

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-SEVENTH GENERAL ASSEMBLY

149TH LEGISLATIVE DAY

PERFUNCTORY SESSION

WEDNESDAY, JUNE 27, 2012

9:30 O'CLOCK A.M.

**HOUSE OF REPRESENTATIVES
Daily Journal Index
149th Legislative Day**

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

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

REPORTS

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

Statewide Financial Audit for Year Ended June 30, 2011, submitted by Office of the State Comptroller on June 12, 2012.

Illiana Expressway Act Monthly Status Report, submitted by the Illinois Department of Transportation on June 7, 2012.

Financial Audit for the Year Ended June 30, 2011, submitted by the Illinois Department of Transportation on June 4, 2012.

Northern Illinois University Compliance and Single Audit for Year Ended June 30, 2011, submitted by the Office of the Auditor General on June 4, 2012.

Financial Audit of Boone/Winnebago Counties Regional Office of Education #4 for Year Ended June 30, 2011, submitted by the Office of Auditor General on June 4, 2012.

Whiteside County Regional Office of Education No. 55 Financial Audit for Year Ended June 30, 2011, submitted by the Office of the Auditor General on May 31, 2012.

Financial Statements for the Metropolitan Pier and Exposition Authority For the Nine Month Ended March 31, 2012, submitted by the Metropolitan Pier and Exposition Authority on June 7, 2012.

Carroll, Jo Daviess, and Stephenson Counties Regional Office of Education #8 Financial Audit For the Year Ended June 30, 2011, submitted by the Office of the Auditor General on June 7, 2012.

Logan, Mason, Menard Counties Regional Office of Education No. 38 for the Year Ended June 30, 2011, submitted by the Office of the Auditor General on June 7, 2012.

Financial Audit for the Year Ended June 30, 2011, submitted by the Illinois State Board of Education On June 7, 2012.

Quality Energy Conservation Bonds as of June 14, 2012, submitted by the Illinois Finance Authority on June 18, 2012.

Financial Audit for the Year Ended June 30, 2011, submitted by the Illinois Department of Revenue on June 19, 2012.

Compliance Examination for the Two Years Ended June 30, 2011, submitted by the Illinois Secretary of State on June 19, 2012.

Financial Audit for the Year Ended June 30, 2011, submitted by the Illinois Secretary of State on June 19, 2012.

Drycleaner Environmental Response Trust Fund Council Compliance Examination for the One Year Ended June 30, 2011, submitted by the Office of the Auditor General on June 17, 2012.

Financial Audit for Regional Office of Education #2 Alexander, Johnson, Massac, Pulaski and Union Counties, submitted by the Office of the Auditor General on June 17, 2012.

Financial Audit for Madison County Regional Office of Education No. 41 for the Year Ended June 30, 2011, submitted by the Office of the Auditor General on June 17, 2012.

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Financial Auditor for Regional Office of Education No. 44 for the Year Ended June 30, 2011, submitted by the Office of the Auditor General on June 17, 2012.

Report #15 to the Taxpayer Accountability and Budget Stabilization Act (P.A. 96-1496), submitted by the Office of the Auditor General on June 20, 2012.

LETTERS OF TRANSMITTAL

June 27, 2012

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

Dear Clerk Mapes:

Pursuant to House Rule 9(a), by this letter I am establishing that the House of Representatives will be in **Perfunctory Session** on **Wednesday, June 27, 2012**.

With kindest personal regards, I remain.

Sincerely yours,

s/Michael J. Madigan
Speaker of the House

June 6, 2012

Timothy D. Mapes
Clerk of the House
House of Representatives
300 Capitol Building
Springfield, IL 62706

Dear Mr. Clerk:

Please be advised that Representative Skip Saviano will serve as Assistant Republican Leader for the 97th General Assembly.

If you have any questions regarding this appointment, please feel free to contact me.

Sincerely,

s/Tom Cross
House Republican Leader

June 11, 2012

Timothy D. Mapes
Clerk of the House
HOUSE OF REPRESENTATIVES
300 Capitol Building
Springfield, IL 62706

Dear Mr. Clerk:

Pursuant to House Rule 94, I appoint the following to the **House Select Committee on Discipline** for the purposes of hearing charges against Representative Derrick Smith.

Representative Barbara Flynn Currie, Chair
Representative Edward Acevedo
Representative Greg Harris
Representative Al Riley
Representative Camille Lilly
Representative Kim du Buclet

These appointments are effective immediately. If you have any questions, please contact my office.

