tariffs that were on file with the Commission on the effective date of this Act.

"Service area" means (i) the geographic area within which an electric utility was lawfully entitled to provide electric power and energy to retail customers as of the effective date of this amendatory Act of 1997, and includes (ii) the location of any retail customer to which the electric utility was lawfully providing electric utility services on such effective date.

"Small commercial retail customer" means those nonresidential retail customers of an electric utility consuming 15,000 kilowatt-hours or less of electricity annually in its service area.

"Tariffed service" means services provided to retail customers by an electric utility as defined by its rates on file with the Commission pursuant to the provisions of Article IX of this Act, but shall not include competitive services.

"Transition charge" means a charge expressed in cents per kilowatt-hour that is calculated for a customer or class of customers as follows for each year in which an electric utility is entitled to recover transition charges as provided in Section 16-108:

(1) the amount of revenue that an electric utility would receive from the retail customer or customers if it were serving such customers' electric power and energy requirements as a tariffed service based on (A) all of the customers' actual usage during the 3 years ending 90 days prior to the date on which such customers were first eligible for delivery services pursuant to Section 16-104, and (B) on (i) the base rates in effect on October 1, 1996 (adjusted for the reductions required by subsection (b) of Section 16-111, for any reduction resulting from a rate decrease under Section 16-101(b), for any restatement of base rates made in conjunction with an elimination of the fuel adjustment clause pursuant to subsection (b), (d), or (f) of Section 9-220 and for any removal of decommissioning costs from base rates pursuant to Section 16-114) and any separate automatic rate adjustment riders (other than a decommissioning rate as defined in Section 16-114) under which the customers were receiving or, had they been customers, would have received electric power and energy from the electric utility during the year immediately preceding the date on which such customers were first eligible for delivery service pursuant to Section 16-104, or (ii) to the extent applicable, any contract rates, including contracts or rates for consolidated or aggregated billing, under which such customers were receiving electric power and energy from the electric utility during such year;

(2) less the amount of revenue, other than revenue from transition charges and decommissioning rates, that the electric utility would receive from such retail customers for delivery services provided by the electric utility, assuming such customers were taking delivery services for all of their usage, based on the delivery services tariffs in effect during the year for which the transition charge is being calculated and on the usage identified in paragraph (1);

(3) less the market value for the electric power and energy that the electric utility would have used to supply all of such customers' electric power and energy requirements, as a tariffed service, based on the usage identified in paragraph (1), with such market value determined in accordance with Section 16-112 of this Act;

(4) less the following amount which represents the amount to be attributed to new revenue sources and cost reductions by the electric utility through the end of the period for which transition costs are recovered pursuant to Section 16-108, referred to in this Article XVI as a "mitigation factor":

(A) for nonresidential retail customers, an amount equal to the greater of (i) 0.5 cents per kilowatt-hour during the period October 1, 1999 through December 31, 2004, 0.6 cents per kilowatt-hour in calendar year 2005, and 0.9 cents per kilowatt-hour in calendar year 2006, multiplied in each year by the usage identified in paragraph (1), or (ii) an amount equal to the following percentages of the amount produced by applying the applicable base rates (adjusted as described in subparagraph (1)(B)) or contract rate to the usage identified in paragraph (1): 8% for the period October 1, 1999 through December 31, 2002, 10% in calendar years 2003 and 2004, 11% in calendar year 2005 and 12% in calendar year 2006; and

(B) for residential retail customers, an amount equal to the following percentages of the amount produced by applying the base rates in effect on October 1, 1996 (adjusted as described in subparagraph (1)(B)) to the usage identified in paragraph (1): (i) 6% from May 1, 2002 through December 31, 2002, (ii) 7% in calendar years 2003 and 2004, (iii) 8% in calendar year 2005, and (iv) 10% in calendar year 2006;

(5) divided by the usage of such customers identified in paragraph (1), provided that the transition charge shall never be less than zero.

"Unbundled service" means a component or constituent part of a tariffed service which the electric utility subsequently offers separately to its customers.

(Source: P.A. 94-977, eff. 6-30-06.)"

(220 ILCS 5/16-111)

Sec. 16-111. Rates and restructuring transactions during mandatory transition period.

(a) During the mandatory transition period, notwithstanding any provision of Article IX of this Act, and except as provided in subsections (b), (d), (e), and (f) of this Section, the Commission shall order all electric utilities that, on December 31, 2005, served at least 100,000 customers to file and implement tariffs to reinstate all 2006 rates within 10 days after the effective date of this amendatory Act of the 94th General Assembly, and the Commission shall not, prior to 2010, (i) initiate, authorize or order any change by way of increase (other than in connection with a request for rate increase which was filed after September 1, 1997 but prior to October 15, 1997, by an electric utility serving less than 12,500 customers in this State) or (ii) ~~initiate or, unless requested by the electric utility, authorize or order any change by way of decrease, restructuring or unbundling (except as provided in Section 16-109A), in the rates of any electric utility that were in effect on October 1, 1996, or (iii) in any order approving any application for a merger pursuant to Section 7-204 that was pending as of May 16, 1997, impose any condition requiring any filing for an increase, decrease, or change in, or other review of, an electric utility's rates or enforce any such condition of any such order; provided, however, that this subsection shall not prohibit the Commission from:~~

(1) ~~(blank); approving the application of an electric utility to implement an alternative to rate of return regulation or a regulatory mechanism that rewards or penalizes the electric utility through adjustment of rates based on utility performance, pursuant to Section 9-244;~~

(2) authorizing an electric utility to eliminate its fuel adjustment clause and adjust its base rate tariffs in accordance with subsection (b), (d), or (f) of Section 9-220 of this Act, to fix its fuel adjustment factor in accordance with subsection (c) of Section 9-220 of this Act, or to eliminate its fuel adjustment clause in accordance with subsection (e) of Section 9-220 of this Act;

(3) ordering into effect tariffs for delivery services and transition charges in accordance with Sections 16-104 and 16-108, for real-time pricing in accordance with Section 16-107, or the options required by Section 16-110 and subsection (n) of 16-112, allowing a billing experiment in accordance with Section 16-106, or modifying delivery services tariffs in accordance with Section 16-109; or

(4) ordering or allowing into effect any tariff to recover charges pursuant to Sections 9-201.5, 9-220.1, 9-221, 9-222 (except as provided in Section 9-222.1), 16-108, and 16-114 of this Act, Section 5-5 of the Electricity Infrastructure Maintenance Fee Law, Section 6-5 of the Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997, and Section 13 of the Energy Assistance Act.

After December 31, 2004, the provisions of this subsection (a) shall not apply to an electric utility whose average residential retail rate was less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, and which served between 150,000 and 250,000 retail customers in this State on January 1, 1995 unless the electric utility or its holding company has been acquired by or merged with an affiliate of another electric utility subsequent to January 1, 2002. This exemption shall be limited to this subsection (a) and shall not extend to any other provisions of this Act.

(a-5) During the remainder of the mandatory transition period, if any, the Commission may modify rates in accordance with Article IX of this Act.

(b) Notwithstanding the provisions of subsection (a), each Illinois electric utility serving more than 12,500 customers in Illinois shall file tariffs (i) reducing, effective August 1, 1998, each component of its base rates to residential retail customers by 15% from the base rates in effect immediately prior to January 1, 1998 and (ii) if the public utility provides electric service to (A) more than 500,000 customers but less than 1,000,000 customers in this State on January 1, 1999, reducing, effective May 1, 2002, each component of its base rates to residential retail customers by an additional 5% from the base rates in effect immediately prior to January 1, 1998, or (B) at least 1,000,000 customers in this State on January 1, 1999, reducing, effective October 1, 2001, each component of its base rates to residential retail customers by an additional 5% from the base rates in effect immediately prior to January 1, 1998. Provided, however, that

(A) if an electric utility's average residential retail rate is less than or equal to the average residential retail rate for a group of Midwest Utilities (consisting of all investor-owned electric utilities with annual system peaks in excess of 1000 megawatts in the States of Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin), based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, then it shall only be required to file tariffs (i) reducing, effective August 1, 1998, each component of its base rates to residential retail customers by 5% from the base rates in effect immediately prior to January 1, 1998, (ii) reducing, effective October 1, 2000, each component of its base rates to residential retail customers by the lesser of 5% of the base rates in effect immediately prior to January 1, 1998 or the percentage by which the electric utility's average residential retail rate exceeds the average residential retail rate of the Midwest Utilities, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1999, and (iii) reducing, effective October 1, 2002, each component of its base rates to residential retail customers by an additional amount equal to the lesser of 5% of the base rates in effect immediately prior to January 1, 1998 or the percentage by which the electric utility's average residential retail rate exceeds the average residential retail rate of the Midwest Utilities, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 2001; and (B) if the average residential retail rate of an electric utility serving between 150,000 and 250,000 retail customers in this State on January 1, 1995 is less than or equal to 90% of the average residential retail rate for the Midwest Utilities, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, then it shall only be required to file tariffs (i) reducing, effective August 1, 1998, each component of its base rates to residential retail customers by 2% from the base rates in effect immediately prior to January 1, 1998; (ii) reducing, effective October 1, 2000, each component of its base rates to residential retail customers by 2% from the base rate in effect immediately prior to January 1, 1998; and (iii) reducing, effective October 1, 2002, each component of its base rates to residential retail customers by 1% from the base rates in effect immediately prior to January 1, 1998. Provided, further, that any electric utility for which a decrease in base rates has been or is placed into effect between October 1, 1996 and the dates specified in the preceding sentences of this subsection, other than pursuant to the requirements of this subsection, shall be entitled to reduce the amount of any reduction or reductions in its base rates required by this subsection by the amount of such other decrease. The tariffs required under this subsection shall be filed 45 days in advance of the effective date. Notwithstanding anything to the contrary in Section 9-220 of this Act, no restatement of base rates in conjunction with the elimination of a fuel adjustment clause under that Section shall result in a lesser decrease in base rates than customers would otherwise receive under this subsection had the electric utility's fuel adjustment clause not been eliminated.

(c) Any utility reducing its base rates by 15% on August 1, 1998 pursuant to subsection (b) shall include the following statement on its bills for residential customers from August 1 through December 31, 1998: "Effective August 1, 1998, your rates have been reduced by 15% by the Electric Service Customer Choice and Rate Relief Law of 1997 passed by the Illinois General Assembly.". Any utility reducing its base rates by 5% on August 1, 1998, pursuant to subsection (b) shall include the following statement on its bills for residential customers from August 1 through December 31, 1998: "Effective August 1, 1998, your rates have been reduced by 5% by the Electric Service Customer Choice and Rate Relief Law of 1997 passed by the Illinois General Assembly.".

Any utility reducing its base rates by 2% on August 1, 1998 pursuant to subsection (b) shall include the following statement on its bills for residential customers from August 1 through December 31, 1998: "Effective August 1, 1998, your rates have been reduced by 2% by the Electric Service Customer Choice and Rate Relief Law of 1997 passed by the Illinois General Assembly.".

(d) During the mandatory transition period, but not before January 1, 2000, and notwithstanding the provisions of subsection (a), an electric utility may request an increase in its base rates if the electric utility demonstrates that the 2-year average of its earned rate of return on common equity, calculated as its net income applicable to common stock divided by the average of its beginning and ending balances of common equity using data reported in the electric utility's Form 1 report to the Federal Energy Regulatory Commission but adjusted to remove the effects of accelerated depreciation or amortization or other transition or mitigation measures implemented by the electric utility pursuant to subsection (g) of this Section and the effect of any refund paid pursuant to subsection (e) of this Section, is below the 2-year average for the same 2 years of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication. The Commission shall review the electric utility's request, and may review the justness and reasonableness of all rates for tariffed services, in accordance with the provisions of Article IX of this Act, provided that the Commission shall consider any special or negotiated adjustments to the revenue

requirement agreed to between the electric utility and the other parties to the proceeding. In setting rates under this Section, the Commission shall exclude the costs and revenues that are associated with competitive services and any billing or pricing experiments conducted under Section 16-106.

