

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-SIXTH GENERAL ASSEMBLY

162ND LEGISLATIVE DAY

REGULAR SESSION

FRIDAY, JANUARY 7, 2011

9:12 O'CLOCK A.M.

**HOUSE OF REPRESENTATIVES
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162nd Legislative Day**

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The House met pursuant to adjournment.
Representative Mautino in the chair.
Prayer by Lee A. Crawford, the Pastor of the Cathedral of Praise Christian Center in Springfield, IL.
Representative Harris 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:
116 present. (ROLL CALL 1)

By unanimous consent, Representatives Mulligan and Watson were excused from attendance.

REPORTS

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

Economic Development for a Growing Economy Business Location Efficiency Report - December 30, 2010, submitted by Illinois Department of Commerce and Economic Opportunity on January 6, 2011.

Report on the Activities Undertaken by all Successful Grant Applicants in the Employment Opportunities Grant Program, submitted by Illinois Department of Commerce and Economic Opportunity on January 6, 2011.

LETTER OF TRANSMITTAL

MEMO

To: Mark Mahoney, Clerk of the House of Representatives

From: Representative Tom Holbrook

Date: January 7, 2011

Re: House Bill 5424

Please let the record reflect my "yes" vote should have been a "no" vote for Amendments 1 and 2 for House Bill 5424.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Reis replaced Representative Schmitz in the Committee on Rules on January 7, 2011.

Representative Cavaletto replaced Representative Osmond in the Committee on Rules on January 7, 2011.

Representative Soto replaced Representative Hannig in the Committee on Rules (A) on January 7, 2011.

Representative McGuire replaced Representative Lang in the Committee on Rules (A) on January 7, 2011.

Representative William Davis replaced Representative Hannig in the Committee on Rules (B) on January 7, 2011.

Representative Miller replaced Representative Lang in the Committee on Rules (B) on January 7, 2011.

Representative Miller replaced Representative Lang in the Committee on Rules (C) on January 7, 2011.

Representative Smith replaced Representative Hannig in the Committee on Rules (C) on January 7, 2011.

REPORTS FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on January 7, 2011, reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 3 to SENATE BILL 1927.

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 5424.

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

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

Y Currie(D), Chairperson

A Hannig(D)

Y Lang(D)

Y Reis(R) (replacing Schmitz)

Y Cavaletto(R) (replacing Osmond)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on January 7, 2011, (A) reported the same back with the following recommendations:

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Human Services: HOUSE AMENDMENT No. 2 to SENATE BILL 3088.

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 Soto(D) (replacing Hannig)

Y McGuire(D) (replacing Lang)

Y Osmond(R)

A Schmitz(R)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on January 7, 2011, (B) reported the same back with the following recommendations:

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Executive: HOUSE AMENDMENT No. 2 to SENATE BILL 1066.

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 Davis, W.(D) (replacing Hannig)

Y Miller(D) (replacing Lang)
A Schmitz(R)

Y Osmond(R)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on January 7, 2011, (C) reported the same back with the following recommendations:

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Executive: HOUSE AMENDMENT No. 2 to SENATE BILL 3644.

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 Miller(D) (replacing Lang)
A Schmitz(R)

Y Smith(D) (replacing Hannig)
Y Osmond(R)

MOTIONS SUBMITTED

Representative Howard 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 6460.

Representative Madigan 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 5424.

Representative Reis submitted the following written motion, which was placed on the order of Motions in Writing:

MOTION

I move to table the motion to reconsider the vote by which SENATE BILL 1381 failed in the House on January 7, 2011.

STATE MANDATES FISCAL NOTE SUPPLIED

A State Mandates Fiscal Note has been supplied for SENATE BILL 737, as amended.

HOME RULE NOTES SUPPLIED

Home Rule Notes have been supplied for SENATE BILLS 737, as amended and 2797, as amended.

JUDICIAL NOTE SUPPLIED

A Judicial Note has been supplied for SENATE BILL 737, as amended.

MESSAGES FROM THE SENATE

A message from the Senate by

Ms. Rock, 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 5424

A bill for AN ACT concerning State government.

Together with the attached amendments thereto (which amendments have 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. 5424

Senate Amendment No. 2 to HOUSE BILL NO. 5424

Passed the Senate, as amended, January 6, 2011.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 5424 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Identification Card Act is amended by changing Section 1 as follows:

(15 ILCS 335/1) (from Ch. 124, par. 21)

Sec. 1. Short Title. This Act may be cited as the ~~the~~ Illinois Identification Card Act.

(Source: P.A. 86-1475.)".

AMENDMENT NO. 2. Amend House Bill 5424, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Labor Relations Act is amended by adding Section 21.5 as follows:

(5 ILCS 315/21.5 new)

Sec. 21.5. Termination of certain agreements after constitutional officers take office.

(a) No collective bargaining agreement entered into on or after the effective date of this amendatory Act of the 96th General Assembly between an executive branch constitutional officer or any agency or department of an executive branch constitutional officer and a labor organization may extend beyond June 30th of the year in which the terms of office of executive branch constitutional officers begin.

(b) No collective bargaining agreement entered into on or after the effective date of this amendatory Act of the 96th General Assembly between an executive branch constitutional officer or any agency or department of an executive branch constitutional officer and a labor organization may provide for an increase in salary, wages, or benefits starting on or after the first day of the terms of office of executive branch constitutional officers and ending June 30th of that same year.