With kindest personal regards, I remain

Sincerely yours,

s/Michael J. Madigan
Speaker of the House

June 13, 2012

Timothy D. Mapes
Clerk of the House
House of Representatives
300 Capitol Building
Springfield, IL 62706

Dear Mr. Clerk:

Pursuant to House Rule 94, I appoint the following to the **House Select Committee on Discipline** for the purposes of hearing charges against Representative Derrick Smith.

Representative Chapin Rose, Spokesperson
Representative Michael Connelly
Representative Renée Kosel
Representative Sid Mathias
Representative Chris Nybo
Representative Joe Sosnowski

Thank you for your attention to this matter.

Sincerely,

s/Tom Cross
House Republican Leader

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Durkin replaced Representative Leitch in the Committee on Rules on June 27, 2012.

Representative Greg Harris replaced Representative Mautino in the Committee on Rules on June 27, 2012.

Representative David Harris replaced Representative Mathias in the House Select Committee on Discipline on June 27, 2012.

REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on June 27, 2012, reported the same back with the following recommendations:

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Public Utilities: HOUSE RESOLUTION 1157.

The committee roll call vote on the foregoing Legislative Measure is as follows:
4, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson

Y Lang(D)

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

A Schmitz(R), Republican Spokesperson

Y Durkin(R) (replacing Leitch)

REPORT FROM SPECIAL INVESTIGATING COMMITTEE

Representative Currie, Chairperson, from the Special Investigating Committee reported the filing of the following report on June 6, 2012:

GENERAL ASSEMBLY
STATE OF ILLINOIS
HOUSE OF REPRESENTATIVES
SPECIAL INVESTIGATING COMMITTEE OF THE NINETY-SEVENTH GENERAL ASSEMBLY

Chair

Rep. Elaine Nekritz

Minority Spokesman

Rep. Dennis M. Reboletti

Members

Rep. William Davis

Rep. JoAnn D. Osmond

Rep. André M. Thapedi

Rep. Jil Tracy

Report of the Special Investigating Committee:

**Statement of Charges and Specifications
Against Representative Derrick Smith
and Appointment of House Managers**

Filed June 6, 2012

**THE SPECIAL INVESTIGATING COMMITTEE OF THE ILLINOIS HOUSE OF REPRESENTATIVES, 97TH
GENERAL ASSEMBLY, REPORTS AS FOLLOWS:**

PREAMBLE

WHEREAS, Illinois State Representative Derrick Smith, representing the 10th Representative District in the State of Illinois (“Rep. Smith”), was arrested on March 13, 2012, by federal agents on the charge of violating 18 U.S.C. § 666(a)(1)(B), namely a charge that Rep. Smith accepted a cash bribe in exchange for recommending an Early Childhood Construction Grant (an “ECC Grant”) to the Capital Development Board, an Illinois state agency; and

WHEREAS, on March 12, 2012, a Criminal Complaint was filed in the United States District Court for the Northern District of Illinois, Eastern Division against Rep. Smith (the “Criminal Complaint”) alleging that Rep. Smith violated 18 U.S.C. § 666(a)(1)(B) by accepting a cash bribe in exchange for recommending an ECC Grant to the Capital Development Board, an Illinois state agency; and

WHEREAS, attached to the Criminal Complaint was an Affidavit sworn to and signed by Special Agent Bryan M. Butler of the Federal Bureau of Investigation (the “Butler Affidavit”), which contained numerous factual allegations supporting the ultimate allegation that Rep. Smith violated 18 U.S.C. § 666(a)(1)(B) by accepting a cash bribe in exchange for recommending an ECC Grant to the Capital Development Board, an Illinois state agency; and

WHEREAS, the Butler Affidavit alleges that Rep. Smith was covertly recorded engaging in several discussions with an individual cooperating with the federal government, known as the “Cooperating Source,” between December, 2011 and March, 2012; and

WHEREAS, the Butler Affidavit alleges that Rep. Smith and the Cooperating Source were covertly recorded on several occasions in which Rep. Smith indicated that, in exchange for a cash bribe, Rep. Smith would be willing to write a letter on behalf of a daycare center in support of an ECC Grant from the Capital Development Board; and

WHEREAS, the Butler Affidavit alleges that Rep. Smith and the Cooperating Source were covertly recorded discussing on several occasions that the cash bribe Rep. Smith would accept in exchange for writing that letter of support would be in the amount of \$7,000; and