(e) For the purposes of this subsection (e) all calculations and comparisons shall be performed for the Illinois operations of multijurisdictional utilities. During the mandatory transition period, notwithstanding the provisions of subsection (a), if the 2-year average of an electric utility's earned rate of return on common equity, calculated as its net income applicable to common stock divided by the average of its beginning and ending balances of common equity using data reported in the electric utility's Form 1 report to the Federal Energy Regulatory Commission but adjusted to remove the effect of any refund paid under this subsection (e), and further adjusted to include the annual amortization of any difference between the consideration received by an affiliated interest of the electric utility in the sale of an asset which had been sold or transferred by the electric utility to the affiliated interest subsequent to the effective date of this amendatory Act of 1997 and the consideration for which such asset had been sold or transferred to the affiliated interest, with such difference to be amortized ratably from the date of the sale by the affiliated interest to December 31, 2006, exceeds the 2-year average of the Index for the same 2 years by 1.5 or more percentage points, the electric utility shall make refunds to customers beginning the first billing day of April in the following year in the manner described in paragraph (3) of this subsection. For purposes of this subsection (e), the "Index" shall be the sum of (A) the average for the 12 months ended September 30 of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication for each year 1998 through 2006, and (B) (i) 4.00 percentage points for each of the 12-month periods ending September 30, 1998 through September 30, 1999 or 8.00 percentage points if the electric utility's average residential retail rate is less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, and the electric utility served between 150,000 and 250,000 retail customers on January 1, 1995, (ii) 7.00 percentage points for each of the 12-month periods ending September 30, 2000 through September 30, 2006 if the electric utility was providing service to at least 1,000,000 customers in this State on January 1, 1999, or 9.00 percentage points if the electric utility's average residential retail rate is less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995 and the electric utility served between 150,000 and 250,000 retail customers in this State on January 1, 1995, (iii) 11.00 percentage points for each of the 12-month periods ending September 30, 2000 through September 30, 2006, but only if the electric utility's average residential retail rate is less than or equal to 90% of the average residential retail rate for the "Midwest Utilities", as that term is defined in subsection (b) of this Section, based on data reported on Form 1 to the Federal Energy Regulatory Commission for calendar year 1995, the electric utility served between 150,000 and 250,000 retail customers in this State on January 1, 1995, and the electric utility offers delivery services on or before June 1, 2000 to retail customers whose annual electric energy use comprises 33% of the kilowatt hour sales to that group of retail customers that are classified under Division D, Groups 20 through 39 of the Standard Industrial Classifications set forth in the Standard Industrial Classification Manual published by the United States Office of Management and Budget, excluding the kilowatt hour sales to those customers that are eligible for delivery services pursuant to Section 16-104(a)(1)(i), and offers delivery services to its remaining retail customers classified under Division D, Groups 20 through 39 on or before October 1, 2000, and, provided further, that the electric utility commits not to petition pursuant to Section 16-108(f) for entry of an order by the Commission authorizing the electric utility to implement transition charges for an additional period after December 31, 2006, or (iv) 5.00 percentage points for each of the 12-month periods ending September 30, 2000 through September 30, 2006 for all other electric utilities or 7.00 percentage points for such utilities for each of the 12-month periods ending September 30, 2000 through September 30, 2006 for any such utility that commits not to petition pursuant to Section 16-108(f) for entry of an order by the Commission authorizing the electric utility to implement transition charges for an additional period after December 31, 2006 or 11.00 percentage points for each of the 12-month periods ending September 30, 2005 and September 30, 2006 for each electric utility providing service to fewer than 6,500, or between 75,000 and 150,000, electric retail customers in this State on January 1, 1995 if such utility commits not to petition pursuant to Section 16-108(f) for entry of an order by the Commission authorizing the electric utility to implement transition charges for an additional period after December 31, 2006.

(1) For purposes of this subsection (e), "excess earnings" means the difference between

(A) the 2-year average of the electric utility's earned rate of return on common equity, less (B) the 2-year average of the sum of (i) the Index applicable to each of the 2 years and (ii) 1.5 percentage points; provided, that "excess earnings" shall never be less than zero.

(2) On or before March 31 of each year 2000 through 2007 each electric utility shall file a report with the Commission showing its earned rate of return on common equity, calculated in accordance with this subsection, for the preceding calendar year and the average for the preceding 2 calendar years.

(3) If an electric utility has excess earnings, determined in accordance with paragraphs (1) and (2) of this subsection, the refunds which the electric utility shall pay to its customers beginning the first billing day of April in the following year shall be calculated and applied as follows:

(i) The electric utility's excess earnings shall be multiplied by the average of the beginning and ending balances of the electric utility's common equity for the 2-year period in which excess earnings occurred.

(ii) The result of the calculation in (i) shall be multiplied by 0.50 and then divided by a number equal to 1 minus the electric utility's composite federal and State income tax rate.

(iii) The result of the calculation in (ii) shall be divided by the sum of the electric utility's projected total kilowatt-hour sales to retail customers plus projected kilowatt-hours to be delivered to delivery services customers over a one year period beginning with the first billing date in April in the succeeding year to determine a cents per kilowatt-hour refund factor.

(iv) The cents per kilowatt-hour refund factor calculated in (iii) shall be credited to the electric utility's customers by applying the factor on the customer's monthly bills to each kilowatt-hour sold or delivered until the total amount calculated in (ii) has been paid to customers.

(f) During the mandatory transition period, an electric utility may file revised tariffs reducing the price of any tariffed service offered by the electric utility for all customers taking that tariffed service, which shall be effective 7 days after filing.

(g) During the mandatory transition period, an electric utility may, without obtaining any approval of the Commission other than that provided for in this subsection and notwithstanding any other provision of this Act or any rule or regulation of the Commission that would require such approval:

(1) implement a reorganization, other than a merger of 2 or more public utilities as defined in Section 3-105 or their holding companies;

(2) retire generating plants from service;

(3) sell, assign, lease or otherwise transfer assets to an affiliated or unaffiliated entity and as part of such transaction enter into service agreements, power purchase agreements, or other agreements with the transferee; provided, however, that the prices, terms and conditions of any power purchase agreement must be approved or allowed into effect by the Federal Energy Regulatory Commission; or

(4) use any accelerated cost recovery method including accelerated depreciation, accelerated amortization or other capital recovery methods, or record reductions to the original cost of its assets.

In order to implement a reorganization, retire generating plants from service, or sell, assign, lease or otherwise transfer assets pursuant to this Section, the electric utility shall comply with subsections (c) and (d) of Section 16-128, if applicable, and subsection (k) of this Section, if applicable, and provide the Commission with at least 30 days notice of the proposed reorganization or transaction, which notice shall include the following information:

(i) a complete statement of the entries that the electric utility will make on its books and records of account to implement the proposed reorganization or transaction together with a certification from an independent certified public accountant that such entries are in accord with generally accepted accounting principles and, if the Commission has previously approved guidelines for cost allocations between the utility and its affiliates, a certification from the chief accounting officer of the utility that such entries are in accord with those cost allocation guidelines;

(ii) a description of how the electric utility will use proceeds of any sale, assignment, lease or transfer to retire debt or otherwise reduce or recover the costs of services provided by such electric utility;

(iii) a list of all federal approvals or approvals required from departments and agencies of this State, other than the Commission, that the electric utility has or will obtain before implementing the reorganization or transaction;

(iv) an irrevocable commitment by the electric utility that it will not, as a result of the transaction, impose any stranded cost charges that it might otherwise be allowed to charge retail customers under federal law or increase the transition charges that it is otherwise entitled to collect under this Article XVI; and

(v) if the electric utility proposes to sell, assign, lease or otherwise transfer a generating plant that brings the amount of net dependable generating capacity transferred pursuant to this subsection to an amount equal to or greater than 15% of the electric utility's net dependable capacity as of the effective date of this amendatory Act of 1997, and enters into a power purchase agreement with the entity to which such generating plant is sold, assigned, leased, or otherwise transferred, the electric utility also agrees, if its fuel adjustment clause has not already been eliminated, to eliminate its fuel adjustment clause in accordance with subsection (b) of Section 9-220 for a period of time equal to the length of any such power purchase agreement or successor agreement, or until January 1, 2005, whichever is longer; if the capacity of the generating plant so transferred and related power purchase agreement does not result in the elimination of the fuel adjustment clause under this subsection, and the fuel adjustment clause has not already been eliminated, the electric utility shall agree that the costs associated with the transferred plant that are included in the calculation of the rate per kilowatt-hour to be applied pursuant to the electric utility's fuel adjustment clause during such period shall not exceed the per kilowatt-hour cost associated with such generating plant included in the electric utility's fuel adjustment clause during the full calendar year preceding the transfer, with such limit to be adjusted each year thereafter by the Gross Domestic Product Implicit Price Deflator.

(vi) In addition, if the electric utility proposes to sell, assign, or lease, (A) either (1) an amount of generating plant that brings the amount of net dependable generating capacity transferred pursuant to this subsection to an amount equal to or greater than 15% of its net dependable capacity on the effective date of this amendatory Act of 1997, or (2) one or more generating plants with a total net dependable capacity of 1100 megawatts, or (B) transmission and distribution facilities that either (1) bring the amount of transmission and distribution facilities transferred pursuant to this subsection to an amount equal to or greater than 15% of the electric utility's total depreciated original cost investment in such facilities, or (2) represent an investment of \$25,000,000 in terms of total depreciated original cost, the electric utility shall provide, in addition to the information listed in subparagraphs (i) through (v), the following information: (A) a description of how the electric utility will meet its service obligations under this Act in a safe and reliable manner and (B) the electric utility's projected earned rate of return on common equity, calculated in accordance with subsection (d) of this Section, for each year from the date of the notice through December 31, 2006 both with and without the proposed transaction. If the Commission has not issued an order initiating a hearing on the proposed transaction within 30 days after the date the electric utility's notice is filed, the transaction shall be deemed approved. The Commission may, after notice and hearing, prohibit the proposed transaction if it makes either or both of the following findings: (1) that the proposed transaction will render the electric utility unable to provide its tariffed services in a safe and reliable manner, or (2) that there is a strong likelihood that consummation of the proposed transaction will result in the electric utility being entitled to request an increase in its base rates during the mandatory transition period pursuant to subsection (d) of this Section. Any hearing initiated by the Commission into the proposed transaction shall be completed, and the Commission's final order approving or prohibiting the proposed transaction shall be entered, within 90 days after the date the electric utility's notice was filed. Provided, however, that a sale, assignment, or lease of transmission facilities to an independent system operator that meets the requirements of Section 16-126 shall not be subject to Commission approval under this Section.

In any proceeding conducted by the Commission pursuant to this subparagraph (vi), intervention shall be limited to parties with a direct interest in the transaction which is the subject of the hearing and any statutory consumer protection agency as defined in subsection (d) of Section 9-102.1. Notwithstanding the provisions of Section 10-113 of this Act, any application seeking rehearing of an order issued under this subparagraph (vi), whether filed by the electric utility or by an intervening party, shall be filed within 10 days after service of the order.

The Commission shall not in any subsequent proceeding or otherwise, review such a reorganization or other transaction authorized by this Section, but shall retain the authority to allocate costs as stated in Section 16-111(i). An entity to which an electric utility sells, assigns, leases or transfers assets pursuant to this subsection (g) shall not, as a result of the transactions specified in this subsection (g), be deemed a

public utility as defined in Section 3-105. Nothing in this subsection (g) shall change any requirement under the jurisdiction of the Illinois Department of Nuclear Safety including, but not limited to, the payment of fees. Nothing in this subsection (g) shall exempt a utility from obtaining a certificate pursuant to Section 8-406 of this Act for the construction of a new electric generating facility. Nothing in this subsection (g) is intended to exempt the transactions hereunder from the operation of the federal or State antitrust laws. Nothing in this subsection (g) shall require an electric utility to use the procedures specified in this subsection for any of the transactions specified herein. Any other procedure available under this Act may, at the electric utility's election, be used for any such transaction.

(h) During the mandatory transition period, the Commission shall not establish or use any rates of depreciation, which for purposes of this subsection shall include amortization, for any electric utility other than those established pursuant to subsection (c) of Section 5-104 of this Act or utilized pursuant to subsection (g) of this Section. Provided, however, that in any proceeding to review an electric utility's rates for tariffed services pursuant to Section 9-201, 9-202, 9-250 or 16-111(d) of this Act, the Commission may establish new rates of depreciation for the electric utility in the same manner provided in subsection (d) of Section 5-104 of this Act. An electric utility implementing an accelerated cost recovery method including accelerated depreciation, accelerated amortization or other capital recovery methods, or recording reductions to the original cost of its assets, pursuant to subsection (g) of this Section, shall file a statement with the Commission describing the accelerated cost recovery method to be implemented or the reduction in the original cost of its assets to be recorded. Upon the filing of such statement, the accelerated cost recovery method or the reduction in the original cost of assets shall be deemed to be approved by the Commission as though an order had been entered by the Commission.