(c) Any collective bargaining agreement in violation of this Section is terminated and rendered null and void by operation of law.

(d) For purposes of this Section, "executive branch constitutional officer" has the same meaning as that term is defined in the State Officials and Employees Ethics Act.

Section 10. The State Budget Law of the Civil Administrative Code of Illinois is amended by changing Sections 50-5 and 50-25 as follows:

(15 ILCS 20/50-5)

Sec. 50-5. Governor to submit State budget.

(a) The Governor shall, as soon as possible and not later than the second Wednesday in March in 2010 (March 10, 2010) and the third Wednesday in February of each year beginning in 2011, 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, and the estimated revenues from sources other than taxation, ~~and an estimate of the amount required to be raised by taxation.~~ Except with respect to the capital development provisions of the State budget, beginning with the revenue estimates prepared for fiscal year 2012, revenue estimates shall be based solely on: (i) revenue sources (including non-income resources), rates, and levels that exist as of the date of the submission of the State budget for the fiscal year and (ii) revenue sources (including non-income resources), rates, and levels that have been passed by the General Assembly as of the date of the submission of the State budget for the fiscal year and that are authorized to

take effect in that fiscal year. Except with respect to the capital development provisions of the State budget, the Governor shall determine available revenue, deduct the cost of essential government services, including, but not limited to, pension payments and debt service, and assign a percentage of the remaining revenue to each statewide prioritized goal, as established in Section 50-25 of this Law, taking into consideration the proposed goals set forth in the report of the Commission established under that Section. The Governor shall also demonstrate how spending priorities for the fiscal year fulfill those statewide goals. The amounts recommended by the Governor for appropriation to the respective departments, offices and institutions shall be formulated according to each department's, office's, and institution's ability to effectively deliver services that meet the established statewide goals 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. In addition, the amounts recommended by the Governor for appropriation shall take into account each State agency's effectiveness in achieving its prioritized goals for the previous fiscal year, as set forth in Section 50-25 of this Law, giving priority to agencies and programs that have demonstrated a focus on the prevention of waste and the maximum yield from resources.

Beginning in fiscal year 2011, the Governor shall distribute written quarterly financial reports on operating funds, which may include general, State, or federal funds and may include funds related to agencies that have significant impacts on State operations, budget statements to the General Assembly and the State Comptroller. The reports statements shall be submitted no later than 45 days after the last day on Wednesday of the last week of the last month of each quarter of the fiscal year and, as is currently the practice on the effective date of this amendatory Act of the 96th General Assembly, shall be posted on the Governor's Office of Management and Budget's Comptroller's website on the same day. The reports statements shall be prepared and presented in an executive summary format that may include includes, for the fiscal year to date, individual itemizations for each significant revenue type source as well as individual itemizations of expenditures and obligations, by agency the classified line items set forth in Section 13 of the State Finance Act and for other purposes, with an appropriate level of detail. The reports statement shall include a calculation of the actual total budget surplus or deficit for the fiscal year to date. The Governor shall also present periodic budget addresses throughout the fiscal year at the invitation of the General Assembly.

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. Appropriations may be adjusted during the fiscal year by means of one or more supplemental appropriation bills if any State agency either fails to meet or exceeds the goals set forth in Section 50-25 of this Law.

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.

Appropriations for expenditures shall also include all anticipated statutory continuing appropriation obligations that are expected to be incurred during the budgeted fiscal 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.

(b) ~~This subsection applies only to the process for the proposed fiscal year 2011 budget.~~

By February 24, 2010, the Governor must file a written report with the Secretary of the Senate and the Clerk of the House of Representatives containing the following:

- (1) for fiscal year 2010, the revenues for all budgeted funds, both actual to date and estimated for the full fiscal year;
- (2) for fiscal year 2010, the expenditures for all budgeted funds, both actual to date and estimated for the full fiscal year;
- (3) for fiscal year 2011, the estimated revenues for all budgeted funds, including without limitation the affordable General Revenue Fund appropriations, for the full fiscal year; and
- (4) for fiscal year 2011, an estimate of the anticipated liabilities for all budgeted funds, including without limitation the affordable General Revenue Fund appropriations, debt service on bonds issued, and the State's contributions to the pension systems, for the full fiscal year.

~~Between July 1 and August 31 of each fiscal year February 24, 2010 and March 10, 2010, the members of the General Assembly and members of the public may make written budget recommendations to the Governor, and the Governor shall promptly make those recommendations available to the public through the Governor's Internet website.~~

Beginning with budgets prepared for fiscal year 2013, the budgets submitted by the Governor and appropriations made by the General Assembly for all executive branch State agencies must adhere to a method of budgeting where each priority must be justified each year according to merit rather than according to the amount appropriated for the preceding year.

(Source: P.A. 96-1, eff. 2-17-09; 96-320, eff. 1-1-10; 96-881, eff. 2-11-10; 96-958, eff. 7-1-10; 96-1000, eff. 7-2-10.)