WHEREAS, the Butler Affidavit alleges that Rep. Smith did, in fact, sign a letter of support for an ECC Grant for the above-mentioned daycare center, and that he did so on official state letterhead; and

WHEREAS, the Butler Affidavit alleges that, in exchange for writing this letter of support, Rep. Smith did, in fact, accept \$7,000 in cash; and

WHEREAS, on April 10, 2012, a federal grand jury indicted Rep. Smith on the charge of violating 18 U.S.C. § 666(a)(1)(B), which indictment further contained a forfeiture allegation pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) for unrecovered proceeds approximating \$4,500 of the cash bribe that Rep. Smith was alleged to have received; and

WHEREAS, on March 21, 2012, pursuant to Rule 91 of the Rules of the Illinois House of Representatives for the 97th General Assembly (“House Rule 91”), five members of the Illinois House of Representatives filed a petition (the “Petition”) containing suggested charges against Rep. Smith that outlined the allegations contained in the Criminal Complaint and the Butler Affidavit; and

WHEREAS, pursuant to House Rule 91, following the filing of the Petition on March 21, 2012, this Special Investigating Committee (“SIC”) was formed, consisting of three members appointed by the Speaker of the House and three members appointed by the Minority Leader of the House; and

WHEREAS, the SIC held a public hearing on March 27, 2012, at which State Representative Jim Sacia, one of the signatories to the Petition, submitted a suggested charge as follows:

Representative Smith provided an official letter of support on his letterhead for a daycare owner’s application for a state grant from the [Illinois] Capital Development Board in exchange for personally accepting a \$7,000 bribe.

and

WHEREAS, the SIC engaged in written and oral communications with the United States Attorney for the Northern District of Illinois in an attempt to determine (i) whether the SIC could obtain evidence in the U.S. Attorney’s possession and (ii) whether the U.S. Attorney would consider any independent investigation by the SIC to be an interference with the federal investigation; and

WHEREAS, the U.S. Attorney informed the SIC that he could not provide the SIC with any information or evidence in his possession and that he would consider an independent investigation by the SIC to constitute an interference with his federal investigation, which he characterized as “ongoing”; and

WHEREAS, the SIC held subsequent public hearings on April 26, 2012, and May 10, 2012, prior to the drafting of this Statement of Charges and Specifications; and

WHEREAS, the SIC has entered into the Record eleven exhibits, including Exhibit 11, which was recently received from Rep. Smith's counsel and which has been entered into the Record by unanimous consent of the SIC members; and

WHEREAS, the exhibits, public notices, and transcripts of hearings are included in the Record (the "SIC Record"), available for public view on the General Assembly's website at <http://www.ilga.gov/house/committees/Reports.asp?CommitteeID=1169&GA=97>; and

WHEREAS, the SIC Record is adopted and incorporated herein as if fully set forth; and

WHEREAS, the SIC has given ample notice to Rep. Smith and his attorney of every hearing and has confirmed with Rep. Smith's attorney that he has received such notice; and

WHEREAS, the SIC has given Rep. Smith the opportunity to testify under oath but he has declined to do so; and

WHEREAS, the SIC has given Rep. Smith's attorney the opportunity to specifically admit or deny various allegations in the Butler Affidavit but he has declined to do so; and

WHEREAS, the SIC has given Rep. Smith the opportunity to provide the SIC with any information he deems relevant to the SIC's investigation; and

WHEREAS, the Butler Affidavit contains alleged lengthy excerpts of statements that were recorded and attributed to Rep. Smith that indicate that Rep. Smith was intentionally and knowingly trading a letter of support for an ECC Grant for a cash bribe of \$7,000; and

WHEREAS, Rep. Smith's refusal to testify under oath, while within his rights, is an impediment to the SIC's fact-finding mission and permits (but does not require) an inference that Rep. Smith did not deny the allegations in the Butler Affidavit because he could not truthfully deny them under oath; and

WHEREAS, the allegations contained in the Criminal Complaint and the Butler Affidavit, if true, constitute a gross breach of Rep. Smith's public duties as a State Representative and constitute misconduct that warrants further consideration by the Select Committee on Discipline;

NOW, THEREFORE, the Special Investigating Committee finds that reasonable grounds exist to bring a charge against State Representative Derrick Smith for formal disciplinary action by the House as follows:

CHARGE AND SPECIFICATIONS

Charge: **Representative Derrick Smith abused the power of his office by participating in a scheme to obtain a personal benefit in exchange for his official acts.**

Specifications

Some or all of the following specifications support this Charge:

