

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-FIFTH GENERAL ASSEMBLY

290TH LEGISLATIVE DAY

PERFUNCTORY SESSION

THURSDAY, NOVEMBER 13, 2008

11:27 O'CLOCK A.M.

**HOUSE OF REPRESENTATIVES
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290th Legislative Day**

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

LETTER OF TRANSMITTAL

November 13, 2008

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

Dear Clerk Mahoney:

Pursuant to House Rules 9(a), by this letter I am establishing that the House of Representatives will be in **Perfunctory Session** on Thursday, **November 13, 2008**.

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

MOTIONS SUBMITTED

Representative Flowers submitted the following written motion, which was placed on the Calendar on the order of Concurrence:

MOTION

I move to non-concur with Senate Amendment No. 1 to HOUSE BILL 4374.

Representative Saviano submitted the following written motion, which was placed on the Calendar on the order of Concurrence:

MOTION

I move to non-concur with Senate Amendments numbered 2 and 3 to HOUSE BILL 4249.

VETO MOTIONS SUBMITTED

Representative Fritchey 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 2636, the Governor's Specific Recommendations for Change notwithstanding.

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

MOTION

I move that the House concur with the Senate in the acceptance of the Governor's Specific Recommendations for Change to SENATE BILL 2718 by adoption of the following amendment:

AMENDMENT 1 TO SENATE BILL 2718

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 2718 on page 2, below line 26, by inserting the following:
"Section 99. Effective date. This Act takes effect upon becoming law."

MESSAGES FROM THE SENATE

A message from the Senate by
Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 427

A bill for AN ACT concerning criminal law.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 427

Passed the Senate, as amended, November 13, 2008.

Deborah Shipley, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 427 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 2-13 as follows:

(720 ILCS 5/2-13) (from Ch. 38, par. 2-13)

Sec. 2-13. "Peace officer". "Peace officer" means (i) any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or (ii) any person who, by statute, is granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State.

For purposes of Sections concerning unlawful use of weapons, for the purposes of assisting an Illinois peace officer in an arrest, or when the commission of any offense under Illinois law is directly observed by the person, and statutes involving the false personation of a peace officer, false personation of a peace officer while carrying a deadly weapon, and aggravated false personation of a peace officer, then officers, agents, or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered "peace officers" under this Code, including, but not limited to all criminal investigators of:

(1) the United States Department of Justice, the Federal Bureau of Investigation, the Drug Enforcement Agency and the Department of Immigration and Naturalization;

(2) the United States Department of the Treasury, the Secret Service, the Bureau of Alcohol, Tobacco and Firearms and the Customs Service;

(3) the United States Internal Revenue Service;

(4) the United States General Services Administration;

(5) the United States Postal Service;

(6) all United States Marshals or Deputy United States Marshals whose duties involve the enforcement of federal criminal laws; and

(7) the United States Department of Defense, ~~who have at least the minimum training prescribed by the Illinois Law Enforcement Training Standards Board for peace officers of units of local government.~~

(Source: P.A. 94-730, eff. 4-17-06; 94-846, eff. 1-1-07; 95-24, eff. 1-1-08; 95-331, eff. 8-21-07; 95-750, eff. 7-23-08.)

Section 10. The Code of Criminal Procedure of 1963 is amended by changing Section 107-4 as follows:

(725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

Sec. 107-4. Arrest by peace officer from other jurisdiction.

(a) As used in this Section:

(1) "State" means any State of the United States and the District of Columbia.

(2) "Peace Officer" means any peace officer or member of any duly organized State, County, or Municipal peace unit, any police force of another State, the United States Department of Defense ~~who has at least the minimum training prescribed by the Illinois Law Enforcement Training Standards Board for peace officers of units of local government~~, or any police force whose members, by statute, are granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State.

(3) "Fresh pursuit" means the immediate pursuit of a person who is endeavoring to avoid arrest.

(4) "Law enforcement agency" means a municipal police department or county sheriff's office of this State.

(a-3) Any peace officer employed by a law enforcement agency of this State may conduct temporary questioning pursuant to Section 107-14 of this Code and may make arrests in any jurisdiction within this State: (1) if the officer is engaged in the investigation of an offense that occurred in the officer's primary jurisdiction and the temporary questioning is conducted or the arrest is made pursuant to that investigation; or (2) if the officer, while on duty as a peace officer, becomes personally aware of the immediate commission of a felony or misdemeanor violation of the laws of this State; or (3) if the officer, while on duty as a peace officer, is requested by an appropriate State or local law enforcement official to render aid or assistance to the requesting law enforcement agency that is outside the officer's primary jurisdiction; or (4) in accordance with Section 2605-580 of the Department of State Police Law of the Civil Administrative Code of Illinois. While acting pursuant to this subsection, an officer has the same authority as within his or her own jurisdiction.