(i) Subsequent to the mandatory transition period, the Commission, in any proceeding to establish rates and charges for tariffed services offered by an electric utility, shall consider only (1) the then current or projected revenues, costs, investments and cost of capital directly or indirectly associated with the provision of such tariffed services; (2) collection of transition charges in accordance with Sections 16-102 and 16-108 of this Act; (3) recovery of any employee transition costs as described in Section 16-128 which the electric utility is continuing to incur, including recovery of any unamortized portion of such costs previously incurred or committed, with such costs to be equitably allocated among bundled services, delivery services, and contracts with alternative retail electric suppliers; and (4) recovery of the costs associated with the electric utility's compliance with decommissioning funding requirements; and shall not consider any other revenues, costs, investments or cost of capital of either the electric utility or of any affiliate of the electric utility that are not associated with the provision of tariffed services. In setting rates for tariffed services, the Commission shall equitably allocate joint and common costs and investments between the electric utility's competitive and tariffed services. In determining the justness and reasonableness of the electric power and energy component of an electric utility's rates for tariffed services subsequent to the mandatory transition period and prior to the time that the provision of such electric power and energy is declared competitive, the Commission shall consider the extent to which the electric utility's tariffed rates for such component for each customer class exceed the market value determined pursuant to Section 16-112, and, if the electric power and energy component of such tariffed rate exceeds the market value by more than 10% for any customer class, may establish such electric power and energy component at a rate equal to the market value plus 10%. In any such case, the Commission may also elect to extend the provisions of Section 16-111(e) for any period in which the electric utility is collecting transition charges, using information applicable to such period.

(j) During the mandatory transition period, an electric utility may elect to transfer to a non-operating income account under the Commission's Uniform System of Accounts either or both of (i) an amount of unamortized investment tax credit that is in addition to the ratable amount which is credited to the electric utility's operating income account for the year in accordance with Section 46(f)(2) of the federal Internal Revenue Code of 1986, as in effect prior to P.L. 101-508, or (ii) "excess tax reserves", as that term is defined in Section 203(e)(2)(A) of the federal Tax Reform Act of 1986, provided that (A) the amount transferred may not exceed the amount of the electric utility's assets that were created pursuant to Statement of Financial Accounting Standards No. 71 which the electric utility has written off during the mandatory transition period, and (B) the transfer shall not be effective until approved by the Internal Revenue Service. An electric utility electing to make such a transfer shall file a statement with the Commission stating the amount and timing of the transfer for which it intends to request approval of the Internal Revenue Service, along with a copy of its proposed request to the Internal Revenue Service for a ruling. The Commission shall issue an order within 14 days after the electric utility's filing approving, subject to receipt of approval from the Internal Revenue Service, the proposed transfer.



(k) If an electric utility is selling or transferring to a single buyer 5 or more generating plants located in this State with a total net dependable capacity of 5000 megawatts or more pursuant to subsection (g) of this Section and has obtained a sale price or consideration that exceeds 200% of the book value of such plants, the electric utility must provide to the Governor, the President of the Illinois Senate, the Minority Leader of the Illinois Senate, the Speaker of the Illinois House of Representatives, and the Minority Leader of the Illinois House of Representatives no later than 15 days after filing its notice under subsection (g) of this Section or 5 days after the date on which this subsection (k) becomes law, whichever is later, a written commitment in which such electric utility agrees to expend \$2 billion outside the corporate limits of any municipality with 1,000,000 or more inhabitants within such electric utility's service area, over a 6-year period beginning with the calendar year in which the notice is filed, on projects, programs, and improvements within its service area relating to transmission and distribution including, without limitation, infrastructure expansion, repair and replacement, capital investments, operations and maintenance, and vegetation management.

(Source: P.A. 91-50, eff. 6-30-99; 92-537, eff. 6-6-02; 92-690, eff. 7-18-02; revised 9-10-02.)

(220 ILCS 5/16-113)

Sec. 16-113. Declaration of service as a competitive service.

(a) An electric utility may, by petition, request the Commission to declare a tariffed service provided by the electric utility to be a competitive service. The electric utility shall give notice of its petition to the public in the same manner that public notice is provided for proposed general increases in rates for tariffed services, in accordance with rules and regulations prescribed by the Commission. The Commission shall hold a hearing ~~and on the petition if a hearing is deemed necessary by the Commission. The Commission shall declare the class of tariffed service to be a competitive service for some identifiable customer segment or group of customers, or some clearly defined geographical area within the electric utility's service area, only after the electric utility demonstrates that at least 33% of the customers in the electric utility's service area that are eligible to take the class of tariffed service instead take service from alternative retail electric suppliers, as defined in Section 16-102, and that at least 3 alternative retail electric suppliers provide service that is comparable to the class of tariffed service to those customers in the utility's service area that do not take service from the electric utility; if the service or a reasonably equivalent substitute service is reasonably available to the customer segment or group or in the defined geographical area at a comparable price from one or more providers other than the electric utility or an affiliate of the electric utility, and the electric utility has lost or there is a reasonable likelihood that the electric utility will lose business for the service to the other provider or providers;~~ provided, that the Commission may not declare the provision of electric power and energy to be competitive pursuant to this subsection with respect to (i) any retail customer or group of retail customers that is not eligible pursuant to Section 16-104 to take delivery services provided by the electric utility and (ii) any residential and small commercial retail customers prior to the last date on which such customers are required to pay transition charges. In determining whether to grant or deny a petition to declare the provision of electric power and energy competitive, the Commission shall consider, in applying the above criteria, whether there is adequate transmission capacity into the service area of the petitioning electric utility to make electric power and energy reasonably available to the customer segment or group or in the defined geographical area from one or more providers other than the electric utility or an affiliate of the electric utility, in accordance with this subsection. The Commission shall make its determination and issue its final order declaring or refusing to declare the service to be a competitive service within ~~180~~ 120 days following the date that the petition is filed, ~~or otherwise the petition shall be deemed to be granted; provided, that if the petition is deemed to be granted by operation of law, the Commission shall not thereby be precluded from finding and ordering, in a subsequent proceeding initiated by the Commission, and after notice and hearing, that the service is not competitive based on the criteria set forth in this subsection.~~

(b) Any customer except a customer identified in subsection (c) of Section 16-103 who is taking a tariffed service that is declared to be a competitive service pursuant to subsection (a) of this Section shall be entitled to continue to take the service from the electric utility on a tariffed basis for a period of 3 years following the date that the service is declared competitive, or such other period as is stated in the electric utility's tariff pursuant to Section 16-110. This subsection shall not require the electric utility to offer or provide on a tariffed basis any service to any customer (except those customers identified in subsection (c) of Section 16-103) that was not taking such service on a tariffed basis on the date the service was declared to be competitive.

(c) If the Commission denies a petition to declare a service to be a competitive service, or determines in a separate proceeding that a service is not competitive based on the criteria set forth in subsection (a), the

electric utility may file a new petition no earlier than 6 months following the date of the Commission's order, requesting, on the basis of additional or different facts and circumstances, that the service be declared to be a competitive service.

(d) The Commission shall not deny a petition to declare a service to be a competitive service, and shall not find that a service is not a competitive service, on the grounds that it has previously denied the petition of another electric utility to declare the same or a similar service to be a competitive service or has previously determined that the same or a similar service provided by another electric utility is not a competitive service.

(e) An electric utility may declare a service, other than delivery services or the provision of electric power or energy, to be competitive by filing with the Commission at least 14 days prior to the date on which the service is to become competitive a notice describing the service that is being declared competitive and the date on which it will become competitive; provided, that any customer who is taking a tariffed service that is declared to be a competitive service pursuant to this subsection (e) shall be entitled to continue to take the service from the electric utility on a tariffed basis until the electric utility files, and the Commission grants, a petition to declare the service competitive in accordance with subsection (a) of this Section. The Commission shall be authorized to find and order, after notice and hearing in a subsequent proceeding initiated by the Commission, that any service declared to be competitive pursuant to this subsection (e) is not competitive in accordance with the criteria set forth in subsection (a) of this Section.

(Source: P.A. 90-561, eff. 12-16-97.)

Section 99. Effective date. This Act takes effect upon becoming law."

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading - Consideration Postponed.

#### **SENATE BILL ON THIRD READING CONSIDERATION POSTPONED**

The following bill and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

SENATE BILL 1714. Having been read by title a third time on January 7, 2007, and further consideration postponed, the same was again taken up.

Representative McGuire moved the passage of SENATE BILL 1714.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

71, Yeas; 29, Nays; 14, Answering Present.

(ROLL CALL 2)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

#### **RECALL**

At the request of the principal sponsor, Representative Lang, SENATE BILL 2300 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

#### **SENATE BILL ON SECOND READING**

SENATE BILL 2737. Having been read by title a second time on April 7, 2006, and held on the order of Second Reading, the same was again taken up.

Floor Amendment No. 1 remained in the Committee on Judiciary II - Criminal Law.

Representative Howard offered and withdrew Amendment No. 2.

Representative Howard offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend Senate Bill 2737 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Civil Rights Act of 2006.

Section 5. Compelled confession; civil action.

(a) Independent of any criminal prosecution or the result thereof, any person suffering injury to his or her person or damage to his or her property as a result of having been compelled to confess or provide information regarding an offense by force or threat of imminent bodily harm may bring a civil action for damages, injunctive relief, or other appropriate relief. Upon a finding of liability, the court shall award actual damages, including damages for emotional distress, punitive damages, when appropriate, and any suitable equitable relief. A judgment in favor of the prevailing plaintiff shall include an award for reasonable attorney's fees and costs.

(b) Independent of any criminal prosecution or the result thereof, any person suffering damages as a result of retaliatory action may bring a civil action for damages, injunctive relief, or other appropriate relief. A judgment in favor of the prevailing plaintiff shall include an award for reasonable attorney's fees and costs.

(c) For purposes of this Section, "retaliatory action" means: (1) tortious conduct directed against an individual, or (2) the reprimand, discharge, suspension, demotion, or denial of promotion or change in the terms and conditions of employment, that is taken in retaliation because he or she has opposed or reported that which he or she reasonably and in good faith believed to be the use of force or threat of imminent bodily harm to compel a confession or information regarding an offense, or because he or she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing involving the use of force or threat of imminent bodily harm to compel a confession or information regarding an offense.

Section 105. The Criminal Code of 1961 is amended by changing Sections 3-7 and 12-7 as follows:

(720 ILCS 5/3-7) (from Ch. 38, par. 3-7)

Sec. 3-7. Periods excluded from limitation.

The period within which a prosecution must be commenced does not include any period in which:

(a) The defendant is not usually and publicly resident within this State; or

(b) The defendant is a public officer and the offense charged is theft of public funds while in public office; or

(c) A prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings thereon are set aside, or are reversed on appeal; or

(d) A proceeding or an appeal from a proceeding relating to the quashing or enforcement of a Grand Jury subpoena issued in connection with an investigation of a violation of a criminal law of this State is pending. However, the period within which a prosecution must be commenced includes any period in which the State brings a proceeding or an appeal from a proceeding specified in this subsection (d); or

(e) A material witness is placed on active military duty or leave. In this subsection (e), "material witness" includes, but is not limited to, the arresting officer, occurrence witness, or the alleged victim of the offense;

or -

(f) The victim of unlawful force or threat of imminent bodily harm to obtain information or a confession is incarcerated, and the victim's incarceration, in whole or in part, is a consequence of the unlawful force or threats.

(Source: P.A. 93-417, eff. 8-5-03.)

(720 ILCS 5/12-7) (from Ch. 38, par. 12-7)

Sec. 12-7. Compelling confession or information by force or threat.

(a) A person who, with intent to obtain a confession, statement or information regarding any offense, knowingly inflicts or threatens imminent bodily ~~to inflict physical~~ harm upon the person threatened or upon any other person commits the offense of compelling a confession or information by force or threat.

(b) Sentence.

Compelling a confession or information is a: (1) Class 4 felony if the defendant threatens imminent bodily harm to obtain a confession, statement, or information but does not inflict bodily harm on the victim,

(2) Class 3 felony if the defendant inflicts bodily harm on the victim to obtain a confession, statement, or information, and (3) Class 2 felony if the defendant inflicts great bodily harm to obtain a confession, statement, or information.

(Source: P.A. 77-2638.)

Section 110. The Code of Civil Procedure is amended by changing Section 13-202 as follows:

(735 ILCS 5/13-202) (from Ch. 110, par. 13-202)

Sec. 13-202. Personal injury - Penalty. Actions for damages for an injury to the person, or for false imprisonment, or malicious prosecution, or for a statutory penalty, or for abduction, or for seduction, or for criminal conversation, except damages resulting from first degree murder or the commission of a Class X felony and the perpetrator thereof is convicted of such crime, shall be commenced within 2 years next after the cause of action accrued but such an action against a defendant arising from a crime committed by the defendant in whose name an escrow account was established under the "Criminal Victims' Escrow Account Act" shall be commenced within 2 years after the establishment of such account. If the compelling of a confession or information by imminent bodily harm or threat of imminent bodily harm results in whole or in part in a criminal prosecution of the plaintiff, the 2-year period set out in this Section shall be tolled during the time in which the plaintiff is incarcerated, or until criminal prosecution has been finally adjudicated in favor of the above referred plaintiff, whichever is later. However, this provision relating to the compelling of a confession or information shall not apply to units of local government subject to the Local Governmental and Governmental Employees Tort Immunity Act.

(Source: P.A. 84-1450.)".

The foregoing motion prevailed and the amendment was adopted.