1. Representative Smith, in his official capacity as a State Representative, has an obligation to faithfully discharge his duties in the best interests of the people of the State of Illinois and not for his own personal benefit;
2. During the time period beginning on or about December, 2011 through March, 2012, Representative Smith agreed that, in exchange for a cash bribe, he would provide an official letter of support for a daycare's Early Childhood Construction Grant to the Illinois Capital Development Board;
3. On or about March 1, 2012, Representative Smith did, in fact, sign this official letter of support in his official capacity as a State Representative and planned or intended for that letter to be submitted to the Illinois Capital Development Board;
4. On or about March 10, 2012, Representative Smith did, in fact, receive a cash bribe in exchange for providing this official letter of support;
5. Accepting a cash bribe in exchange for an official act, or even plotting or attempting to do so, constitutes a breach of Representative Smith's obligation as a public official to faithfully discharge his duties in the best interests of the people of the State of Illinois and warrants disciplinary action by the House of Representatives.

APPOINTMENT OF HOUSE MANAGERS

The Special Investigating Committee, having determined to prefer a formal statement of charges and specifications against Representative Derrick Smith by unanimous vote, hereby appoints the following members of the House of Representatives to serve as House Managers to present the case for disciplinary action before the Select Committee on Discipline: **Representative Lou Lang** from the Majority Caucus and **Representative Jim Durkin** from the Minority Caucus.

Signed by the Members of the Special Investigating Committee this fifth day of June, 2012:

s/Elaine Nekritz
Chair

s/Dennis M. Reboletti
Minority Spokesman

s/William Davis
Representative

s/JoAnn D. Osmond
Representative

s/André M. Thapedi
Representative

s/Jil Tracy
Representative

MESSAGES FROM THE SENATE

A message from the Senate by
Mr. Anderson, 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. 38

A bill for AN ACT concerning professional regulation.
House Amendment No. 5 to SENATE BILL NO. 38.
Action taken by the Senate, May 31, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by
Mr. Anderson, 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. 179

A bill for AN ACT concerning government.
House Amendment No. 1 to SENATE BILL NO. 179.
House Amendment No. 2 to SENATE BILL NO. 179.
Action taken by the Senate, May 31, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by
Mr. Anderson, 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. 549

A bill for AN ACT concerning local government.
House Amendment No. 2 to SENATE BILL NO. 549.
Action taken by the Senate, May 31, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by
Mr. Anderson, 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. 1900

A bill for AN ACT concerning revenue.
House Amendment No. 1 to SENATE BILL NO. 1900.

House Amendment No. 2 to SENATE BILL NO. 1900.
Action taken by the Senate, May 31, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by
Mr. Anderson, 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. 3262

A bill for AN ACT concerning liquor.
House Amendment No. 1 to SENATE BILL NO. 3262.
Action taken by the Senate, May 31, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by
Mr. Anderson, 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. 3428

A bill for AN ACT concerning education.
House Amendment No. 1 to SENATE BILL NO. 3428.
House Amendment No. 2 to SENATE BILL NO. 3428.
Action taken by the Senate, May 31, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by
Mr. Anderson, 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. 3514

A bill for AN ACT concerning government.
House Amendment No. 1 to SENATE BILL NO. 3514.
House Amendment No. 2 to SENATE BILL NO. 3514.
House Amendment No. 3 to SENATE BILL NO. 3514.
Action taken by the Senate, May 31, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by
Mr. Anderson, 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. 3766

A bill for AN ACT concerning public utilities.
House Amendment No. 1 to SENATE BILL NO. 3766.
Action taken by the Senate, May 31, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by
Mr. Anderson, 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. 3616

A bill for AN ACT concerning revenue.
House Amendment No. 1 to SENATE BILL NO. 3616.
Action taken by the Senate, May 31, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by
Mr. Anderson, 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. 3621

A bill for AN ACT concerning State government.
House Amendment No. 1 to SENATE BILL NO. 3621.
Action taken by the Senate, May 31, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by
Mr. Anderson, 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. 2537

A bill for AN ACT concerning criminal law, which may be referred to as Caylee's law.
House Amendment No. 1 to SENATE BILL NO. 2537.
House Amendment No. 2 to SENATE BILL NO. 2537.
House Amendment No. 3 to SENATE BILL NO. 2537.
House Amendment No. 5 to SENATE BILL NO. 2537.
Action taken by the Senate, May 31, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by
Mr. Anderson, 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. 3592

A bill for AN ACT concerning civil law.
House Amendment No. 1 to SENATE BILL NO. 3592.
House Amendment No. 2 to SENATE BILL NO. 3592.
House Amendment No. 3 to SENATE BILL NO. 3592.
Action taken by the Senate, May 31, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by
Mr. Anderson, 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 1489

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. 2 to HOUSE BILL NO. 1489

Senate Amendment No. 4 to HOUSE BILL NO. 1489

Senate Amendment No. 5 to HOUSE BILL NO. 1489

Passed the Senate, as amended, May 31, 2012.

