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NINETY-FOURTH GENERAL ASSEMBLY

113TH LEGISLATIVE DAY

Perfunctory Session

TUESDAY, NOVEMBER 21, 2006

12:00 O'CLOCK P.M.

NO. 113

[November 21, 2006]

SENATE
Daily Journal Index
113th Legislative Day

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The Senate met pursuant to adjournment.
Pursuant to the Senate Rule 2-5(c)2, the Secretary of the Senate conducted the perfunctory session.
Silent prayer was observed.

MESSAGE FROM THE PRESIDENT

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

November 16, 2006

Ms. Linda Hawker
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 2-10, I am scheduling Tuesday, November 21, 2006 as a perfunctory session day.

Very truly yours,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Legislative Reference Bureau's 2006 Case Report, submitted by the Legislative Reference Bureau.

FY 2007 Economic and Revenue Update, submitted by the Commission on Government Forecasting and Accountability.

2006 Bonded Indebtedness Report of the State of Illinois, submitted by the Commission on Government Forecasting and Accountability.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 1896, sponsored by Senator Viverito, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4344, sponsored by Senator Munoz, was taken up, read by title a first time and referred to the Committee on Rules.

CORRECTED REPORT FROM RULES COMMITTEE

[November 21, 2006]

Senator Viverito, Chairperson of the Committee on Rules, issued the following Corrected Report #2 from its November 16, 2006 meeting.

The following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

State Government: **HOUSE BILL 1896.**

Transportation: **HOUSE BILL 4344.**

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 1989

A bill for AN ACT concerning drilling operations.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1989

Passed the House, as amended, November 16, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1989

AMENDMENT NO. 1. Amend Senate Bill 1989 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Sections 4.18 and 4.26 as follows:
(5 ILCS 80/4.18)

Sec. 4.18. Acts repealed January 1, 2008. The following Acts are repealed on January 1, 2008:

The Acupuncture Practice Act.

The Clinical Social Work and Social Work Practice Act.

The Home Medical Equipment and Services Provider License Act.

The Nursing and Advanced Practice Nursing Act.

~~The Illinois Petroleum Education and Marketing Act.~~

The Illinois Speech-Language Pathology and Audiology Practice Act.

The Marriage and Family Therapy Licensing Act.

The Nursing Home Administrators Licensing and Disciplinary Act.

The Pharmacy Practice Act of 1987.

The Physician Assistant Practice Act of 1987.

The Podiatric Medical Practice Act of 1987.

The Structural Pest Control Act.

(Source: P.A. 94-754, eff. 5-10-06.)

(5 ILCS 80/4.26)

Sec. 4.26. ~~Acts~~ Act repealed on January 1, 2016. The following Acts ~~are~~ Act is repealed on January 1, 2016:

The Illinois Athletic Trainers Practice Act.

The Illinois Roofing Industry Licensing Act.

The Illinois Dental Practice Act.

The Collection Agency Act.

The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985.

The Respiratory Care Practice Act.

The Hearing Instrument Consumer Protection Act.

The Illinois Physical Therapy Act.

The Professional Geologist Licensing Act.

~~The Illinois Petroleum Education and Marketing Act.~~

(Source: P.A. 94-246, eff. 1-1-06; 94-254, eff. 7-19-05; 94-409, eff. 12-31-05; 94-414, eff. 12-31-05;

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94-451, eff. 12-31-05; 94-523, eff. 1-1-06; 94-527, eff. 12-31-05; 94-651, eff. 1-1-06; 94-708, eff. 12-5-05; revised 12-8-05.)

Section 10. The Illinois Petroleum Education and Marketing Act is amended by changing Sections 5, 10, 15, 30, 35, and 45 and by adding Section 27 as follows:

(225 ILCS 728/5)

(Section scheduled to be repealed on January 1, 2008)

Sec. 5. Definitions. As used in this Act:

"Board" means the Illinois Petroleum Resources Board.