(a-7) The law enforcement agency of the county or municipality in which any arrest is made under this Section shall be immediately notified of the arrest.

(b) Any peace officer of another State who enters this State in fresh pursuit and continues within this State in fresh pursuit of a person in order to arrest him on the ground that he has committed an offense in the other State has the same authority to arrest and hold the person in custody as peace officers of this State have to arrest and hold a person in custody on the ground that he has committed an offense in this State.

(c) If an arrest is made in this State by a peace officer of another State in accordance with the provisions of this Section he shall without unnecessary delay take the person arrested before the circuit court of the county in which the arrest was made. Such court shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the court determines that the arrest was lawful it shall commit the person arrested, to await for a reasonable time the issuance of an extradition warrant by the Governor of this State, or admit him to bail for such purpose. If the court determines that the arrest was unlawful it shall discharge the person arrested.

(Source: P.A. 94-846, eff. 1-1-07; 95-423, eff. 8-24-07; 95-750, eff. 7-23-08.)

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

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 427 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution, in the adoption of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE JOINT RESOLUTION NO. 110

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the Senate adjourns on Thursday, November 13, 2008, it stands adjourned until Wednesday, November 19, 2008 at 12:00 o'clock noon.

Adopted by the Senate, November 13, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the following joint resolution, to-wit:
HOUSE JOINT RESOLUTION NO. 142
Concurred in the Senate, November 12, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of their amendment to a bill of the following title, to-wit:
SENATE BILL NO. 450
A bill for AN ACT concerning law enforcement.
House Amendment No. 4 to SENATE BILL NO. 450.
Action taken by the Senate, November 13, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of their amendment to a bill of the following title, to-wit:
SENATE BILL NO. 1290
A bill for AN ACT concerning local government.
House Amendment No. 1 to SENATE BILL NO. 1290.
Action taken by the Senate, November 13, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of their amendment to a bill of the following title, to-wit:
SENATE BILL NO. 1890
A bill for AN ACT concerning finance.
House Amendment No. 1 to SENATE BILL NO. 1890.
Action taken by the Senate, November 13, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of their amendments to a bill of the following title, to-wit:
SENATE BILL NO. 2015
A bill for AN ACT concerning economic development.
House Amendment No. 1 to SENATE BILL NO. 2015.
House Amendment No. 2 to SENATE BILL NO. 2015.

Action taken by the Senate, November 13, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2031

A bill for AN ACT concerning local government.
House Amendment No. 1 to SENATE BILL NO. 2031.
Action taken by the Senate, November 13, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2275

A bill for AN ACT in relation to minors.
House Amendment No. 1 to SENATE BILL NO. 2275.
Action taken by the Senate, November 13, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of their amendments to a bill of the following title, to-wit:

SENATE BILL NO. 2492

A bill for AN ACT concerning public aid.
House Amendment No. 1 to SENATE BILL NO. 2492.
House Amendment No. 2 to SENATE BILL NO. 2492.
Action taken by the Senate, November 13, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2536

A bill for AN ACT concerning local government.
House Amendment No. 1 to SENATE BILL NO. 2536.
Action taken by the Senate, November 13, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by
Ms. Shipley, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of their amendment to a bill of the following title, to-wit:

[November 13, 2008]

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SENATE BILL NO. 2688

A bill for AN ACT concerning education.
House Amendment No. 2 to SENATE BILL NO. 2688.
Action taken by the Senate, November 13, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by

Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 2743

A bill for AN ACT concerning local government.
House Amendment No. 1 to SENATE BILL NO. 2743.
Action taken by the Senate, November 13, 2008.

Deborah Shipley, Secretary of the Senate

A message from the Senate by

Ms. Shipley, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, the acceptance of which I am instructed to ask the concurrence of the House, to-wit:

Senate Bill No. 2718

A bill for AN ACT concerning criminal law.

I am further directed to transmit to the House of Representatives the following copy of the Governor's specific recommendations for change to the Senate:

Action taken by the Senate, November 12, 2008.