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

#### **SENATE BILL ON THIRD READING**

The following bill and any amendments adopted thereto were reproduced. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Howard, SENATE BILL 2737 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 109, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 3)

This bill, as amended, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence in the House amendment/s adopted.

#### **SENATE BILLS ON SECOND READING**

Having been reproduced, the following bill was taken up, read by title a second time and held on the order of Second Reading: SENATE BILL 862.

SENATE BILL 1537. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on Appropriations-Public Safety, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 1537 by deleting everything after the enacting clause and inserting the following:

"Section 5. The amount of \$2, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Secretary of State to develop drivers' safety programs.

Section 99. Effective date. This Act takes effect upon becoming law.”.

There being no further amendment(s), the bill, as amended, was held on the order of Second Reading.

#### **AGREED RESOLUTIONS**

HOUSE RESOLUTIONS 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1572, 1573, 1574, 1575 and HOUSE JOINT RESOLUTION 154 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the agreed resolutions were adopted.

At the hour of 7:09 o'clock p.m., Representative Currie moved that the House do now adjourn until Monday, January 8, 2007, at 9:00 o'clock a.m., allowing perfunctory time for the Clerk.

The motion prevailed.

And the House stood adjourned.

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

January 07, 2007

0 YEAS

0 NAYS

115 PRESENT

P Acevedo	P Dunkin (ADDED)	P Krause	P Ramey
P Arroyo	P Dunn (ADDED)	P Lang	P Reboletti
P Bassi	P Durkin	P Leitch	P Reis
P Beaubien	P Eddy	P Lindner	P Reitz
P Beiser	P Feigenholtz	P Lyons	P Rita
P Bellock	P Flider	P Mathias	P Rose
P Berrios	P Flowers (ADDED)	P Mautino	P Ryg
P Biggins	P Fortner	P May	P Sacia
E Black	P Franks	P McAuliffe	P Saviano
P Boland	P Fritchey	P McCarthy	P Schmitz
P Bost	P Froehlich	P McGuire	E Schock
P Bradley, John	P Giles	P Mendoza	P Scully
P Bradley, Richard	P Golar	P Meyer	P Smith
P Brady	P Gordon	P Miller	P Sommer
P Brauer	P Graham (ADDED)	P Mitchell, Bill	P Soto
P Brosnahan	P Granberg	P Mitchell, Jerry	P Stephens
P Burke	P Hamos	P Moffitt	P Sullivan
P Chapa LaVia	P Hannig	P Molaro	P Tracy
P Chavez	P Harris	P Mulligan (ADDED)	P Tryon
P Churchill	P Hassert	P Munson	P Turner
P Collins (ADDED)	P Hoffman	P Myers	P Verschoore
P Colvin	P Holbrook	P Nekritz	P Wait (ADDED)
P Coulson	P Howard	P Osmond	P Washington
P Cross	P Jakobsson	P Osterman (ADDED)	P Watson
P Cultra	P Jefferies	P Parke	P Winters
P Currie	P Jefferson	E Patterson	P Yarbrough
P D'Amico	P Jenisch	P Phelps	P Younge
P Davis, Monique	P Joyce	P Pihos	P Mr. Speaker
P Davis, William	P Kelly	P Poe	
P Dugan	P Kosel	P Pritchard	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FOURTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 1714  
 UNDERGROUND UTIL-NOTICE-COLOR  
 THIRD READING  
 PASSED

January 07, 2007

71 YEAS

29 NAYS

14 PRESENT

P Acevedo	P Dunkin	N Krause	P Ramey
Y Arroyo	N Dunn	Y Lang	Y Reboletti
Y Bassi	N Durkin	N Leitch	Y Reis
N Beaubien	N Eddy	N Lindner	Y Reitz
Y Beiser	Y Feigenholtz	Y Lyons	N Rita
N Bellock	Y Flider	Y Mathias	Y Rose
Y Berrios	Y Flowers	Y Mautino	Y Ryg
N Biggins	N Fortner	Y May	N Sacia
E Black	P Franks	Y McAuliffe	P Saviano
Y Boland	Y Fritchey	N McCarthy	Y Schmitz
Y Bost	Y Froehlich	Y McGuire	E Schock
Y Bradley, John	N Giles	Y Mendoza	Y Scully
Y Bradley, Richard	Y Golar	N Meyer	Y Smith
Y Brady	Y Gordon	P Miller	Y Sommer
P Brauer	Y Graham	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Granberg	P Mitchell, Jerry	P Stephens
P Burke	Y Hamos	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hannig	Y Molaro	Y Tracy
Y Chavez	Y Harris	Y Mulligan	N Tryon
N Churchill	N Hassert	Y Munson	P Turner
N Collins	Y Hoffman	N Myers	Y Verschoore
P Colvin	Y Holbrook	Y Nekritz	Y Wait
Y Coulson	Y Howard	N Osmond	A Washington
N Cross	Y Jakobsson	Y Osterman	Y Watson
P Cultra	Y Jefferies	N Parke	N Winters
Y Currie	P Jefferson	E Patterson	Y Yarbrough
Y D'Amico	N Jenisch	Y Phelps	Y Younge
Y Davis, Monique	Y Joyce	N Pihos	Y Mr. Speaker
N Davis, William	N Kelly	Y Poe	
Y Dugan	N Kosel	Y Pritchard	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FOURTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2737  
CRIM PRO-FORENSIC TESTING  
THIRD READING  
PASSED

January 07, 2007

109 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dunkin	Y Krause	Y Ramey
Y Arroyo	Y Dunn	Y Lang	Y Reboletti
Y Bassi	Y Durkin	Y Leitch	Y Reis
Y Beaubien	Y Eddy	Y Lindner	Y Reitz
Y Beiser	Y Feigenholtz	Y Lyons	Y Rita
Y Bellock	Y Flider	Y Mathias	Y Rose
Y Berrios	Y Flowers	Y Mautino	Y Ryg
Y Biggins	Y Fortner	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
Y Boland	A Fritchey	A McCarthy	Y Schmitz
Y Bost	Y Froehlich	Y McGuire	E Schock
Y Bradley, John	Y Giles	Y Mendoza	Y Scully
Y Bradley, Richard	Y Golar	Y Meyer	Y Smith
Y Brady	Y Gordon	Y Miller	Y Sommer
Y Brauer	Y Graham	Y Mitchell, Bill	Y Soto
Y Brosnahan	Y Granberg	A Mitchell, Jerry	A Stephens
Y Burke	Y Hamos	Y Moffitt	Y Sullivan
Y Chapa LaVia	Y Hannig	Y Molaro	Y Tracy
Y Chavez	Y Harris	Y Mulligan	Y Tryon
Y Churchill	Y Hassert	Y Munson	Y Turner
Y Collins	Y Hoffman	Y Myers	Y Verschoore
Y Colvin	Y Holbrook	Y Nekritz	Y Wait
Y Coulson	Y Howard	Y Osmond	A Washington
Y Cross	Y Jakobsson	Y Osterman	Y Watson
Y Cultra	Y Jefferies	Y Parke	Y Winters
Y Currie	Y Jefferson	E Patterson	Y Yarbrough
Y D'Amico	A Jenisch	Y Phelps	Y Younge
Y Davis, Monique	Y Joyce	Y Pihos	Y Mr. Speaker
Y Davis, William	Y Kelly	Y Poe	
Y Dugan	Y Kosel	Y Pritchard	

E - Denotes Excused Absence



**141ST LEGISLATIVE DAY****Perfunctory Session****SUNDAY, JANUARY 7, 2007**

At the hour of 7:28 o'clock p.m., the House convened perfunctory session.

**HOUSE RESOLUTIONS**

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

**HOUSE RESOLUTION 1571**

Offered by Representative Madigan:

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that House Rules 4, 6, 10, 12, 13, 14, 16, 21, 22, 26, 28, 30, 35, 37, 40, 41, 45, 52, 60, 61, 72, and 102 of the 94th General Assembly are amended as follows:

(House Rule 4)

4. The Speaker.

(a) The Speaker has those powers conferred upon him or her by the Constitution, the laws of Illinois, and any motions or resolutions adopted by the House or jointly by the House and Senate.

(b) Except as otherwise provided by law, the Speaker is the chief administrative officer of the House and has those powers necessary to carry out those functions. The Speaker may delegate administrative duties as he or she deems appropriate.

(c) The duties of the Speaker include the following:

(1) To preside at all sessions of the House, although the Speaker may call on any member to preside temporarily as Presiding Officer.

(2) To open the session at the time at which the House is to meet by taking the chair and calling the members to order. The Speaker may call on any member to open the session as Presiding Officer.

(3) To announce the business before the House in the order upon which it is to be acted. The Presiding Officer shall perform this duty during the period that he or she is presiding.

(4) To recognize those members entitled to the floor.

(5) To state and put to a vote all questions that are regularly moved or that necessarily arise in the course of the proceedings, and to announce the result of the vote.

(6) To preserve order and decorum.

(7) To decide all points of order, subject to appeal, and to speak on these points in preference to other members.

(8) To inform the House when necessary, or when any question is raised, on any point of order or practice pertinent to the pending business.

(9) To sign or authenticate all acts, proceedings, or orders of the House. All writs, warrants, and subpoenae issued by order of the House, or any of its committees, shall be signed by the Speaker and attested by the Clerk.

(10) To sign all bills passed by both chambers of the General Assembly to certify that the procedural requirements for passage have been met.

(11) To have general supervision of the House Chamber, House galleries, House committee rooms and chapel, and adjoining and

connecting hallways and passages, including the duty to protect their security and safety and the power to clear them when necessary. The House Chamber shall not be used without permission of the Speaker.

(12) To have general supervision of the Clerk and his or her assistants, the Doorkeeper and his or her assistants, the majority caucus staff, the parliamentarians, and all employees of the House except the minority caucus staff.

(13) To determine the number of majority caucus members and minority caucus members to be appointed to all committees, except the Rules Committee created by Rule 15 and those committees

that may be created under Article XII of these Rules.

(14) To appoint all Chairpersons, Co-Chairpersons, and Vice-Chairpersons of committees (from either the majority or minority caucus), and to appoint all majority caucus members of committees.

(15) To enforce all constitutional provisions, statutes, rules, and regulations applicable to the House.

(16) To guide and direct the proceedings of the House subject to the control and will of the members.

(17) To direct the Clerk to correct non-substantive errors in the Journal.

(18) To assign meeting places and meeting times to committees and subcommittees.

(19) To perform any other duties assigned to the Speaker by these House Rules or jointly by the House and Senate.

(20) To decide, subject to the control and will of the members, all questions relating to the priority of business.

(21) To issue, in cooperation with the Comptroller and after clearance with the United States Internal Revenue Service, written regulations covering administration of contingent expense allowances of members of the House.

(22) To appoint one or more parliamentarians to serve at the pleasure of the Speaker.

(d) This Rule may be suspended only by the affirmative vote of 71 members elected.

(Source: H.R. 22, 94th G.A.)

(House Rule 6)

6. Clerk of the House.

(a) The House shall elect a Clerk, who may adopt appropriate policies or procedures for the conduct of his or her office. The Speaker is the final arbiter of any dispute arising in connection with the operation of the Office of the Clerk.

(b) The duties of the Clerk include the following:

(1) To have custody of all bills, papers, and records of the House, which shall not be taken out of the Clerk's custody except in the regular course of business in the House.

(2) To endorse on every original bill and each copy its number, the names of sponsors, the date of introduction, and the several orders taken on it. When reproduced, the names of the sponsors shall appear on the front page of the bill in the same order they appeared when introduced.

(3) To cause each bill to be reproduced and placed on the desks of the members as soon as it is reproduced, as provided in Rule 39.

(4) To keep the Journal of the proceedings of the House and, under the direction of the Speaker, correct errors in the Journal.

(5) To keep the transcripts of the debates of the House and make them available to the public under reasonable conditions.

(6) To keep the necessary records for the House and its committees; and to prepare the House Calendar for each legislative day, except perfunctory session days.

(7) To examine all House Bills and Constitutional Amendment Resolutions following Second Reading and before final passage for the purpose of correcting any non-substantive errors, and to report the same back to the Speaker promptly; to supervise the enrolling and engrossing of bills and resolutions, subject to the direction of the Speaker; and to attest to the passage or adoption of legislative measures, and to note thereon the date of final House action. Any corrections made by the Clerk and approved by the Speaker shall be entered on the Journal.

(8) To transmit bills, other documents, and messages to the Senate and secure a receipt therefor, and to receive from the Senate bills, other documents, and messages and give receipt therefor.

(9) To file with the Secretary of State debate transcripts and House documents as required by law.

(10) To attend every session of the House; record the roll; and read all bills, resolutions, and other papers as directed by the Speaker. Bills shall be read by title only.

(11) To supervise the Assistant Clerk, the Doorkeeper, pages, messengers, committee clerks, and other employees of his or her office.