(15 ILCS 20/50-25)

Sec. 50-25. Statewide prioritized goals. For fiscal year 2012 and each fiscal year thereafter, prior to the submission of the State budget, the Governor, in consultation with the appropriation committees of the General Assembly and, beginning with budgets prepared for fiscal year 2013, the commission established under this Section, shall: (i) prioritize outcomes that are most important for each State agency of the executive branch under the jurisdiction of the Governor to achieve for the next fiscal year and (ii) set goals to accomplish those outcomes according to the priority of the outcome. There must be a reasonable number of annually defined statewide goals defining State priorities for the budget. Each goal shall be further defined to facilitate success in achieving that goal. No later than July 31 of each fiscal year beginning in fiscal year 2012, the Governor shall establish a commission for the purpose of advising the Governor in setting those outcomes and goals, including the timeline for achieving those outcomes and goals. The commission shall be a well-balanced group and shall be a manageable size. The commission shall hold at least 2 public meetings during each fiscal year. One meeting shall be held in the City of Chicago and one meeting shall be held in the City of Springfield. By November 1 of each year, the commission shall submit a report to the Governor and the General Assembly setting forth recommendations with respect to the Governor's proposed outcomes and goals. The report shall be published on the Governor's Office of Management and Budget's website. In its report, the commission shall propose a percentage of the total budget to be assigned to each proposed outcome and goal. The commission shall also review existing mandated expenditures and include in its report recommendations for the termination of mandated expenditures. The General Assembly may object to the commission's report by passing a joint resolution detailing the General Assembly's objections.

In addition, each other constitutional officer of the executive branch, in consultation with the appropriation committees of the General Assembly, shall: (i) prioritize outcomes that are most important for his or her office to achieve for the next fiscal year and (ii) set goals to accomplish those outcomes

according to the priority of the outcome. The Governor and each constitutional officer shall separately conduct performance analyses to determine which programs, strategies, and activities will best achieve those desired outcomes. The Governor shall recommend that appropriations be made to State agencies and officers for the next fiscal year based on the agreed upon goals and priorities. Each agency and officer may develop its own strategies for meeting those goals and shall review and analyze those strategies on a regular basis. The Governor shall also implement procedures to measure annual progress toward the State's highest priority outcomes and shall develop a statewide reporting system that compares the actual results with budgeted results. Those performance measures and results shall be posted on the State Comptroller's website, and compiled for distribution in the Comptroller's Public Accountability Report, as is currently the practice on the effective date of this amendatory Act of the 96th General Assembly.

(Source: P.A. 96-958, eff. 7-1-10.)

Section 15. The Illinois Grant Funds Recovery Act is amended by adding Section 4.2 as follows:
(30 ILCS 705/4.2 new)

Sec. 4.2. Suspension of grant making authority. Any grant funds and any grant program administered by a grantor agency subject to this Act are indefinitely suspended on July 1, 2012, and on July 1st of every 5th year thereafter, unless the General Assembly, by law, authorizes that grantor agency to make grants or lifts the suspension of the authorization of that grantor agency to make grants. In the case of a suspension of the authorization of a grantor agency to make grants, the authority of that grantor agency to make grants is suspended until the suspension is explicitly lifted by law by the General Assembly, even if an appropriation has been made for the explicit purpose of such grants. This suspension of grant making authority supersedes any other law or rule to the contrary.

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

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 5424 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Rock, 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 4599

A bill for AN ACT concerning revenue.

Together with the attached amendments thereto (which amendments have 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. 4599

Senate Amendment No. 2 to HOUSE BILL NO. 4599

Senate Amendment No. 3 to HOUSE BILL NO. 4599

Passed the Senate, as amended, January 6, 2011.

Jillayne Rock, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 4599 on page 2, line 21, by deleting "15; 16; 17;"; and on page 5, line 17, by deleting "15; 16; 17;"; and on page 5, line 24, immediately after "enterprises.", by inserting "Gas suppliers and delivering gas utilities may implement this exemption beginning with any bill issued to the business enterprise on or after receipt of the certificate of exemption, but shall implement the exemption not later than the first bill issued on or after 30 days after receipt of the certificate of exemption."; and on page 9, line 25, by deleting "15; 16; 17;".

AMENDMENT NO. 2. Amend House Bill 4599, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by changing Section 101 as follows:

(35 ILCS 5/101) (from Ch. 120, par. 1-101)

Sec. 101. Short Title. This Act shall be known ~~and~~ ~~and~~ may be cited as the "Illinois Income Tax Act." (Source: P.A. 76-261.)".

AMENDMENT NO. 3. Amend House Bill 4599, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Small Business Job Creation Tax Credit Act is amended by changing Sections 10, 25, and 35 as follows:

(35 ILCS 25/10)

Sec. 10. Definitions. In this Act:

"Applicant" means a person that is operating a business located within the State of Illinois that is engaged in interstate or intrastate commerce and either:

(1) has no more than 50 full-time employees, without regard to the location of employment of such employees at the beginning of the incentive period; or -

(2) hired within the incentive period an employee who had participated as worker-trainee in the Put Illinois to Work Program during 2010.

In the case of any person that is a member of a unitary business group within the meaning of subdivision (a)(27) of Section 1501 of the Illinois Income Tax Act, "applicant" refers to the unitary business group.

"Certificate" means the tax credit certificate issued by the Department under Section 35 of this Act.