"Department" means the Department of Natural Resources.

"First purchaser" means any person who buys Illinois crude oil or Illinois gas.

"Interest owner" means a person who owns or possesses an interest in the gross production of oil or gas produced from a well in Illinois.

"Person" means an individual, group of individuals, partnership, corporation, association, limited liability company, cooperative, or any other entity or an employee of the entity.

"Producer" means a person who produces oil and gas or who derives a majority of his or her oil and gas income from working interest.

"Qualified producer association" means an entity that is organized and operating within the State and that represents oil and gas producers on a Statewide basis.

(Source: P.A. 92-610, eff. 7-1-02.)

(225 ILCS 728/10)

(Section scheduled to be repealed on January 1, 2008)

Sec. 10. Illinois Petroleum Resources Board.

(a) There is hereby created until January 1, ~~2016~~ ~~2008~~, the Illinois Petroleum Resources Board, which shall be subject to the provisions of the Regulatory Sunset Act. The purpose of the Board is to coordinate a program designed to demonstrate to the general public the importance of the Illinois oil and gas exploration and production industry, to encourage the wise and efficient use of energy, to promote environmentally sound production methods and technologies, to develop existing supplies of State oil and gas resources, and to support research and educational activities concerning the oil and gas exploration and production industry.

(b) The Board shall be composed of 12 members to be appointed as follows:

(1) Through December 31, 2006, by the Governor. ~~The Governor~~ shall make appointments from a list of names submitted by qualified

producer associations, of which 10 shall be oil and gas producers.

(2) Beginning January 1, 2007, all appointments shall be made by the qualified producer associations.

(c) A member of the Board shall:

(1) be at least 25 years of age;

(2) be a resident of the State of Illinois; and

(3) have at least 5 years of active experience in the oil industry.

(d) Members shall serve for a term of 3 years, except that of the initial appointments, 4 members shall serve for one year, 4 members for 2 years, and 4 members for 3 years.

(e) Vacancies shall be filled for the unexpired term of office in the same manner as the original appointment.

(f) The Board shall, at its first meeting, elect one of its members as chairperson, who shall preside over meetings of the Board and perform other duties that may be required by the Board. The first meeting of the Board shall be called by the Governor.

(g) No member of the Board shall receive a salary or reimbursement for duties performed as a member of the Board, except that members are eligible to receive reimbursement for travel expenses incurred in the performance of Board duties.

(Source: P.A. 92-610, eff. 7-1-02; 92-651, eff. 7-11-02; revised 8-12-02.)

(225 ILCS 728/15)

(Section scheduled to be repealed on January 1, 2008)

Sec. 15. Board powers and duties. The Board shall have the following powers and duties:

(1) To administer and enforce the provisions of this Act.

(2) To establish an office for the Board within the State of Illinois.

(3) To elect a chairperson and any other officers that may be necessary to direct the operations of the Board.

(4) To employ personnel as shall be deemed necessary to carry out the purpose and

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provisions of this Act and to prescribe their duties and fix their compensation.

(5) To receive and administer all assessments, donations, grants, contributions, and gifts received by the Board pursuant to this Act and to deposit them into accounts maintained by the Board ~~the Petroleum Resources Revolving Fund.~~

(6) To annually establish priorities and approve a prepared or disapprove the budget consistent with estimated resources of the Board.

(7) To adopt rules as it deems necessary to carry out the provisions of this Act.

(8) To enter into contracts or agreements for studies, research projects, experimental work, supplies, or other services to carry out the purposes of this Act and to incur those expenses necessary to carry out those purposes. A contract or agreement entered into under this item shall provide that:

(A) the person entering the contract or agreement on behalf of the Board shall develop and submit to the Board a plan or project together with a budget that shows estimated costs to be incurred for the plan or project; and

(B) the person entering the contract or agreement shall keep accurate records of all of its transactions, account for funds received and expended, and make periodic reports to the Board of activities conducted and other reports that the Board may require.