(12) To establish the format for all documents, forms, and committee records and tapes prepared by committee clerks.

(13) Subject to approval by the Speaker, to establish standards of decorum and other standards regarding written statements filed under Rule 53.

(14) To perform other duties assigned by the Speaker.

(c) The Clerk and those under the supervision of the Clerk, including the Assistant Clerk, committee clerks, and other employees, may accept a bill, amendment, conference committee report, amendatory veto acceptance motion, or resolution for filing only if (i) it is a document entered into the General Assembly's computer system, at the direction of or with the approval of a member, by the Legislative Reference Bureau, the House or the Senate Democratic staff, the House or the Senate Republican staff, or House or Senate Enrolling and Engrossing or, with respect to appropriation documents only, entered into the General Assembly's computer system by the Governor's Office of Management and Budget, (ii) it bears a bar coded document number of the drafting entity that is compatible with the computer system used by the House, and (iii) the bar coded document number does not duplicate one on another document that has already been filed in the House or the Senate.

(Source: H.R. 22, 94th G.A.)

(House Rule 10)

10. Committees.

(a) The committees of the House are: (i) the standing committees listed in Rule 11; (ii) the special committees created under Rule 13; (iii) subcommittees created by standing committees or by special committees; (iv) the Rules Committee created under Rule 15; (v) the Election Contest or Qualifications Challenge Committees, if any, created under Article X; (vi) any committees created under Article XII; and (vii) any Committee of the Whole. Subcommittees may not create subcommittees. Committees of the Whole shall consist of all Representatives.

(b) Except as otherwise provided in this Rule and subject to Rules 12 and 13, all committees ~~except special committees created under Rule 13~~, shall have a Chairperson and Minority Spokesperson, who may be of the same political party. Standing committees created under Rule 12 that have Co-Chairpersons from different political parties shall not have a Minority Spokesperson. Special committees created under Rule 13 that have Co-Chairpersons from different political parties shall not have a Minority Spokesperson. No member may be appointed to serve as a Chairperson, Minority Spokesperson, or Co-Chairperson of any committee unless the member is serving in at least his or her third term as a member of the General Assembly, including any terms in which the member was appointed to fill a vacancy in the office of Representative or Senator; provided that this requirement does not apply if the member received a stipend or additional amount during a previous General Assembly as an "officer", "committee chairman", or "committee minority spokesman" as provided in Section 1 of the General Assembly Compensation Act (25 ILCS 115/1) and in Rule 13(b). Each committee may have a Vice-Chairperson appointed by the Speaker. The number of majority caucus members and minority caucus members of all committees, except the Rules Committee created under Rule 15 and any committees that may be created under Article XII, shall be determined by the Speaker. The Speaker shall file a notice with the Clerk setting forth the number of majority caucus and minority caucus members of each committee, which shall be journalized. A member may be temporarily replaced on a committee due to illness or if the member is otherwise unavailable. All leaders are non-voting ex-officio members of each standing committee and each special committee, except that the leaders may also be appointed to standing committees or special committees as voting members. The Speaker may also appoint any member of the majority caucus, and the Minority Leader may appoint any member of the minority caucus, as a non-voting ex-officio member of any standing committee or special committee.

(c) The Chairperson of a committee has the authority to call the committee to order, designate which bills and resolutions posted for hearing shall be taken up and in what order, order a record vote to be taken on each legislative measure called for a vote, preserve order and decorum during committee meetings, establish procedural rules (subject to approval by the Speaker) governing the presentation and consideration of legislative measures, and generally supervise the affairs of the committee. The Vice-Chairperson of a committee or other member of the committee from the majority caucus may preside over its meetings in the absence or at the direction of the Chairperson. In the case of standing or special committees with Co-Chairpersons from different political parties, the "Chairperson" for purposes of this Rule is the Co-Chairperson from the majority caucus.

(d) A vacancy on a committee, or in the position of Chairperson, Co-Chairperson, Vice-Chairperson, or Minority Spokesperson on a committee, exists when a member resigns from the position or ceases to be a Representative. Resignations shall be made in writing to the Clerk, who shall promptly notify the Speaker and Minority Leader. Absent concurrence by a majority of those elected, except as otherwise provided in Rule 15 and except in connection with temporary replacements under Rule 10(b), no member who resigns from a committee shall be re-appointed to that committee for the remainder of the term. Replacement members shall be of the same political party as that of the member who resigns, and shall be appointed in

the same manner as the original appointment, except that in the case of the resignation of a Chairperson or Co-Chairperson, the replacement member need not be from the same political party. In the case of vacancies on subcommittees that were created by committees, the parent committee shall fill the vacancy in the same manner as the original appointment.

(e) The Chairperson of a committee has the authority to call meetings of that committee, subject to the approval of the Speaker. In the case of standing or special committees with Co-Chairpersons from different political parties, the Co-Chairperson from the majority caucus has the authority to call meetings of the special committee, subject to the approval of the Speaker. Except as otherwise provided by these Rules, committee meetings shall be convened in accordance with Rule 21.

(f) This Rule may be suspended only by the affirmative vote of 71 members elected.  
(Source: H.R. 22, 94th G.A.)

(House Rule 12)

12. Members and Officers of Standing Committees. The members of each standing committee shall be appointed for the term by the Speaker and the Minority Leader. The Speaker, at his or her discretion, shall appoint a the Chairperson or Co-Chairpersons. The Speaker may appoint any member as a Chairperson or Co-Chairperson of a standing committee, subject to Rule 10(b). If the Chairperson or Co-Chairperson is a member of the majority or minority leadership or the Chairperson or Minority Spokesperson of any other standing committee or of a special committee, the member shall receive no additional stipend or compensation for serving as Chairperson or Co-Chairperson of the standing committee. For purposes of Section 1 of the General Assembly Compensation Act (25 ILCS 115/1), one Co-Chairperson of a standing committee shall be considered "Chairman" and the other shall be considered "Minority Spokesman". The Speaker shall appoint (from either the majority or minority caucus) and the remaining standing committee members of the majority caucus (one of whom the Speaker may designate as Vice-Chairperson), and the Minority Leader shall appoint the remaining standing committee members of the minority caucus (one of whom the Minority Leader may designate as Minority Spokesperson) , except that if the standing committee has Co-Chairpersons from different political parties, the standing committee shall not have a Minority Spokesperson. In that case, the Minority Leader shall appoint the minority caucus members to the standing committee, except the Co-Chairperson from the minority caucus, who shall be appointed by the Speaker. Appointments are effective upon the delivery of appropriate correspondence from the respective leader to the Clerk, regardless of whether the House is in session, and shall remain effective for the duration of the term, subject to Rule 10(d). The Clerk shall journalize the appointments. Committees may conduct business when a majority of the total number of committee members has been appointed. No member may be appointed to more than one of the following standing committees: Electric Utility Oversight, Public Utilities, and Telecommunications.

(Source: H.R. 22, 94th G.A.)

(House Rule 13)

13. Special Committees.

(a) The following Special Committees are created:

DEVELOPMENTAL DISABILITIES AND MENTAL ILLNESS  
FEE-FOR-SERVICE INITIATIVES  
GAMING

The Speaker may create additional special committees by filing a notice of the creation of the special committee with the Clerk. The notice creating an additional special committee shall specify the subject matter of the special committee and the number of members to be appointed.

(b) The Speaker shall determine the number of majority and minority caucus members to be appointed to special committees in accordance with Rule 10(b). The Speaker, at his or her discretion, shall appoint a Chairperson or Co-Chairpersons. The Speaker may appoint any member as a Chairperson or Co-Chairperson of a special committee, subject to Rule 10(b). If the Chairperson or Co-Chairperson is a member of the majority or minority leadership or the Chairperson or Minority Spokesperson of a standing committee, the member shall receive no additional stipend or compensation for serving as Chairperson or Co-Chairperson of the special committee. For purposes of Section 1 of the General Assembly Compensation Act (25 ILCS 115/1), (i) a special committee under these rules is considered a "select committee" and (ii) one Co-Chairperson of a special committee shall be considered "Chairman" and the other shall be considered "Minority Spokesman". The appointed members of special committees shall be designated by the Speaker and the Minority Leader in a like manner as provided in Rule 12 with respect to standing committees. If , except that if the special committee has Co-Chairpersons from different political parties, the special committee shall not have a Minority Spokesperson. In that case, the Minority Leader

shall appoint the minority caucus members to the special committee, except the Co-Chairperson from the minority caucus who shall be appointed by the Speaker. The Speaker may establish a reporting date during the term for each special committee by filing a notice of the reporting date with the Clerk. Unless an earlier date is specified by the notice, special committees expire at the end of the term.

(c) Special committees are empowered to conduct business when a majority of the total number of committee members has been appointed.

(d) This Rule may be suspended only by the affirmative vote of 71 members elected.

(Source: H.R. 22, 94th G.A.)

(House Rule 14)

#### 14. Subcommittees.

(a) The Chairperson of a standing committee or a special committee may create a subcommittee by filing a notice with the Clerk and the committee clerk. The number of majority caucus and minority caucus members to be appointed to a subcommittee shall be determined by the Committee Chairperson, and filed with the Clerk and the committee clerk. In the case of standing or special committees with Co-Chairpersons from different political parties, the creation of subcommittees and the number of majority caucus and minority caucus members to be appointed to the subcommittee shall be determined by the Co-Chairperson from the majority caucus. Members of subcommittees must be members of the parent committee, and shall be appointed in the manner determined by the committee Chairperson, or in the case of standing or special committees with Co-Chairpersons from different political parties, by the Co-Chairperson from the majority caucus.

The notice creating a subcommittee shall specify the subject matter of the subcommittee and the number of members to be appointed, and may specify a reporting date during the term. Unless an earlier date is specified by the notice, subcommittees expire at the end of the term.

(b) This Rule may be suspended only by the affirmative vote of 71 members elected.

(Source: H.R. 22, 94th G.A.)

(House Rule 16)

#### 16. Referrals of Resolutions and Reorganization Orders.

(a) All resolutions, except adjournment resolutions and resolutions considered under subsection (b) or (c) of this Rule, after being initially read by the Clerk, are automatically referred to the Rules Committee, which may thereafter refer any resolution before it to the House or to a standing committee or special committee. No resolution, except adjournment resolutions and resolutions considered under subsection (b) or (c) of this Rule, may be considered by the House unless referred to the House by the Rules Committee under Rule 18, or by a standing committee or special committee. An adjournment resolution is subject to Rule 66.

(b) Any member may file a congratulatory or death resolution for consideration by the House. The Principal Sponsor of each congratulatory or death resolution shall pay a reasonable fee, determined by the Clerk with the approval of the Speaker, to offset the actual cost of producing the congratulatory or death resolution. The fee may be paid from the office allowance provided by Section 4 of the General Assembly Compensation Act, or from any other funds available to the member. Upon agreement of the Speaker and the Minority Leader, congratulatory or death resolutions may be immediately considered and adopted by the House without referral to the Rules Committee. Those resolutions may be adopted as a group by a single motion. Congratulatory and death resolutions shall be entered on the Journal only by number, sponsorship, and subject. The provisions of this subsection requiring the Principal Sponsor to pay a reasonable fee may not be suspended.

(c) Death resolutions in memory of former members of the General Assembly and former constitutional officers, upon introduction, may be immediately considered by the House without referral to the Rules Committee. Those resolutions shall be entered on the Journal in full.

(d) Executive reorganization orders of the Governor issued under Article V, Sec. 11 of the Constitution, upon being read into the record by the Clerk, are automatically referred to the Rules Committee for its referral to a standing committee or a special committee, which may issue a recommendation to the House with respect to the Executive Order. The House may disapprove of an Executive Order only by resolution adopted by a majority of those elected; no such resolution is in order until a standing committee or a special committee has reported to the House on the executive reorganization, or until the Executive Order has been discharged under Rule 58.

(Source: H.R. 22, 94th G.A.)

(House Rule 21)

#### 21. Notice.

(a) Except as provided in Rule 18 or unless this Rule is suspended under Rule 67, no standing committee or special committee may consider or conduct a hearing with respect to a subject matter or a legislative measure absent notice first being given as follows:

(1) The Chairperson of the committee, or the Co-Chairperson from the majority caucus of a standing or special committee, shall, no later than 6 days before any proposed hearing, post a notice on the House bulletin board identifying each subject matter and each legislative measure, other than a committee amendment upon initial consideration under Rule 40, that may be considered during that hearing. The notice shall contain the day, hour, and place of the hearing. Legislative measures and subject matters posted for hearing as provided in this item (1) may also be considered at any committee hearing re-convened following a recess of the committee for which notice was posted, but only if the House has met or was scheduled to meet in regular, veto, or special session on each calendar day from the time of the original committee hearing to the re-convened committee hearing.

(2) Meetings of the Rules Committee may be called under Rule 15; meetings of the standing committees and special committees to consider floor amendments, joint action motions for final consideration, conference committee reports, and motions to table committee amendments may be called under Rule 18.