"Certificate of eligibility" means the certificate issued by the Department under Section 20 of this Act.

"Credit" means the amount awarded by the Department to an applicant by issuance of a certificate under Section 35 of this Act for each new full-time equivalent employee hired or job created.

"Department" means the Department of Commerce and Economic Opportunity.

"Director" means the Director of the Department.

"Full-time employee" means an individual who is employed for a basic wage for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment.

"Incentive period" means the period beginning July 1, 2010 and ending on June 30, 2011.

"Basic wage" means compensation for employment that is no less than \$10 ~~\$13.75~~ per hour or the equivalent salary for a new employee.

"New employee" means a full-time employee:

(1) who first became employed by an applicant with less than 50 full-time employees within the incentive period whose hire results in a

net increase in the applicant's full-time Illinois employees and who is receiving a basic wage as compensation; or -

(2) who participated as a worker-trainee in the Put Illinois to Work Program during 2010 and who is subsequently hired during the incentive period by an applicant and who is receiving a basic wage as compensation.

The term "new employee" does not include:

(1) a person who was previously employed in Illinois by the applicant or a related member prior to the onset of the incentive period; or

(2) any individual who has a direct or indirect ownership interest of at least 5% in the profits, capital, or value of the applicant or a related member.

"Noncompliance date" means, in the case of an applicant that is not complying with the requirements of the provisions of this Act, the day following the last date upon which the taxpayer was in compliance with the requirements of the provisions of this Act, as determined by the Director, pursuant to Section 45 of this Act.

"Put Illinois to Work Program" means a worker training and employment program that was established by the State of Illinois with funding from the United States Department of Health and Human Services of Emergency Temporary Assistance to Needy Families funds authorized by the American Recovery and Reinvestment Act of 2009 (ARRA TANF Funds). These ARRA TANF funds were in turn used by the State of Illinois to fund the Put Illinois to Work Program.

"Related member" means a person that, with respect to the applicant during any portion of the incentive period, is any one of the following,

(1) An individual, if the individual and the members of the individual's family (as

defined in Section 318 of the Internal Revenue Code) own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the outstanding profits, capital, stock, or other ownership interest in the applicant.

(2) A partnership, estate, or trust and any partner or beneficiary, if the partnership, estate, or trust and its partners or beneficiaries own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the profits, capital, stock, or other ownership interest in the applicant.

(3) A corporation, and any party related to the corporation in a manner that would require an attribution of stock from the corporation under the attribution rules of Section 318 of the Internal Revenue Code, if the applicant and any other related member own, in the aggregate, directly, indirectly, beneficially, or constructively, at least 50% of the value of the corporation's outstanding stock.

(4) A corporation and any party related to that corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of Section 318 of the Internal Revenue Code, if the corporation and all such related parties own, in the aggregate, at least 50% of the profits, capital, stock, or other ownership interest in the applicant.

(5) A person to or from whom there is attribution of stock ownership in accordance with Section 1563(e) of the Internal Revenue Code, except that for purposes of determining whether a person is a related member under this paragraph, "20%" shall be substituted for "5%" whenever "5%" appears in Section 1563(e) of the Internal Revenue Code.

(Source: P.A. 96-888, eff. 4-13-10.)

(35 ILCS 25/25)

Sec. 25. Tax credit.

(a) Subject to the conditions set forth in this Act, an applicant is entitled to a credit against payment of taxes withheld under Section 704A of the Illinois Income Tax Act:

(1) for new employees who participated as worker-trainees in the Put Illinois to Work Program during 2010:

(A) in the first calendar year ending on or after the date that is 6 months after December 31, 2010, or the date of hire, whichever is later. Under this subparagraph, the applicant is entitled to one-half of the credit allowable for each new employee who is employed for at least 6 months after the date of hire; and

(B) in the first calendar year ending on or after the date that is 12 months after December 31, 2010, or the date of hire, whichever is later. Under this subparagraph, the applicant is entitled to one-half of the credit allowable for each new employee who is employed for at least 12 months after the date of hire;

(2) for all other new employees, in the first calendar year ~~years~~ ending on or after the date that is 12 months after the date of hire of

a new employee. The credit shall be allowed as a credit to an applicant for each full-time employee hired during the incentive period that results in a net increase in full-time Illinois employees, where the net increase in the employer's full-time Illinois employees is maintained for at least 12 months.

(b) The Department shall make credit awards under this Act to further job creation.

(c) The credit shall be claimed for the first calendar year ending on or after the date on which the certificate is issued by the Department.

(d) The credit shall not exceed \$2,500 per new employee hired.

(e) The net increase in full-time Illinois employees, measured on an annual full-time equivalent basis, shall be the total number of full-time Illinois employees of the applicant on June 30, 2011, minus the number of full-time Illinois employees employed by the employer on July 1, 2010. For purposes of the calculation, an employer that begins doing business in this State during the incentive period, as determined by the Director, shall be treated as having zero Illinois employees on July 1, 2010.

(f) The net increase in the number of full-time Illinois employees of the applicant under subsection (e) must be sustained continuously for at least 12 months, starting with the date of hire of a new employee during the incentive period. Eligibility for the credit does not depend on the continuous employment of any particular individual. For purposes of this subsection (f), if a new employee ceases to be employed before the completion of the 12-month period for any reason, the net increase in the number of full-time Illinois employees shall be treated as continuous if a different new employee is hired as a replacement within a reasonable time for the same position.