(9) To keep accurate records of all financial transactions performed pursuant to this Act. These records shall be audited annually by an independent auditor who is a certified public accountant and has been selected by the Board, and an annual report shall be compiled and made available to any interest owner and filed with the Department presented to the Governor.

(10) To cooperate with any private, local, state, or national commission, organization, agency, or group and to make contracts and agreements for joint programs beneficial to the oil and gas industry.

(11) To accept donations, grants, contributions, and gifts from any public or private source and deposit them into accounts maintained by the Board ~~the Petroleum Resources Revolving Fund.~~

(12) To keep an accurate record of all assessments collected.

(Source: P.A. 90-614, eff. 7-10-98.)

(225 ILCS 728/27 new)

Sec. 27. Petroleum Resources Revolving Fund abolished; moneys and assets transferred to Board. On January 1, 2007, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall pay the remaining balance in the Petroleum Revolving Fund to the Board. Upon the completion of this payment, the Fund is abolished, and any future deposits due to the Fund and any outstanding obligations or liabilities of the Fund pass to the Board. In addition, ownership of all assets in the possession of the Board that are property of the State shall be transferred to the Board.

(225 ILCS 728/30)

(Section scheduled to be repealed on January 1, 2008)

Sec. 30. Assessment on oil and gas production.

(a) To fund the activities of the Illinois Petroleum Resources Board, an assessment shall be levied in the amount of one-tenth of 1% of gross revenues of oil and gas produced from each well in the State of Illinois.

(b) The assessment levied by subsection (a) of this Section shall be deducted from the proceeds of production and collected by the first purchaser. The assessment, which is imposed on the interest owner, shall be remitted to the Board ~~Department of Revenue~~ by the first purchaser on an assessment form provided by the Board, along with any other requested production records in compliance with assessment payments and enforcement provisions of this Act and rules adopted by the Board. The remittance and specified data shall be delivered to the Board no later than the 15th day of each month following the end of the month in which the assessment was collected. The Board shall deposit the assessment into accounts, operating or reserve, to be used as authorized by this Act a tax return filed no later than the 15th day of each month following the end of the month in which the assessment was collected. To defray the costs of receiving and depositing the assessments levied by this Section, the Department of Revenue shall retain \$750 per month of the assessments received for deposit into the Tax Compliance and Administration Fund. The remaining moneys received by the Department of Revenue pursuant to this Section shall be deposited into the Illinois Petroleum Resources Revolving Fund.

(c) The Board shall be responsible for taking appropriate legal actions to collect any assessment which is not paid or is not properly paid.

(Source: P.A. 92-610, eff. 7-1-02.)

(225 ILCS 728/35)

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(Section scheduled to be repealed on January 1, 2008)

Sec. 35. Refunds.

(a) Any person subject to the assessment levied by Section 30 of this Act may request a refund as provided in this Section of the assessment paid on production for the preceding calendar year. Upon compliance with the provisions of this Section and rules adopted by the Board to implement this Section, the Board shall refund to each person requesting a refund the amount of the assessment paid by or on behalf of the person during the preceding calendar year. Refunds made to producers will include interest earned at the rate equal to the average United States Treasury bill rate of the preceding calendar year as documented from government sources certified by the State Treasurer.

(b) The request for a refund of the assessment paid on production for the preceding calendar year must be made during the first 3 calendar months following the calendar year for which the refund is requested. Failure to request a refund during this period shall terminate the right of any person to receive a refund for the assessment paid on production for the preceding calendar year. The Board shall give notice of the availability of the refund through press releases or another means it deems appropriate.

(c) Each person requesting a refund shall execute an affidavit showing the amount of refund requested and demonstrating that the affiant was the interest owner of the production for which the refund is requested. The Board may verify the accuracy of the request for refund.