(3) The Chairperson, or Co-Chairperson from the majority caucus of a standing or special committee, shall, in advance of a committee hearing, notify all Principal Sponsors of legislative measures posted for that hearing of the date, time, and place of hearing. When practical, the Clerk shall include a notice of all scheduled hearings, together with all posted bills and resolutions, in the Daily Calendar of the House. Regardless of whether a particular legislative measure or subject matter has been posted for hearing, it is in order for a committee during any of its meetings to refer a subject matter or legislative measure pending before it to a subcommittee of that committee.

(b) Other than the Rules Committee, no committee may meet during any session of the House, and no commission created by Illinois law that has legislative membership may meet during any session of the House.

(c) Regardless of whether notice has been previously given, it is always in order for a committee to table any legislative measure pending before it when the Principal Sponsor so requests, subject to Rule 60.

(d) This Rule may be suspended only by the affirmative vote of 71 members elected, subject to Rule 25.

(Source: H.R. 22, 94th G.A.)

(House Rule 22)

22. Committee Procedure.

(a) A committee may consider any legislative measure referred to it, except as provided in subsection (b), and may make with respect to that legislative measure one of the following reports to the House or to the parent committee, as appropriate:

(1) that the bill "do pass";

(2) that the bill "do not pass";

(3) that the bill "do pass as amended";

(4) that the bill "do not pass as amended";

(5) that the resolution "be adopted";

(6) that the resolution "be not adopted";

(7) that the resolution "be adopted as amended";

(8) that the resolution "be not adopted as amended";

(9) that the floor amendment, joint action motion, conference committee report, or motion to table a committee amendment referred by the Rules Committee "be adopted";

(10) that the floor amendment, joint action motion, conference committee report, or motion to table a committee amendment referred by the Rules Committee "be not adopted";

(11) "without recommendation"; or

(12) "tabled".

Any of the foregoing reports may be made only upon the concurrence of a majority of those appointed. All legislative measures reported "do pass", "do pass as amended", "be adopted", or "be adopted as amended" are favorably reported to the House. Except as otherwise provided by these Rules, any legislative measure referred or re-referred to a committee and not reported under this Rule shall remain in that committee.

(b) No bill or committee amendment that provides for an appropriation of money from the State Treasury may be considered by an Appropriations Committee unless the bill or committee amendment is limited to appropriations to a single department, office, or institution; this provision does not apply to floor

amendments, joint action motions, or conference committee reports.

No bill that provides for an appropriation of money from the State Treasury may be considered for passage by the House unless it has first been favorably reported by an Appropriations Committee or:

- (1) the bill was discharged from an Appropriations Committee under Rule 58;
- (2) the bill was exempted from this requirement by a majority of those appointed to the Rules Committee; or
- (3) this Rule was suspended under Rule 67.

(c) The Chairperson of each committee, or Co-Chairperson from the majority caucus of a standing or special committee, shall keep, or cause to be kept, a record in which there shall be entered:

- (1) The time and place of each meeting of the committee.
- (2) The attendance of committee members at each meeting.
- (3) The votes cast by the committee members on all legislative measures acted on by the committee.

(4) The "Record of Committee Witness" forms executed by each person appearing or registering in each committee meeting, which shall include identification of the witness, the person, group, or firm represented by appearance and the capacity in which the representation is made (if the person is representing someone other than himself or herself), his or her position on the legislation under consideration, and the nature of his or her desired testimony.

(5) A tape recording of the proceedings.

(6) Such additional information as may be requested by the Clerk.

(d) The committee Chairperson, or the Co-Chairperson from the majority caucus of a standing or special committee, shall file with the Clerk, along with every bill or resolution reported upon, a written report containing such information as required by the Clerk. The Clerk may adopt forms, policies, and procedures with respect to the preparation, filing, and maintenance of the reports.

(e) When a committee fails to report a legislative measure pending before it to the House, or when a committee fails to hold a public hearing on a legislative measure pending before it, the exclusive means to bring that legislative measure directly before the House for its consideration is as provided in Rule 18 or Rule 58.

(f) No bill or resolution may be called for a vote in a standing committee or special committee in the absence of the Principal Sponsor. The Chairperson of a committee or a chief co-sponsor may present a bill or resolution in committee with the approval of the Principal Sponsor when the committee consents. In the case of standing or special committees with Co-Chairpersons from different political parties, the "Chairperson" means the Co-Chairperson from the majority caucus. This subsection may not be suspended.

(g) Motions for committee approval of bills and resolutions are renewable, provided that no bill or resolution may be voted on more than twice in any committee on motions to report the bill or resolution favorably, or to reconsider the vote by which the committee adopted a motion to report the bill or resolution unfavorably. A bill or resolution having failed to receive a favorable recommendation after 2 such record votes shall be automatically reported with the appropriate unfavorable recommendation.

(h) A bill or resolution shall be given short debate status by report of the committee if the bill or resolution was favorably reported by a three-fifths vote of the members present and voting, including those voting "present". Bills and resolutions receiving favorable reports may be placed upon the Consent Calendar as provided in Rule 42.

(i) This Rule may be suspended only by the affirmative vote of 71 members elected.

(Source: H.R. 22, 94th G.A.)

(House Rule 26)

26. Rights of the Public.

(a) If a bill or resolution has been properly set for hearing and witnesses are present and wish to testify, the committee shall hear the witnesses at the scheduled time and place, subject to Rule 10(c).

(b) Any person wishing to offer testimony to a committee hearing of a bill or resolution shall be given a reasonable opportunity to do so, orally or in writing. The Chairperson may set time limits for presentation of oral testimony. No testimony in writing is required of any witness, but any witness may submit a statement in writing for the committee record. All persons offering testimony shall complete a "Record of Committee Witness" form and submit it to the committee clerk before testifying. In the case of standing or special committees with Co-Chairpersons from different political parties, the "Chairperson" means the Co-Chairperson from the majority caucus.

(c) A motion to foreclose further oral testimony by witnesses on a matter before a committee may be adopted only by a three-fifths majority of those voting on the motion. No such motion is in order until both

proponents and opponents requesting to be heard have been given a fair and substantial opportunity to express their positions. No one shall be prohibited from filing for the record "Record of Committee Witness" forms or written statements while the matter is before the committee.

(d) Meetings of committees and subcommittees shall be open to the public. Committee meetings of the House may be closed to the public if two-thirds of the members elected to the House determine, by a record vote, that the public interest so requires.

(e) This Rule cannot be suspended retroactively.

(Source: H.R. 22, 94th G.A.)

(House Rule 28)

28. Sessions of the House.

(a) The House is in session whenever it convenes in perfunctory session, regular session, veto session, ~~or~~ special session, or joint session with the Senate. Members are entitled to per diem expense reimbursements authorized by law only on those regular, veto, ~~and~~ special session, and joint session days that they are in attendance at the House. Attendance by members is not required or recorded on perfunctory session days.

(b) Regular and veto session days shall be scheduled with notice by the Speaker under Rule 9. Special session days shall be scheduled in accordance with the Constitution and laws of Illinois.

(c) The Speaker may schedule perfunctory session days during which the Clerk may read into the House record any legislative measure. Committees may meet and may consider and act upon legislative measures during a perfunctory session day, and the Clerk may receive and read committee reports into the House record during a perfunctory day. Except for automatic referral under these Rules, no further action may be taken by the House with respect to a legislative measure during a perfunctory session day.

(Source: H.R. 22, 94th G.A.)

(House Rule 30)

30. Access to the House Floor.

(a) Except as otherwise provided in these Rules, only the following persons shall be admitted to the House while it is in session: members and officers of the General Assembly; elected officers of the executive branch; justices of the Supreme Court; the designated aide to the Governor, except as limited by the Speaker; the parliamentarian; majority staff members and minority staff members, except as limited by the Speaker or Presiding Officer; former members, except as limited by the Speaker or prohibited under subsection (d); and employees of the Legislative Reference Bureau, except as limited by the Speaker. Representatives of the press, while the House is in session, may have access to the galleries and places allotted to them by the Speaker. No person is entitled to the floor unless appropriately attired. Only members of the General Assembly may use telephones at the members' desks ~~or in the telephone booths at the rear of the House Chamber~~. Smoking is prohibited on the floor of the House and in the House galleries.

(b) On days during which the House is in session, the Doorkeeper shall clear the floor of all persons not entitled to access to the floor 15 minutes before the convening time, and the Doorkeeper shall enforce all other provisions of this Rule.

(c) The Speaker may authorize the admission to the floor of any other person, except as prohibited under subsection (d).

(d) No person who is directly or indirectly interested in defeating or promoting any pending legislative measure, if required to be registered as a lobbyist, shall be allowed access to the floor of the House at any time during the session.

(e) When he or she deems it necessary for the preservation of order, the Presiding Officer may by order remove any person from the floor of the House. A Representative may be removed from the floor only under Article XI or XII of these Rules.

(Source: H.R. 22, 94th G.A.)

(House Rule 35)

35. Length of Adjournment. The House, without the consent of the Senate, shall not adjourn for more than 3 days or to a place other than where the 2 chambers of the General Assembly are sitting. The House is in session on any day in which it convenes in perfunctory session, regular session, veto session, ~~or~~ special session, or joint session with the Senate.

(Source: H.R. 22, 94th G.A.)

(House Rule 37)

37. Bills.

(a) A bill may be introduced in the House by sponsorship of one or more members of the House, whose names shall be on the reproduced copies of the bills, in the House Journal, and in the Legislative Digest. The Principal Sponsor shall be the first name to appear on the bill and may be joined by no more than 4



chief co-sponsors with the approval of the Principal Sponsor; other co-sponsors shall be separated from the Principal Sponsor and any chief co-sponsors by a comma. The Principal Sponsor may change the sponsorship of a bill to that of one or more other Representatives, or to that of the standing committee or special committee to which the bill was referred or from which the bill was reported. Such change may be made at any time the bill is pending before the House or any of its committees by filing a notice with the Clerk, provided that the addition of any member as a Principal Sponsor, chief co-sponsor, or co-sponsor must be with that member's consent. This subsection may not be suspended.

(b) The Principal Sponsor of a bill controls that bill. A ~~standing committee sponsored bill is controlled by the Chairperson of the committee, who for purposes of these Rules is deemed the Principal Sponsor. A special~~ committee-sponsored bill is controlled by the Chairperson, or if Co-Chairpersons have been appointed, by the Co-Chairperson from the majority caucus, who for purposes of these Rules is deemed the Principal Sponsor. Committee-sponsored bills may not have individual co-sponsors.

(c) The Senate sponsor of a bill originating in the Senate may request substitute House sponsorship of that bill by filing a notice with the Clerk; such a notice is automatically referred to the Rules Committee and deemed adopted if approved by the Rules Committee. If disapproved by the Rules Committee, the notice shall lie on the table. If the Rules Committee fails to act on a notice, that notice may be discharged by unanimous consent.

(d) All bills introduced in the House shall be read by title a first time, ordered reproduced, and automatically referred to the Rules Committee in accordance with Rule 18. ~~After~~ ~~When~~ a Senate Bill is received ~~and a House member has submitted notification to the Clerk of sponsorship of that bill,~~ it shall be read by title, ordered reproduced, and ~~placed on the order of Senate Bills on first reading; after being read a first time, it is~~ automatically referred to the Rules Committee in accordance with Rule 18.

(e) All bills introduced into the House shall be accompanied by 69 copies. Any bill that amends a statute shall indicate the particular changes in the following manner:

(1) All new matter shall be underscored.

(2) All matter that is to be omitted or superseded shall be shown crossed with a line.

(f) No bill shall be passed by the House except on a record vote of a majority of those elected, subject to Rule 69. A bill that has lost on third reading ~~or upon a motion for the adoption of a conference committee report or a second conference committee report~~ and has not been reconsidered may not thereafter be revived. If a motion for the adoption of a first conference committee report fails and the motion is not reconsidered, then a second conference committee may be appointed as provided in Rule 76(c). If a motion for the adoption of a second conference committee report fails and is not reconsidered, then the bill may not thereafter be revived.

(Source: H.R. 22, 94th G.A.; H.R. 124, 94th G.A.)

(House Rule 40)

40. Amendments.

(a) An amendment to a bill may be adopted by a standing committee or special committee when the bill is before that committee. An amendment to a bill may be adopted by the House when a bill is on the order of Second Reading if: (i) the Rules Committee has referred the floor amendment to the House for consideration under Rule 18; or (ii) a standing committee or special committee has referred the floor amendment to the House. All amendments must be in writing. All committee amendments that have been timely filed, as determined by the Chairperson, shall be considered by the committee or a subcommittee of that committee prior to consideration by the committee of the bill to which the amendment relates. All amendments not adopted to a bill and that are still pending in a committee or before the House upon the passage or defeat of a bill on Third Reading are automatically tabled.