(Source: P.A. 96-888, eff. 4-13-10.)

(35 ILCS 25/35)

Sec. 35. Application for award of tax credit; tax credit certificate.

(a) On or after the conclusion of the 12-month period (or 6-month period, for purposes of subparagraph

(A) of item (1) of subsection (a) of Section 25) after a new employee has been hired, an applicant shall file with the Department an application for award of a credit. The application shall include the following:

(1) The names, Social Security numbers, job descriptions, salary or wage rates, and dates of hire of the new employees with respect to whom the credit is being requested, and an indication of whether each new employee listed participated as a worker-trainee in the Put Illinois to Work Program.

(2) A certification that each new employee listed has been retained on the job for one year (or 6 months, for purposes of subparagraph (A) of item (1) of subsection (a) of Section 25) from the date of hire.

(3) The number of new employees hired by the applicant during the incentive period.

(4) The net increase in the number of full-time Illinois employees of the applicant (including the new employees listed in the request) between the beginning of the incentive period and the dates on which the new employees listed in the request were hired. This requirement does not apply for tax credits the applicant is seeking because the new employee had participated as a worker-trainee in the Put Illinois to Work Program.

(5) An agreement that the Director is authorized to verify with the appropriate State agencies the information contained in the request before issuing a certificate to the applicant.

(6) Any other information the Department determines to be appropriate.

(b) Although an application may be filed at any time after the conclusion of the 12-month period (or 6-month period, for purposes of subparagraph (A) of item (1) of subsection (a) of Section 25) after a new employee was hired, an application filed more than 90 days after the earliest date on which it could have been filed shall not be awarded any credit if, prior to the date it is filed, the Department has received applications under this Section for credits totaling more than \$50,000,000.

(c) The Department shall issue a certificate to each applicant awarded a credit under this Act. The certificate shall include the following:

(1) The name and taxpayer identification number of the applicant.

(2) The date on which the certificate is issued.

(3) The credit amount that will be allowed.

(4) Any other information the Department determines to be appropriate.

(Source: P.A. 96-888, eff. 4-13-10.)

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

The foregoing message from the Senate reporting Senate Amendments numbered 1, 2 and 3 to HOUSE BILL 4599 was placed on the Calendar on the order of Concurrence.

CHANGE OF SPONSORSHIP

With the consent of the affected members, Representative Jefferson was removed as principal sponsor, and Representative Madigan became the new principal sponsor of HOUSE BILL 5424.

AGREED RESOLUTIONS

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

HOUSE RESOLUTION 1581

Offered by Representative Dugan:

Congratulates Bourbonnais Chief of Police Joseph Beard on his retirement.

HOUSE RESOLUTION 1582

Offered by Representative Currie:

Congratulates Gus Lukis on the occasion of his 51 years on 57th Street in Hyde Park and his dedication to the Hyde Park community.

HOUSE RESOLUTION 1584

Offered by Representative Tryon:
Congratulates Captain Anton C. Cundiff of the McHenry County Sheriff's Department on his retirement.

HOUSE RESOLUTION 1585

Offered by Representative Sullivan:
Congratulates Dr. Kent Bailey for his many years of service and commitment to the emergency medical field.

HOUSE RESOLUTION 1586

Offered by Representative McCarthy:
Congratulates State Representative John M. O'Sullivan on his service to the people of the State of Illinois.

HOUSE RESOLUTION 1587

Offered by Representative McCarthy:
Congratulates State Representative Michael J. Carberry on his service to the people of the State of Illinois.

**CONCURRENCES AND NON-CONCURRENCES
IN SENATE AMENDMENTS TO HOUSE BILLS**

Senate Amendments numbered 1 and 2 to HOUSE BILL 5178, having been reproduced, were taken up for consideration.

Representative Bradley moved that the House concur with the Senate in the adoption of Senate Amendments numbered 1 and 2.

And on that motion, a vote was taken resulting as follows:

113, Yeas; 0, Nays; 2, Answering Present.

(ROLL CALL 2)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendments numbered 1 and 2 to HOUSE BILL 5178.

Ordered that the Clerk inform the Senate.

DISTRIBUTION OF SUPPLEMENTAL CALENDAR

Supplemental Calendar No. 1 was distributed to the Members at 9:40 o'clock a.m.

RECALL

At the request of the principal sponsor, Representative Reitz, SENATE BILL 1927 was recalled from the order of Third Reading to the order of Second Reading.

SENATE BILL ON SECOND READING

SENATE BILL 1927. Having been recalled on January 7, 2011, the same was again taken up. Representative Reitz offered the following amendments and moved their adoption.