(d) No entity or person requesting a refund under this Section shall be eligible to serve or have a representative serve as a member of the Board.

(Source: P.A. 92-610, eff. 7-1-02.)

(225 ILCS 728/45)

(Section scheduled to be repealed on January 1, 2008)

Sec. 45. Use of funds.

(a) ~~All interest earned on moneys received by the Board shall be the property of the Board in the Petroleum Resources Revolving Fund shall remain in the Fund.~~

(b) The Board shall not utilize any funds collected under Section 30 of this Act for the purpose of influencing government action or policy, with the exception of recommending amendments to this Act.

(Source: P.A. 90-614, eff. 7-10-98.)

(30 ILCS 105/5.482 rep.)

Section 90. The State Finance Act is amended by repealing Section 5.482.

(225 ILCS 728/25 rep.)

Section 95. The Illinois Petroleum Education and Marketing Act is amended by repealing Section 25.

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

Under the rules, the foregoing **Senate Bill No. 1989**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

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

SENATE BILL NO. 2427

A bill for AN ACT concerning criminal law.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2427

Passed the House, as amended, November 16, 2006.

MARK MAHONEY, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2427

AMENDMENT NO. 1. Amend Senate Bill 2427 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Controlled Substances Act is amended by changing Sections 201, 206, and 218 as follows:

(720 ILCS 570/201) (from Ch. 56 1/2, par. 1201)

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Sec. 201. (a) The Department shall carry out the provisions of this Article. The Department or its successor agency may add substances to or delete or reschedule all controlled substances in the Schedules of Sections 204, 206, 208, 210 and 212 of this Act. In making a determination regarding the addition, deletion, or rescheduling of a substance, the Department shall consider the following:

- (1) the actual or relative potential for abuse;
- (2) the scientific evidence of its pharmacological effect, if known;
- (3) the state of current scientific knowledge regarding the substance;
- (4) the history and current pattern of abuse;
- (5) the scope, duration, and significance of abuse;
- (6) the risk to the public health;
- (7) the potential of the substance to produce psychological or physiological dependence;
- (8) whether the substance is an immediate precursor of a substance already controlled under this Article;
- (9) the immediate harmful effect in terms of potentially fatal dosage; and
- (10) the long-range effects in terms of permanent health impairment.

(b) (Blank).

(c) (Blank).

(d) If any substance is scheduled, rescheduled, or deleted as a controlled substance under Federal law and notice thereof is given to the Department, the Department shall similarly control the substance under this Act after the expiration of 30 days from publication in the Federal Register of a final order scheduling a substance as a controlled substance or rescheduling or deleting a substance, unless within that 30 day period the Department objects, or a party adversely affected files with the Department substantial written objections objecting to inclusion, rescheduling, or deletion. In that case, the Department shall publish the reasons for objection or the substantial written objections and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the Department shall publish its decision, by means of a rule, which shall be final unless altered by statute. Upon publication of objections by the Department, similar control under this Act whether by inclusion, rescheduling or deletion is stayed until the Department publishes its ruling.

(e) The Department shall by rule exclude any non-narcotic substances from a schedule if such substance may, under the Federal Food, Drug, and Cosmetic Act, be lawfully sold over the counter without a prescription.

(f) ~~(Blank) The sale, delivery, distribution, and possession of a drug product containing dextromethorphan shall be in accordance with Section 218 of this Act.~~

(g) Authority to control under this section does not extend to distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in the Liquor Control Act and the Tobacco Products Tax Act.

(h) Persons registered with the Drug Enforcement Administration to manufacture or distribute controlled substances shall maintain adequate security and provide effective controls and procedures to guard against theft and diversion, but shall not otherwise be required to meet the physical security control requirements (such as cage or vault) for Schedule V controlled substances containing pseudoephedrine or Schedule II controlled substances containing dextromethorphan.

(Source: P.A. 94-800, eff. 1-1-07; revised 8-3-06.)