(b) Except as otherwise provided in these Rules, committee amendments may be offered only by the Principal Sponsor or a member of the committee while the affected bill is before that committee, and shall be adopted by a majority of those appointed. Floor amendments may be offered for adoption only by a Representative while the bill is on the order of Second Reading, subject to Rule 18, and shall be adopted by a majority vote of the House. The sponsor of a committee or floor amendment may change the sponsorship of the amendment to that of another member, with that other member's consent. Such change may be made at any time the amendment is pending before the House or any of its committees by filing notice with the Clerk. A committee amendment may be the subject of a motion to "do adopt" or "do not adopt". A committee amendment may be adopted only by a successful motion to "do adopt". The Chairperson of a committee may refer any committee amendment to a subcommittee of that committee.

(c) Committee amendments shall be filed with the Chairperson of the committee, and are in order only when sufficient copies have been filed to provide each member of the committee with a copy (which may

be done in the same manner as distribution of bills under Rule 39) and 6 9 additional copies for the Chairperson. Floor amendments shall be filed with the Clerk only while the bill is on the order of Second Reading or Third Reading, and are in order only when 6 9 copies have been filed.

(d) The Clerk shall have reproduced all adopted committee amendments that come before the House. The Clerk shall also have reproduced all floor amendments referred to the House by a committee. No floor amendment may be adopted by the House unless it has been reproduced and placed on the members' desks in the same manner as for bills under Rule 39.

(e) No floor amendment is in order unless it has been first referred to the House for consideration by the Rules Committee under Rule 18, or by a standing committee or special committee. A floor amendment may be referred to the House for consideration, or to a standing or special committee, only while the bill is on the order of Second Reading or Third Reading.

(f) Amendments that propose to alter any existing law shall conform to the requirements of Rule 37(e).

(g) If a committee reports a bill "do pass as amended", the committee amendments are deemed adopted by the committee action and shall be reproduced and placed on the members' desks (which may be done in the same manner as provided for bills under Rule 39) before the bill may be read a second time.

(h) In the case of special committees with Co-Chairpersons from different political parties, the "Chairperson" for the purposes of this Rule is the Co-Chairperson from the majority caucus.

(Source: H.R. 22, 94th G.A.; H.R. 124, 94th G.A.)

(House Rule 41)

41. Note Requests; Quick Takes.

(a) The House shall comply with all Illinois laws requiring fiscal or other notes. The notes shall be filed with the Clerk, who shall affix each note with a time stamp endorsing the date and time received, and attached to the original of the bill and available for inspection by the members. As soon as practical, the Clerk shall provide a copy of the note to the Legislative Reference Bureau, which shall provide an informative summary of the note in subsequent issues of the Legislative Digest.

(b) No bill authorizing or directing the conveyance by the State of any particular interest in real estate to any individual or entity other than a governmental unit or agency may be voted upon in committee or upon Second Reading unless a certified appraisal of the value of the interest has been filed. The appraisal shall be filed with the Clerk of the House ~~clerk of the committee to which the bill is assigned~~, and shall be part of the permanent ~~committee record for that bill~~, ~~unless the bill is advanced without reference to committee, or discharged under Rule 58, in which event the appraisal shall be filed with the Clerk of the House.~~

(c) No bill authorizing the State or a unit of local government to acquire property by eminent domain using "quick-take" powers under Section 7-103 of the Code of Civil Procedure may be voted upon in committee or on Second Reading unless the State or the unit of local government, as applicable, has complied with all of the following procedures:

(1) The State or the unit of local government must notify each owner of an interest in the property, by certified mail, of the intention of the State or the unit of local government to request approval of legislation by the General Assembly authorizing the State or the unit of local government to acquire the property by eminent domain using "quick-take" powers under Section 7-103 of the Code of Civil Procedure.

(2) The State or the unit of local government must cause notice of its intention to request authorization to acquire the property by eminent domain using "quick-take" powers to be published in a newspaper of general circulation in the territory sought to be acquired by the State or the unit of local government.

(3) Following the notices required under paragraphs (1) and (2), the State or the unit of local government must hold at least one public hearing, at the place where the unit of local government normally holds its business meetings (or, in the case of property sought to be acquired by the State: (i) at a location in the county in which the property sought to be acquired by the State is located, or (ii) if the property is located in Cook County, at a location in the township in which the property is located, or (iii) if the property is located in 2 adjacent counties other than Cook County or in 2 adjacent townships in Cook County, at a location in the county or in the township in Cook County in which the majority of the property is located, or (iv) if the property is located in Cook County and an adjacent county, at a location in the other county or in the township in Cook County in which the majority of the property is located), on the question of the acquisition of the property by the State or the unit of local government by eminent domain using "quick-take" powers.

(4) In the case of property sought to be acquired by a unit of local government, following the public hearing or hearings held under paragraph (3), the unit of local government must

adopt, by recorded vote, a resolution to request approval of legislation by the General Assembly authorizing the unit of local government to acquire the property by eminent domain using "quick-take" powers under Section 7-103 of the Code of Civil Procedure. The resolution must include a statement of the time period within which the unit of local government requests authority to exercise "quick-take" powers, which may not exceed one year.

(5) Following the public hearing or hearings held under paragraph (3), the head of the appropriate State office, department, or agency or the chief elected official of the unit of local government, as applicable, must submit to the Chairperson and Minority Spokesperson of the House Executive Committee a sworn, notarized affidavit that contains, or has attached as an incorporated exhibit, all of the following:

- (A) The legal description of the property.
- (B) The street address of the property.
- (C) The name of each State Senator and State Representative who represents the territory that is the subject of the proposed taking.
- (D) The date or dates on which the State or the unit of local government contacted each such State Senator and State Representative concerning the intention of the State or the unit of local government to request approval of legislation by the General Assembly authorizing the State or the unit of local government to acquire the property by eminent domain using "quick-take" powers.
- (E) The current name, address, and telephone number of each owner of an interest in the property.
- (F) A summary of all negotiations between the State or the unit of local government and the owner or owners of the property concerning the sale of the property to the State or the unit of local government.
- (G) A statement of the date and location of each public hearing held under paragraph (3).
- (H) A statement of the public purpose for which the State or the unit of local government seeks to acquire the property.
- (I) The certification of the head of the appropriate State office, department, or agency or the chief elected official of the unit of local government, as applicable, that (i) the property is located within the territory under the jurisdiction of the State or the unit of local government and (ii) the State or the unit of local government seeks to acquire the property for a public purpose.
- (J) A map of the area in which the property to be acquired is located, showing the location of the property.
- (K) Photographs of the property.
- (L) An appraisal of the property by a real estate appraiser who is certified or licensed under the Real Estate Appraiser Licensing Act of 2002.
- (M) In the case of property sought to be acquired by a unit of local government, a copy of the resolution adopted by the unit of local government under paragraph (4).
- (N) Documentation of the public purpose for which the State or the unit of local government seeks to acquire the property.
- (O) A copy of each notice sent to an owner of an interest in the property under paragraph (1).

A request for quick-take authority shall not be considered by a House committee fewer than 30 days after the date of the notice to each property owner as required by paragraph (1).

Every affidavit submitted by the State or a unit of local government pursuant to this Rule 41(c), together with all documents and other items submitted with the affidavit, must be made available to any person upon request for inspection and copying.

(Source: H.R. 22, 94th G.A.)

(House Rule 45)

45. Resolutions.

(a) A resolution may be introduced in the House by sponsorship of one or more members of the House, and the names of all sponsors shall be included in the House Journal and in the Legislative Digest. Each resolution introduced shall be accompanied by 6 ~~9~~ copies. Consideration of resolutions shall be governed by Rule 16 and Rule 66.

(b) The Principal Sponsor of a resolution controls that resolution. The Principal Sponsor of a resolution, or the sponsor of an amendment to a resolution, may change the sponsorship of the resolution or amendment, as applicable, to that of another member, with that other member's consent, by filing notice

with the Clerk. A standing committee-sponsored resolution is controlled by the Chairperson of the committee, who for purposes of these Rules is deemed the Principal Sponsor. A special committee-sponsored resolution is controlled by the Chairperson, or if Co-Chairpersons have been appointed, by the Co-Chairperson from the majority caucus, who for purposes of these Rules is deemed the Principal Sponsor. Committee-sponsored resolutions may not have individual co-sponsors.

(c) Any resolution calling for the expenditure of State funds may be adopted only by a record vote of a majority of those elected.

(Source: H.R. 22, 94th G.A.; H.R. 124, 94th G.A.)

(House Rule 52)

52. Debate.

(a) All legislative measures, except those legislative measures that are not debatable as provided in these Rules placed on the Consent Calendar under Rule 42, are subject to a debate status as follows:

(1) Short Debate: Debate is limited to a 2-minute presentation by the Principal

Sponsor or a member designated by the Principal Sponsor, a 2-minute presentation by a member in response, and one minute for the Principal Sponsor to close debate, or yield to other members; provided that at the request of 7 members before the close of debate, the debate status shall be opened to standard debate;

(2) Standard Debate: Debate is limited to a 5-minute presentation by the Principal

Sponsor or a member designated by the Principal Sponsor, debate by each of 2 additional proponents of the legislative measure and by 3 members in response to the legislative measure, and 3 minutes for the Principal Sponsor to close debate, or yield to other members;

(3) Extended Debate: Debate is limited to a 5-minute presentation by the Principal

Sponsor or a member designated by the Principal Sponsor, debate by each of 4 proponents of the legislative measure and 5 members in response, and 5 minutes for the Principal Sponsor to close debate, or yield to other members;

(4) Unlimited Debate: Debate shall consist of a 10-minute presentation by the

Principal Sponsor or a member designated by the Principal Sponsor, debate by each proponent and member in response who seeks recognition, and 5 minutes for the Principal Sponsor to close debate, or yield to other members; or

(5) Amendment Debate: Debate on floor amendments referred to the House from a

committee, or discharged from a committee, is limited to a 3-minute presentation by the Principal Sponsor, or a member designated by the Principal Sponsor, debate by one proponent, debate by each of 2 members in response, and 3 minutes for the Principal Sponsor to close debate, or yield to other members.

No debate is in order on bills or resolutions on the order of First Reading or Second Reading, except for debate on floor amendments as provided in this Rule.

(b) All legislative measures, except floor amendments, referred to the House from a committee, or discharged from a committee, are automatically assigned standard debate status, subject to subsection (c) of this Rule, except those assigned to the Consent Calendar or short debate status by a standing committee or a special committee. All floor amendments referred to the House from a committee, or discharged from a committee, are automatically assigned amendment debate status, subject to subsection (c) of this Rule.

(c) Notwithstanding any other provision of these Rules to the contrary, the debate status of any legislative measure may be changed only (i) by the Speaker, as defined in item (27) of Rule 102, by filing a notice with the Clerk, or (ii) by the Rules Committee by motion approved by a majority of those appointed. While a legislative measure is being considered by the House, the debate status may also be changed by unanimous consent. No legislative measure, however, may be placed on the Consent Calendar under this Rule. No legislative measure, except a floor amendment, may be assigned amendment debate status under this Rule.

(d) The Speaker or Rules Committee, as the case may be, shall notify the Clerk of any action to change the debate status of any legislative measure. The Clerk shall cause that information to be reflected on the Daily Calendar on subsequent legislative days, provided the legislative measure is still before the House.

(e) No member shall speak longer than 5 minutes at one time or more than once on the same question except by leave of the House. The Principal Sponsor of a measure or a member designated by the Principal Sponsor, however, shall be allowed to open the debate and to close the debate in accordance with subsection (a) of this Rule. The provisions of this subsection (e) are subject to and limited by subsections (a), (b), and (c) of this Rule. A member may yield to another member the time allotted for the member's debate.

(f) The Presiding Officer shall allocate the debate on each legislative measure alternately, if possible,

between proponents and opponents of the legislative measure under debate.

(g) This Rule may not be suspended.

(Source: H.R. 22, 94th G.A.)

(House Rule 60)

60. Tabling.

(a) Except as otherwise provided in subsections (d) and (e), a motion to lay on the table applies only to the particular proposition and is neither debatable nor amendable.

(b) A motion to table a bill or resolution shall identify the bill or resolution by number. The Principal Sponsor of a bill or resolution may, with leave of the House, table that bill or resolution at any time. A motion to table a committee bill that is before the House may be adopted only by the affirmative vote of a majority of those elected.

(c) The Principal Sponsor of a bill or resolution before a committee may, with leave of the committee, table the bill or resolution. Upon tabling, the Chairperson of the committee shall return the bill or resolution to the Clerk, noting thereon that it has been tabled.

(d) If a floor amendment to a bill has been adopted by the House, then a motion to table that amendment is in order and may be adopted only when the bill is on Second Reading. Motions to table floor amendments are debatable and may be adopted by the affirmative vote of a majority of those elected.