AMENDMENT NO. 2. Amend Senate Bill 1927, AS AMENDED, with reference to page and line numbers of House Amendment No. 1 as follows:

on page 12, line 20, by replacing "process" with "processes"; and

on page 12, line 23, by replacing "as required" with "and to retain an expert to assist in the review of contracts"; and

on page 12, line 24, by replacing "and" with ". This Code"; and

on page 27, line 4, by deleting "gasification"; and

on page 28, line 10, by deleting "and approve"; and

on page 28, line 11, by replacing "contracts, ensuring" with "contract and approve that formula if the Illinois Power Agency determines"; and

on page 28, by replacing line 22 with "subsection (h); If the Illinois Power Agency does not approve of the SNG pricing formula, then the Illinois Power Agency shall modify the formula to ensure that it meets the requirements of this subsection (h)"; and

by replacing line 25 on page 29 through line 5 on page 30 with "Illinois Power Agency may, in its discretion, retain an independent, qualified, and experienced expert to assist in its obligations under this subsection (h). The Illinois Power Agency shall adopt and make public policies detailing the processes for retaining a mediator and an expert under this subsection (h). Any mediator or expert retained under this subsection (h) shall be retained no later than 60 days after the effective date of this amendatory Act of the 96th General Assembly"; and

on page 30, line 11, after "mediator's", by inserting "and expert's"; and

on page 64, line 9, after "contracts" by inserting "entered into under subsection (h) of this Section".

AMENDMENT NO. 3. Amend Senate Bill 1927, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 26, by replacing lines 19 through 21 with the following:

"supply requirements of the utility as of 2008 ~~and the quantity of SNG supplied to a utility may not exceed 16 million MMBtus~~; and (iv) the contract costs pursuant to subsection"; and

on page 29, by replacing lines 7 through 15 with the following:

(4) allocate the nameplate capacity of the clean coal SNG facility located in Jefferson County by total therms sold to ultimate customers by each gas utility in 2008; provided, however, no utility shall be required to purchase more than 42% of the projected annual output of the facility. Additionally, the Illinois Power Agency shall further adjust the allocation only as required to take into account (A) adverse consolidation, derivative, or lease impacts to the balance sheet or income statement of any gas utility or (B) the physical capacity of the gas utility to accept SNG"; and

on page 86, line 21, by replacing "Commission" with "Illinois Commerce Commission".

The foregoing motions prevailed and the amendments were adopted.

There being no further amendment(s), the bill, as amended, was again 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 Reitz, SENATE BILL 1927 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:

83, Yeas; 31, Nays; 2, 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.

**CONCURRENCES AND NON-CONCURRENCES
IN SENATE AMENDMENTS TO HOUSE BILLS**

Senate Amendments numbered 1 and 2 to HOUSE BILL 5424, having been reproduced, were taken up for consideration.

Representative Sente moved that the House concur with the Senate in the adoption of Senate Amendments numbered 1 and 2.

And on that motion, a vote was taken resulting as follows:

102, Yeas; 11, Nays; 3, Answering Present.

(ROLL CALL 4)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendments numbered 1 and 2 to HOUSE BILL 5424.

Ordered that the Clerk inform the Senate.

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 1581, 1582, 1584, 1585, 1586 and 1587 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the agreed resolutions were adopted.

**ADJOURNMENT RESOLUTION
MESSAGES FROM THE SENATE**

A message from the Senate by

Ms. Rock, 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. 132

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, January 06, 2011, the Senate stands adjourned until Monday, January 10, 2011 at 3:00 o'clock p.m., or until the call of the President; and the House of Representatives stands adjourned until Friday, January 07, 2011, at 9:00 o'clock a.m., and when it adjourns on that day, it stands adjourned until Sunday, January 09, 2011, and when it adjourns on that day, it stands adjourned until Monday, January 10, 2011, or until the call of the Speaker.

Adopted by the Senate, January 6, 2011.

Jillayne Rock, Secretary of the Senate

Representative Currie moved the adoption of the resolution.

The motion prevailed and SENATE JOINT RESOLUTION 132 was adopted.

Ordered that the Clerk inform the Senate.

At the hour of 10:26 o'clock a.m., Representative McGuire moved that the House do now adjourn, allowing perfunctory time for the Clerk.

The motion prevailed.

[January 7, 2011]

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And in accordance therewith and pursuant to SENATE JOINT RESOLUTION 132, the House stood adjourned until Sunday, January 9, 2011, at 3:00 o'clock p.m.

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

January 07, 2011

0 YEAS

0 NAYS

116 PRESENT

P Acevedo	P Davis, William	P Kosel	P Reboletti
P Arroyo	P DeLuca	P Lang	P Reis
P Bassi	P Dugan	P Leitch	P Reitz
P Beaubien	P Dunkin	P Lilly	P Riley
P Beiser	P Durkin	P Lyons	P Rita
P Bellock	P Eddy	P Mathias	P Rose
P Berrios	P Farnham	P Mautino	P Sacia
P Biggins	P Feigenholtz	P May	P Saviano
P Boland	P Flider	P Mayfield	P Schmitz
P Bost	P Flowers	P McAsey	P Senger
P Bradley	P Ford	P McAuliffe	P Sente
P Brady	P Fortner	P McCarthy	P Smith
P Brauer	P Franks	P McGuire	P Sommer
P Burke	P Froehlich	P Mell	P Soto
P Burns	P Gabel	P Mendoza	P Stephens
P Carberry	P Golar	P Miller	P Sullivan
P Cavaletto	P Gordon, Careen	P Mitchell, Bill	P Thapedi
P Chapa LaVia	P Gordon, Jehan	P Mitchell, Jerry	P Tracy
P Coladipietro	P Hammond	P Moffitt	P Tryon
P Cole	P Hannig	P Moore	P Turner
P Collins	P Harris	E Mulligan	P Verschoore
P Colvin	P Hatcher	P Nekritz	P Wait
P Connelly	P Hays, Chad	P O'Sullivan	P Walker
P Coulson	P Hernandez	P Osmond	E Watson
P Crespo	P Hoffman	P Osterman	P Winters
P Cross	P Holbrook	P Phelps	P Yarbrough
P Cultra	P Howard	P Pihos	P Zalewski
P Currie	P Jackson	P Poe	P Mr. Speaker
P D'Amico	P Jakobsson	P Pritchard	
P Davis, Monique	P Jefferson	P Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5178
MOTOR FUEL TAX-DISTRIBUTION
MOTION TO CONCUR IN SENATE AMENDMENTS NO. 1 & 2
CONCURRED