Deborah Shipley, Secretary of the Senate
<MSGEND>

October 7, 2008

To the Honorable Members of the
Illinois Senate
95th General Assembly

Pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return Senate Bill 2718, entitled "AN ACT concerning criminal law.", with the following specific recommendation for change:

on page 2, below line 26, by inserting the following:

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

With this change, Senate Bill 2718 will have my approval. I respectfully request your concurrence.

Sincerely,
ROD R. BLAGOJEVICH
Governor

I move to accept the specific recommendations of the Governor as to Senate Bill 2718 in manner and form as follows:

AMENDMENT TO SENATE BILL 2718

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend Senate Bill 2718 on page 2, below line 26, by inserting the following:

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

A message from the Senate by

Ms. Shipley, Secretary:

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

Senate Bill No. 2636

A bill for AN ACT concerning property.

I am further directed to transmit to the House of Representatives the following copy of the Governor's specific recommendations for change to the Senate:

Passed by the Senate, November 12, 2008, by a three-fifths vote.

Deborah Shipley, Secretary of the Senate

October 3, 2008

To the Honorable Members of the
Illinois Senate
95th General Assembly

Pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return Senate Bill 2636, entitled "AN ACT concerning property.", with the following specific recommendation for change:

on page 4, below line 4, by inserting the following:

"(g) (1) Any person or company offering to identify, discover, or collect presumptively abandoned property or property which may become presumptively abandoned on behalf of the putative owner of such property in exchange for a fee, shall report the property and amount of the fee to the Treasurer within 30 days of collecting a fee.

(2) By March 15 and September 15 of each year, the Treasurer shall prepare and publish electronically on a website accessible from www.treasurer.il.gov a report containing a summary of property and fees reported under this subsection from each person or company who identifies, discovers, or collects presumptively abandoned property or property which may become presumptively abandoned."

With this change, Senate Bill 2636 will have my approval. I respectfully request your concurrence.

Sincerely,
ROD R. BLAGOJEVICH
Governor

CHANGE OF SPONSORSHIP

With the consent of the affected members, Representative Reboletti was removed as principal sponsor, and Representative Ryg became the new principal sponsor of SENATE BILL 2142.

HOUSE RESOLUTION

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

HOUSE RESOLUTION 1596

Offered by Representative Hamos:

WHEREAS, The Illinois House of Representatives adopted House Resolutions 479 and 650 in 2005 directing the Office of the Auditor General to conduct a performance audit of the 4 mass transit agencies of northeastern Illinois, namely the Regional Transportation Authority (RTA), the Chicago Transit Authority (CTA), the Commuter Rail Division (Metra), and the Suburban Bus Division (Pace); and

WHEREAS, The Auditor General issued the performance audit of the mass transit agencies of northeastern Illinois in March 2007; and

WHEREAS, The performance audit report contained 47 recommendations to the mass transit agencies to make improvements in various areas of operations, including planning, staffing, pensions, and monitoring; and

WHEREAS, The mass transit agencies of northeastern Illinois accepted the Auditor General's recommendations and stated they would implement the recommendations; and

WHEREAS, More than a year has now elapsed since the Auditor General's recommendations were made; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Auditor General is directed to follow up with the Regional Transportation Authority on the status of implementation of the audit recommendations made in the March 2007 performance audit report; and be it further

RESOLVED, That the RTA should coordinate with CTA, Metra, and Pace and compile a status report that sets forth each recommendation, the actions taken to implement the recommendation, and the supporting documentation for the actions taken; and be it further

RESOLVED, That the RTA shall submit the status report to Auditor General within 3 months after the adoption of this resolution; and be it further

RESOLVED, That the Auditor General shall review the submitted status report, follow up as necessary with the transit agencies to resolve questions concerning the status of actions taken to implement the recommendations, and issue a report summarizing the results of the Auditor General's review; and be it further

RESOLVED, That all the agencies and employees with information relevant to this status report shall cooperate fully and promptly in the preparation of this report; and be it further

RESOLVED, That the Auditor General shall commence this follow-up as soon as possible and report the results upon completion to the General Assembly, Legislative Audit Commission, Governor, RTA, CTA, Metra, Pace, and any other interested parties; and be it further

RESOLVED, That copies of this resolution be delivered to the Auditor General, Legislative Audit Commission, Governor, RTA, CTA, Metra, and Pace.

SENATE BILL ON FIRST READING

Having been reproduced, the following bill was taken up, read by title a first time and placed in the Committee on Rules: SENATE BILL 761 (Fritchey).

At the hour of 11:28 o'clock a.m., the House Perfunctory Session adjourned.