(720 ILCS 570/206) (from Ch. 56 1/2, par. 1206)

Sec. 206. (a) The controlled substances listed in this Section are included in Schedule II.

(b) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiates, and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, dextrophan, levopropoxyphene, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including the following:

- (i) Raw Opium;
- (ii) Opium extracts;
- (iii) Opium fluid extracts;
- (iv) Powdered opium;
- (v) Granulated opium;
- (vi) Tincture of opium;
- (vii) Codeine;
- (viii) Ethylmorphine;
- (ix) Etorphine Hydrochloride;
- (x) Hydrocodone;

- (xi) Hydromorphone;
- (xii) Metopon;
- (xiii) Morphine;
- (xiv) Oxycodone;
- (xv) Oxymorphone;
- (xvi) Thebaine;
- (xvii) Thebaine-derived butorphanol.

(xviii) Dextromethorphan, except drug products that may be dispensed pursuant to a prescription order of a practitioner and are sold in compliance with the safety and labeling standards as set forth by the United States Food and Drug Administration, or drug products containing dextromethorphan that are sold in solid, tablet, liquid, capsule, powder, thin film, or gel form and which are formulated, packaged, and sold in dosages and concentrations for use as an over-the-counter drug product. For the purposes of this Section, "over-the-counter drug product" means a drug that is available to consumers without a prescription and sold in compliance with the safety and labeling standards as set forth by the United States Food and Drug Administration subject to Section 218 of this Act.

(2) Any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subparagraph (1), but not including the isoquinoline alkaloids of opium;

(3) Opium poppy and poppy straw;

(4) Coca leaves and any salt, compound, isomer, salt of an isomer, derivative, or preparation of coca leaves including cocaine or ecgonine, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine (for the purpose of this paragraph, the term "isomer" includes optical, positional and geometric isomers);

(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrine alkaloids of the opium poppy).

(c) Unless specifically excepted or unless listed in another schedule any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, dextrorphan excepted:

- (1) Alfentanil;
- (1.1) Carfentanil;
- (2) Alphaprodine;
- (3) Anileridine;
- (4) Bezitramide;
- (5) Bulk Dextropropoxyphene (non-dosage forms);
- (6) Dihydrocodeine;
- (7) Diphenoxylate;
- (8) Fentanyl;
- (9) Sufentanil;
- (9.5) Remifentanil;
- (10) Isomethadone;
- (11) Levomethorphan;
- (12) Levorphanol (Levorphan);
- (13) Metazocine;
- (14) Methadone;
- (15) Methadone-Intermediate,
4-cyano-2-dimethylamino-4,4-diphenyl-1-butane;
- (16) Moramide-Intermediate,
2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;
- (17) Pethidine (meperidine);
- (18) Pethidine-Intermediate-A,
4-cyano-1-methyl-4-phenylpiperidine;
- (19) Pethidine-Intermediate-B,
ethyl-4-phenylpiperidine-4-carboxylate;
- (20) Pethidine-Intermediate-C,
1-methyl-4-phenylpiperidine-4-carboxylic acid;

- (21) Phenazocine;
- (22) Piminodine;
- (23) Racemethorphan;
- (24) Racemorphan;
- (25) Levo-alpha-acetylmethadol (some other names: levo-alpha-acetylmethadol, levomethadyl acetate, LAAM).

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (2) Methamphetamine, its salts, isomers, and salts of its isomers;
- (3) Phenmetrazine and its salts;
- (4) Methylphenidate.

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Amobarbital;
- (2) Secobarbital;
- (3) Pentobarbital;
- (4) Pentazocine;
- (5) Phencyclidine;
- (6) Gluthethimide;
- (7) (Blank).

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

- (1) Immediate precursor to amphetamine and methamphetamine:

- (i) Phenylacetone

Some trade or other names: phenyl-2-propanone;
P2P; benzyl methyl ketone; methyl benzyl ketone.