January 07, 2011

113 YEAS

0 NAYS

2 PRESENT

Y Acevedo	Y Davis, William	Y Kosel	Y Reboletti
Y Arroyo	Y DeLuca	Y Lang	Y Reis
Y Bassi	Y Dugan	Y Leitch	Y Reitz
Y Beaubien	Y Dunkin	Y Lilly	Y Riley
Y Beiser	Y Durkin	Y Lyons	Y Rita
Y Bellock	Y Eddy	Y Mathias	Y Rose
Y Berrios	Y Farnham	Y Mautino	Y Sacia
P Biggins	Y Feigenholtz	P May	Y Saviano
Y Boland	Y Flider	Y Mayfield	Y Schmitz
Y Bost	Y Flowers	Y McAsey	Y Senger
Y Bradley	Y Ford	Y McAuliffe	Y Sente
Y Brady	Y Fortner	Y McCarthy	Y Smith
Y Brauer	Y Franks	Y McGuire	Y Sommer
Y Burke	Y Froehlich	Y Mell	Y Soto
Y Burns	Y Gabel	Y Mendoza	Y Stephens
Y Carberry	Y Golar	Y Miller	Y Sullivan
Y Cavaletto	Y Gordon, Careen	Y Mitchell, Bill	Y Thapedi
Y Chapa LaVia	Y Gordon, Jehan	Y Mitchell, Jerry	Y Tracy
Y Coladipietro	Y Hammond	Y Moffitt	Y Tryon
Y Cole	Y Hannig	Y Moore	Y Turner
Y Collins	Y Harris	E Mulligan	Y Verschoore
Y Colvin	Y Hatcher	Y Nekritz	Y Wait
Y Connelly	Y Hays, Chad	Y O'Sullivan	Y Walker
Y Coulson	Y Hernandez	Y Osmond	E Watson
Y Crespo	Y Hoffman	Y Osterman	Y Winters
Y Cross	Y Holbrook	Y Phelps	Y Yarbrough
Y Cultra	Y Howard	Y Pihos	NV Zalewski
Y Currie	Y Jackson	Y Poe	Y Mr. Speaker
Y D'Amico	Y Jakobsson	Y Pritchard	
Y Davis, Monique	Y Jefferson	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-SIXTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 1927
 IDPH-HOSPITALS-ABUSE-NEGLECT
 THIRD READING
 PASSED

January 07, 2011

83 YEAS

31 NAYS

2 PRESENT

Y Acevedo	Y Davis, William	N Kosel	Y Reboletti
Y Arroyo	Y DeLuca	Y Lang	Y Reis
N Bassi	Y Dugan	Y Leitch	Y Reitz
N Beaubien	N Dunkin	Y Lilly	Y Riley
Y Beiser	N Durkin	Y Lyons	Y Rita
N Bellock	Y Eddy	Y Mathias	Y Rose
Y Berrios	N Farnham	Y Mautino	Y Sacia
Y Biggins	N Feigenholtz	N May	Y Saviano
Y Boland	Y Flider	N Mayfield	N Schmitz
Y Bost	Y Flowers	N McAsey	Y Senger
Y Bradley	P Ford	Y McAuliffe	N Sente
Y Brady	Y Fortner	N McCarthy	Y Smith
Y Brauer	N Franks	Y McGuire	Y Sommer
Y Burke	Y Froehlich	N Mell	Y Soto
N Burns	N Gabel	Y Mendoza	Y Stephens
Y Carberry	Y Golar	Y Miller	Y Sullivan
Y Cavaletto	Y Gordon, Careen	Y Mitchell, Bill	P Thapedi
N Chapa LaVia	N Gordon, Jehan	Y Mitchell, Jerry	Y Tracy
Y Coladipietro	Y Hammond	Y Moffitt	Y Tryon
N Cole	Y Hannig	Y Moore	Y Turner
Y Collins	Y Harris	E Mulligan	Y Verschoore
Y Colvin	N Hatcher	N Nekritz	Y Wait
N Connelly	Y Hays, Chad	Y O'Sullivan	Y Walker
N Coulson	Y Hernandez	N Osmond	E Watson
N Crespo	Y Hoffman	N Osterman	Y Winters
N Cross	Y Holbrook	Y Phelps	Y Yarbrough
Y Cultra	Y Howard	Y Pihos	Y Zalewski
N Currie	Y Jackson	Y Poe	Y Mr. Speaker
Y D'Amico	N Jakobsson	Y Pritchard	
Y Davis, Monique	Y Jefferson	Y Ramey	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-SIXTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 5424
 VETERANS-NO FEE ID CARDS
 MOTION TO CONCUR IN SENATE AMENDMENTS NO. 1 & 2
 CONCURRED