Tim Anderson, Secretary of the Senate

The foregoing message from the Senate reporting Senate Amendments numbered 2, 4 and 5 to HOUSE BILL 1489 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Mr. Anderson, 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. 1849

A bill for AN ACT concerning gaming.

House Amendment No. 2 to SENATE BILL NO. 1849.

House Amendment No. 3 to SENATE BILL NO. 1849.

Action taken by the Senate, May 31, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by

Mr. Anderson, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has receded from their amendment 1 to a bill of the following title, to-wit:

HOUSE BILL NO. 4692

A bill for AN ACT concerning transportation.

Action taken by the Senate, May 31, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by

Mr. Anderson, Secretary:

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

HOUSE BILL NO. 4320

A bill for AN ACT concerning gaming.

Passed by the Senate, May 31, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by

Mr. Anderson, 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 1076

A bill for AN ACT concerning 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. 1076

Senate Amendment No. 2 to HOUSE BILL NO. 1076

Passed the Senate, as amended, June 1, 2012.

Tim Anderson, Secretary of the Senate

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 1076 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Mr. Anderson, Secretary:

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

HOUSE BILL NO. 4239

A bill for AN ACT concerning revenue.

Passed by the Senate, June 1, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by

Mr. Anderson, 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 5865

A bill for AN ACT concerning public employee benefits.

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. 5865

Passed the Senate, as amended, September 26, 2012.

Tim Anderson, Secretary of the Senate

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 5865 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Mr. Anderson, 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. 3442

A bill for AN ACT concerning safety.

House Amendment No. 1 to SENATE BILL NO. 3442.

Action taken by the Senate, June 1, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by

Mr. Anderson, Secretary:

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

HOUSE BILL NO. 5192

A bill for AN ACT concerning revenue.
Passed by the Senate, June 1, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by
Mr. Anderson, 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. 79
Concurred in the Senate, June 1, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by
Mr. Anderson, 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. 88
Concurred in the Senate, June 1, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by
Mr. Anderson, 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. 93
Concurred in the Senate, June 1, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by
Mr. Anderson, 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. 94
Concurred in the Senate, June 1, 2012.

Tim Anderson, Secretary of the Senate

A message from the Senate by
Mr. Anderson, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 184

A bill for AN ACT concerning government.
Passed by the Senate, June 1, 2012.

Tim Anderson, Secretary of the Senate

The foregoing SENATE BILL 184 was ordered reproduced and placed on the appropriate order of business.

SENATE BILLS ON FIRST READING

Having been reproduced, the following bills were taken up, read by title a first time and placed in the Committee on Rules: SENATE BILLS 184 (Unes) and 2365 (Madigan).

HOUSE RESOLUTION

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

HOUSE RESOLUTION 1157

Offered by Representative Lang:

WHEREAS, The 97th Illinois General Assembly passed Senate Bill 1652 and House Bill 3036 with supermajority votes in both legislative chambers; Senate Bill 1652 became law on October 26, 2011 as Public Act 97-616 and House Bill 3036 became law on December 30, 2011 as Public Act 97-646; and

WHEREAS, Public Act 97-616, which is commonly referred to as the Energy Infrastructure Modernization Act, confers substantial benefits upon the State's electric utility customers; it established detailed infrastructure investment plans to modernize and upgrade the State's aging electric grid in order to ensure the continued provision of safe, reliable, and affordable service to Illinoisans; participating utilities that elect to undertake the infrastructure investment plan may recover their costs through a performance-based formula rate tariff mechanism, which was designed to increase predictability, stability, and transparency in the ratemaking process; and

WHEREAS, Public Act 97-646 was enacted as "trailer legislation" to Public Act 97-616 with the intent to amend the Energy Infrastructure Modernization Act to provide additional benefits to customers; and