(e) If a committee amendment to a bill has been adopted by a committee, then a motion to table that amendment is in order and may be adopted (i) by that committee at any time while the bill is before that committee or (ii) by the House only when the bill is on Second Reading. If a committee amendment to a resolution has been adopted by a committee, then a motion to table that amendment is in order and may be adopted (i) by the committee at any time while the resolution is before that committee or (ii) by the House only when the resolution is pending before the House. No motion to table a committee amendment to a bill or resolution before the House is in order unless it has been first referred to the House for consideration by the Rules Committee under Rule 18, or by a standing or special committee. Motions to table committee amendments are debatable and may be adopted by the affirmative vote of a majority of the members elected to the House or appointed to the committee, as applicable.

(Source: H.R. 22, 94th G.A.)

(House Rule 61)

61. Motion to Take from Table.

(a) A motion to take from the table requires the affirmative vote of a majority of those elected if the Rules Committee has previously recommended that action by written notice filed with the Clerk; otherwise, a motion to take from the table requires the affirmative vote of 71 members elected.

(b) A bill taken from the table shall, as applicable, (i) be placed on the Daily Calendar on the order on which it appeared before it was tabled or (ii) be returned to the committee to which it was assigned before it was tabled.

(b-5) An amendment taken from the table shall be returned to the position it held before it was tabled, provided that a floor amendment may be taken from the table only while the bill is on the order of Second Reading and a committee amendment may be taken from the table only while the bill is in committee.

(c) This Rule may be suspended only by the affirmative vote of 71 members elected.

(Source: H.R. 22, 94th G.A.)

(House Rule 72)

72. Concurring in or Receding from Amendments.

(a) If a bill or resolution is received back in the House with one or more amendments added by the Senate, it is in order for the Principal Sponsor to present a motion "to concur" or "not to concur and to ask the Senate to recede" with respect to each, several, or all of those amendments, subject to Rules 18 and 75. A motion to concur shall be by record vote and shall be adopted by the affirmative vote of a majority of those elected, subject to Rule 69. Any 2 members may demand a separate vote or a separate record vote, as applicable, on any of those amendments.

(b) When the Senate has refused to concur in one or more amendments added to a bill or resolution by the House and has returned the bill or resolution to the House with a message requesting the House to recede from one or more of its amendments, it is in order for the Principal Sponsor to present a motion "to recede" from the House amendments or "not to recede and to request a conference", subject to Rules 18 and 75. A motion to recede shall be by record vote and shall be adopted by the affirmative vote of a majority of those elected, subject to Rule 69. Any 2 members may demand a separate vote or a separate record vote, as applicable, on any of those amendments.

(c) Motions authorized by this Rule ~~Joint action motions~~ are renewable and may be reconsidered,

provided that no ~~such joint action~~ motion may be voted on more than twice by the House.  
(Source: H.R. 22, 94th G.A.)

(House Rule 102)

102. Definitions. As used in these Rules, terms have the meanings ascribed to them as follows, unless the context clearly requires a different meaning:

- (1) Chairperson. "Chairperson" means that Representative designated by the Speaker to serve as chair of a committee.
- (2) Co-Chairperson. "Co-Chairperson" means a Representative designated by the Speaker to serve as co-chair of a standing or special committee.
- (3) Clerk. "Clerk" means the elected Clerk of the House.
- (4) Committee. "Committee" means a committee of the House and includes a standing committee, the Rules Committee, a special committee, committees created under Article X and Article XII of these Rules, and a subcommittee of a committee. "Committee" does not mean a conference committee, and the procedural and notice requirements applicable to committees do not apply to conference committees.
- (5) Constitution. "Constitution" means the Constitution of the State of Illinois.
- (6) General Assembly. "General Assembly" means the current General Assembly of the State of Illinois.
- (7) House. "House" means the House of Representatives of the General Assembly.
- (8) Joint Action Motions. "Joint action motions" means the following motions before the House: to concur in a Senate amendment, to non-concur in a Senate amendment, to recede from a House amendment, to refuse to recede from a House amendment, to request that a conference committee be appointed, and to adopt a conference committee report.
- (9) Legislative Digest. "Legislative Digest" means the Legislative Synopsis and Digest that is prepared by the Legislative Reference Bureau of the General Assembly.
- (10) Legislative Measures. "Legislative measures" means all matters brought before the House for consideration, whether originated in the House or Senate, and includes bills, amendments, resolutions, conference committee reports, motions, messages, notices, and Executive Orders from the executive branch.
- (11) Majority. "Majority" means a majority of those members present and voting on a question. Unless otherwise specified with respect to a particular House Rule, for purposes of determining the number of members present and voting on a question, a "present" vote shall not be counted.
- (12) Majority Caucus. "Majority caucus" means that group of Representatives from the numerically strongest political party in the House.
- (13) Majority of those Appointed. "Majority of those appointed" means a majority of the total number of Representatives authorized under these Rules to be appointed to a committee.
- (14) Majority of those Elected. "Majority of those elected" means a majority of the total number of Representatives entitled to be elected to the House, regardless of the number of elected or appointed Representatives actually serving in office. So long as 118 Representatives are entitled to be elected to the House, "majority of those elected" means 60 affirmative votes; 71 affirmative votes means three-fifths of the members elected; and 79 affirmative votes means two-thirds of the members elected.
- (15) Member. "Member" means a Representative. Where the context so requires, "member" may also mean a Senator of the Illinois Senate.
- (16) Members Appointed. "Members appointed" means the total number of Representatives authorized under these Rules to be appointed to a committee.
- (17) Members Elected. "Members elected" means the 118 Representatives entitled to be elected to the House, regardless of the number of elected or appointed Representatives actually serving in office.
- (18) Minority Caucus. "Minority caucus" means that group of Representatives from the second numerically strongest political party in the House.
- (19) Minority Leader. "Minority Leader" means the Minority Leader of the House elected under Rule 2.
- (20) Minority Spokesperson. "Minority spokesperson" means that Representative designated by the Minority Leader to serve as the minority spokesperson of a committee.
- (21) Perfunctory Session. "Perfunctory session" means the convening of the House, pursuant to the scheduling of the Speaker, for purposes consistent with Rule 28.
- (22) Presiding Officer. "Presiding Officer" means that Representative serving as the

presiding officer of the House, whether that Representative is the Speaker or another Representative designated by the Speaker under Rule 4.

(23) Principal Sponsor. "Principal sponsor" means the first listed House sponsor of any legislative measure; with respect to a standing committee-sponsored bill or resolution, it means the Chairperson of the committee; with respect to a special committee-sponsored bill or resolution, it means the Co-Chairperson from the majority caucus.

(24) Record Vote. "Record vote" means a vote by ayes and nays entered on the journal.

(25) Representative. "Representative" means any duly elected or duly appointed Illinois State Representative, and means the same as "member".

(26) Senate. "Senate" means the Senate of the General Assembly.

(27) Speaker. "Speaker" means the Speaker of the House elected as provided in Rule 1.

(28) Term. "Term" means the 2-year term of a General Assembly.

(29) Vice-Chairperson. "Vice-Chairperson" means that Representative designated by the Speaker to serve as Vice-Chairperson of a committee.

(Source: H.R. 22, 94th G.A.)

### HOUSE JOINT RESOLUTION 153

Offered by Representative Granberg:

WHEREAS, During the 94th General Assembly, the Wooded Land Assessment Task Force was established, pursuant to House Joint Resolution 95, to gather information and make recommendations regarding procedures and policies for the assessment of wooded land and of property under a certified forestry management program; and

WHEREAS, The Task Force requires further time to complete its work; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the Wooded Land Assessment Task Force is extended; and be it further

RESOLVED, That the Task Force must submit a report, as established in its authorizing resolution, on or before March 31, 2007; and be it further

RESOLVED, That, with this reporting extension, the Task Force shall continue to operate pursuant to its enabling resolution.

### SENATE BILLS ON SECOND READING

SENATE BILL 1959. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 1959 by replacing everything after the enacting clause with the following:

"Section 5. The State Property Control Act is amended by adding Section 8.3 as follows:

(30 ILCS 605/8.3 new)

Sec. 8.3. John J. Madden Mental Health Center.

(a) Notwithstanding any other provision of this Act or any other law to the contrary, the administrator is authorized under this Section to sell all or any part, from time to time, of the property in Cook County known as the John J. Madden Mental Health Center, if ever it is declared no longer needed by the Secretary of Human Services, to Loyola University Medical Center at its fair market value as determined under subsection (b).

(b) The administrator shall obtain 3 appraisals of property to be sold under subsection (a). Each appraiser must be licensed under the Real Estate Appraiser Licensing Act of 2002, or a successor Act. At least 2 of the appraisals must be performed by appraisers residing in Cook County. The average of these 3 appraisals, plus the cost of obtaining the appraisals, shall represent the fair market value of the property to be sold.

(c) Neither all nor any part of the property may be sold or leased to any other party by the administrator or by any other State officer or agency, at any time, unless it has first been offered for sale to Loyola

University Medical Center as provided in this Section.

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendment(s), the bill, as amended, was held on the order of Second Reading.

SENATE BILL 2674. Having been reproduced, was taken up and read by title a second time.  
The following amendment was offered in the Committee on Executive, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 2674 by replacing everything after the enacting clause with the following:

"Section 5. If and only if Senate Bill 1959 of the 94th General Assembly becomes law, the State Budget Law of the Civil Administrative Code of Illinois is amended by changing Section 50-5 as follows:

(15 ILCS 20/50-5) (was 15 ILCS 20/38)

Sec. 50-5. Governor to submit State budget. The Governor shall, as soon as possible and not later than the ~~first second~~ Wednesday in ~~March April~~ in 2007 (~~March 7, 2007~~) ~~2003~~ and the third Wednesday in February of each year beginning in ~~2008~~ ~~2004~~, except as otherwise provided in this Section, submit a State budget, embracing therein the amounts recommended by the Governor to be appropriated to the respective departments, offices, and institutions, and for all other public purposes, the estimated revenues from taxation, the estimated revenues from sources other than taxation, and an estimate of the amount required to be raised by taxation. In 2004 only, the Governor shall submit the capital development section of the State budget not later than the fourth Tuesday of March (March 23, 2004). The amounts recommended by the Governor for appropriation to the respective departments, offices and institutions shall be formulated according to the various functions and activities for which the respective department, office or institution of the State government (including the elective officers in the executive department and including the University of Illinois and the judicial department) is responsible. The amounts relating to particular functions and activities shall be further formulated in accordance with the object classification specified in Section 13 of the State Finance Act.

The Governor shall not propose expenditures and the General Assembly shall not enact appropriations that exceed the resources estimated to be available, as provided in this Section.

For the purposes of Article VIII, Section 2 of the 1970 Illinois Constitution, the State budget for the following funds shall be prepared on the basis of revenue and expenditure measurement concepts that are in concert with generally accepted accounting principles for governments:

- (1) General Revenue Fund.
- (2) Common School Fund.
- (3) Educational Assistance Fund.
- (4) Road Fund.
- (5) Motor Fuel Tax Fund.
- (6) Agricultural Premium Fund.

These funds shall be known as the "budgeted funds". The revenue estimates used in the State budget for the budgeted funds shall include the estimated beginning fund balance, plus revenues estimated to be received during the budgeted year, plus the estimated receipts due the State as of June 30 of the budgeted year that are expected to be collected during the lapse period following the budgeted year, minus the receipts collected during the first 2 months of the budgeted year that became due to the State in the year before the budgeted year. Revenues shall also include estimated federal reimbursements associated with the recognition of Section 25 of the State Finance Act liabilities. For any budgeted fund for which current year revenues are anticipated to exceed expenditures, the surplus shall be considered to be a resource available for expenditure in the budgeted fiscal year.

Expenditure estimates for the budgeted funds included in the State budget shall include the costs to be incurred by the State for the budgeted year, to be paid in the next fiscal year, excluding costs paid in the budgeted year which were carried over from the prior year, where the payment is authorized by Section 25 of the State Finance Act. For any budgeted fund for which expenditures are expected to exceed revenues in the current fiscal year, the deficit shall be considered as a use of funds in the budgeted fiscal year.

Revenues and expenditures shall also include transfers between funds that are based on revenues received or costs incurred during the budget year.

By March 15 of each year, the Commission on Government Forecasting and Accountability shall prepare revenue and fund transfer estimates in accordance with the requirements of this Section and report those



estimates to the General Assembly and the Governor.

For all funds other than the budgeted funds, the proposed expenditures shall not exceed funds estimated to be available for the fiscal year as shown in the budget. Appropriation for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year.

(Source: P.A. 93-1, eff. 2-6-03; 93-662, eff. 2-11-04; 93-1067, eff. 1-15-05.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendment(s), the bill, as amended, was held on the order of Second Reading.

At the hour of 7:30 o'clock p.m., the House Perfunctory Session adjourned.