January 07, 2011

102 YEAS

11 NAYS

3 PRESENT

Y Acevedo	Y Davis, William	Y Kosel	Y Reboletti
N Arroyo	N DeLuca	Y Lang	Y Reis
Y Bassi	Y Dugan	Y Leitch	Y Reitz
Y Beaubien	Y Dunkin	Y Lilly	Y Riley
Y Beiser	Y Durkin	P Lyons	Y Rita
Y Bellock	Y Eddy	Y Mathias	Y Rose
N Berrios	Y Farnham	Y Mautino	N Sacia
Y Biggins	Y Feigenholtz	Y May	Y Saviano
Y Boland	Y Flider	Y Mayfield	Y Schmitz
Y Bost	Y Flowers	Y McAsey	Y Senger
Y Bradley	N Ford	Y McAuliffe	Y Sente
Y Brady	Y Fortner	Y McCarthy	Y Smith
Y Brauer	Y Franks	Y McGuire	Y Sommer
Y Burke	Y Froehlich	Y Mell	Y Soto
Y Burns	Y Gabel	Y Mendoza	Y Stephens
N Carberry	Y Golar	Y Miller	Y Sullivan
Y Cavaletto	Y Gordon, Careen	Y Mitchell, Bill	P Thapedi
Y Chapa LaVia	Y Gordon, Jehan	Y Mitchell, Jerry	Y Tracy
Y Coladipietro	Y Hammond	N Moffitt	Y Tryon
Y Cole	Y Hannig	Y Moore	Y Turner
Y Collins	Y Harris	E Mulligan	N Verschoore
N Colvin	Y Hatcher	Y Nekritz	Y Wait
Y Connelly	Y Hays, Chad	N O'Sullivan	Y Walker
N Coulson	Y Hernandez	Y Osmond	E Watson
Y Crespo	Y Hoffman	Y Osterman	Y Winters
Y Cross	Y Holbrook	Y Phelps	Y Yarbrough
Y Cultra	Y Howard	Y Pihos	Y Zalewski
Y Currie	Y Jackson	Y Poe	Y Mr. Speaker
P D'Amico	Y Jakobsson	Y Pritchard	
Y Davis, Monique	Y Jefferson	Y Ramey	

E - Denotes Excused Absence

162ND LEGISLATIVE DAY**Perfunctory Session****FRIDAY, JANUARY 7, 2011**

At the hour of 1:35 o'clock p.m., the House convened perfunctory session.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Osmond replaced Representative Schmitz in the Committee on Human Services on January 7, 2011.

Representative Feigenholtz replaced Representative Howard in the Committee on Human Services on January 7, 2011.

Representative Walker replaced Representative Collins in the Committee on Human Services on January 7, 2011.

Representative Nekritz replaced Representative Flowers in the Committee on Human Services on January 7, 2011.

REPORT FROM STANDING COMMITTEES

Representative Jakobsson, Chairperson, from the Committee on Human Services to which the following were referred, action taken on January 7, 2011, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to SENATE BILL 3088.

The committee roll call vote on Amendment No. 2 to Senate Bill 3088 is as follows:
4, Yeas; 3, Nays; 0, Answering Present.

Y Jakobsson(D), Chairperson	Y Feigenholtz(D) (replacing Howard)
N Bellock(R), Republican Spokesperson	N Cole(R)
Y Walker(D) (replacing Collins)	Y Nekritz(D) (replacing Flowers)
N Osmond(R) (replacing Schmitz)	

HOUSE RESOLUTION

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

HOUSE RESOLUTION 1583

Offered by Representative Flider:

WHEREAS, The Reverend Dr. Martin Luther King Jr. was born on January 15, 1929; Dr. King dedicated his life to the pursuit of equality for all, regardless of race, creed, or origin; and

WHEREAS, Martin Luther King Jr. changed our nation forever through his leadership, service, and vision; and

WHEREAS, Through his determination and spirit, Martin Luther King Jr. led one of the greatest movements for equality and freedom in history; and

WHEREAS, Dr. King's movement still continues to this day; he advocated non-violent means to overcome the evil of racism in our society and broke down barriers within our society by encouraging

Americans to look past their differences; and

WHEREAS, The citizens of this great nation are challenged to demonstrate a commitment toward ending prejudice in the United States and bring to fruition Dr. King's dream of making America a better place for all; and

WHEREAS, The Reverend Dr. Martin Luther King, Jr. Steering Committee, a subcommittee of the Decatur Human Relations Commission, is hosting the 25th Annual Reverend Dr. Martin Luther King, Jr. Banquet on January 15, 2011; the theme is "Where Do You Stand?"; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize the life and legacy of Reverend Dr. Martin Luther King Jr. and urge the people of the State of Illinois and the nation at large to observe Martin Luther King Jr. Day on the third Monday of January each year.

At the hour of 1:35 o'clock p.m., the House Perfunctory Session adjourned.