WHEREAS, To make this investment possible, the performance-based formula rate tariff must, among other things, establish and set forth certain protocols providing that participating utilities recover the costs of service and these investments, including, but not limited to, allowing for the recovery of an "investment return on pension assets net of deferred tax benefits equal to the utility's long-term debt cost of capital as of the end of the applicable calendar year", which is set forth in subparagraph (D) of paragraph (4) of subsection (c) of Section 16-108.5 of the Public Utilities Act; and

WHEREAS, In so providing, the General Assembly did not, and did not intend to, overturn or generally depart from Illinois Commerce Commission practice and law regarding the establishment of these protocols, including the electric utility's ability to continue to recover a return on its pension assets as the Commission has previously allowed; and

WHEREAS, No statutory authority was given to the Illinois Commerce Commission to deny recovery of a return on what is commonly referred to as, what is reported in the Federal Energy Regulatory Commission Form 1 (FERC Form 1) as, and what the General Assembly regarded to be a pension asset; and

WHEREAS, The Energy Infrastructure Modernization Act further provides in subsections (c) and (d) of Section 16-108.5 that those amounts to be credited or charged to customers following the annual reconciliation process under the performance-based formula rate shall be "with interest" so the utility will be made whole for unrecovered amounts that were prudently and reasonably incurred and customers will be made whole for amounts they overpaid, if any; and

WHEREAS, Such interest is intended to be set at the utility's weighted average cost of capital, determined in accordance with the statute, which represents the reasonable cost and means of financing a utility's investments and operating costs, so that the utility and customers are made whole when charges or credits are necessary to reconcile to actual prudent and reasonable investments and costs; and

WHEREAS, The Energy Infrastructure Modernization Act also provides that the final year-end cost data filed in FERC Form 1 should generally be used to determine rates; and

WHEREAS, No statutory authority was given to the Illinois Commerce Commission to set rate base and capital structure using average numbers that do not represent final year-end values reflected in the FERC

Form 1, and the Illinois Commerce Commission's use of such average is contrary to the statute; and

WHEREAS, The Illinois Supreme and Appellate Courts have consistently held that, because the administrative agencies are creatures of statute, administrative agencies possess only those powers expressly delegated by law and may not act beyond its statutorily delegated authority; and

WHEREAS, The Illinois Supreme and Appellate Courts have consistently held that public policy in Illinois is expressed by the General Assembly, and it is not the province of an administrative agency to inquire into the wisdom and propriety of the legislature's act or to substitute its own judgment for that of the legislature; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we express serious concerns that the Illinois Commerce Commission Order, entered on May 29, 2012 in Commission Docket No. 11-0721, fails to reflect the statutory directives and the intent of the Illinois General Assembly by: (1) not allowing Commonwealth Edison Company to earn a return on what is commonly referred to as, identified in the FERC Form 1 as, and what the General Assembly referred to as a pension asset in subparagraph (D) of paragraph (4) of subsection (c) of Section 16-108.5; (2) assessing interest on those amounts to be credited or charged to customers as set forth in subsection (d) of Section 16-108.5 of the Public Utilities Act at an amount that is not based on the utility's weighted average cost of capital; and (3) determining rate base and capital structure using an average, rather than the year-end amounts as reflected in FERC Form 1; and be it further

RESOLVED, That we urge that the Illinois Commerce Commission rehear the matter and, upon rehearing, reach a decision that reflects statutory directives and the intent of the Illinois General Assembly in passing Public Acts 97-616 and 97-646 as reaffirmed in this resolution; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Governor of the State of Illinois and the Chairman and Commissioners of the Illinois Commerce Commission.

INTRODUCTION AND FIRST READING OF BILLS

The following bills were introduced, read by title a first time, ordered reproduced and placed in the Committee on Rules:

HOUSE BILL 6189. Introduced by Representative Rita, AN ACT concerning public aid.

HOUSE BILL 6190. Introduced by Representative Howard, AN ACT concerning economic development.

HOUSE BILL 6191. Introduced by Representative Burke, Kelly, AN ACT concerning civil law.

HOUSE BILL 6192. Introduced by Representative Burke, Kelly, AN ACT concerning civil law.

HOUSE BILL 6193. Introduced by Representative Mitchell, Jerry, AN ACT concerning education.

HOUSE BILL 6194. Introduced by Representatives Morthland - Mitchell, Jerry, AN ACT concerning local government.

HOUSE BILL 6195. Introduced by Representative Morthland, AN ACT concerning criminal law.

HOUSE BILL 6196. Introduced by Representative Cole, AN ACT concerning revenue.

At the hour of 9:31 o'clock a.m., the House Perfunctory Session adjourned.