- (2) Immediate precursors to phencyclidine:

- (i) 1-phenylcyclohexylamine;

- (ii) 1-piperidinocyclohexanecarbonitrile (PCC).

- (3) Nabilone.

(Source: P.A. 94-800, eff. 1-1-07.)

(720 ILCS 570/218)

Sec. 218. Dextromethorphan.

(a) ~~(Blank) A drug product containing dextromethorphan may not be sold, delivered, distributed, or possessed except in accordance with the prescription requirements of Sections 309, 312, and 313 of this Act.~~

(b) Possession of a drug product containing dextromethorphan in violation of this ~~Act Section~~ is a Class 4 felony. The sale, delivery, distribution, or possession with intent to sell, deliver, or distribute a drug product containing dextromethorphan in violation of this ~~Act Section~~ is a Class 2 felony.

(c) ~~(Blank) This Section does not apply to a drug product containing dextromethorphan that is sold in solid, tablet, liquid, capsule, powder, thin film, or gel form and which is formulated, packaged, and sold in dosages and concentrations for use as an over the counter drug product. For the purposes of this Section, "over the counter drug product" means a drug that is available to consumers without a prescription and sold in compliance with the safety and labeling standards as set forth by the United States Food and Drug Administration.~~

(Source: P.A. 94-800, eff. 1-1-07.)

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

Under the rules, the foregoing **Senate Bill No. 2427**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Mahoney, Clerk:

[November 21, 2006]

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

HOUSE BILL NO. 5830

A bill for AN ACT concerning local government.
Passed the House, November 16, 2006.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 5830** was taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Mahoney, Clerk:

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

HOUSE JOINT RESOLUTION NO. 144

WHEREAS, On 16 September 2005 at the World Summit Outcome of the United Nations General Assembly, the United States of America and the other Members of the United Nations embraced the principle of the responsibility to protect according to which, "each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability" (U.N. Document A/RES/60/1, par. 138 (2005)); and

WHEREAS, The United States of America and other Members of the United Nations further agreed that, "the international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity... We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out" (U.N. Document A/RES/60/1, par. 139 (2005)); and

WHEREAS, On 28 April 2006, the United Nations Security Council reaffirmed the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity (U.N. Document S/RES/1674 (2006), par. 4); and

WHEREAS, The principle of the responsibility to protect now reflects the commitment of all the Members of the United Nations to determine means to protect populations from the deadly and devastating consequences of genocide, war crimes, ethnic cleansing and crimes against humanity (hereinafter "atrocities crimes"); and

WHEREAS, Efforts by the United Nations and individual nations to prevent and respond to atrocity crimes and thus protect populations have far too often failed or not even been attempted, with the result since 1945 that millions of innocent civilians have lost their lives or been wounded or displaced and their property and livelihoods destroyed; and

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WHEREAS, In the 2005 World Summit Outcome Document, the United States of America has accepted its responsibility to protect its own population from atrocity crimes and should continue acting in accordance with this principle; and

WHEREAS, The continued commission of atrocity crimes and the likely future threat of them is morally intolerable and unacceptable; and

WHEREAS, At other times in the history of the State of Illinois and of the United States, such abominations as slavery and the denial of basic civil and voting rights to all citizens have been rendered illegal and to significant degrees eliminated through the concerted actions of concerned citizens, civil society, the courts, and State and national lawmakers and leaders; and

WHEREAS, In the State of Illinois there reside many citizens who have fled from atrocity crimes, for whom the State of Illinois provides services and various forms of support, and many thousands of relatives of victims of the atrocity crimes that have occurred in other countries and who seek effective policies by the United States and other nations to help protect their surviving relatives; and

WHEREAS, The moral imperative of the responsibility to protect is inescapable and it reflects the highest American values of freedom, humanitarian care, and the preservation of the lives of innocent non-combatant men, women, and children; and

WHEREAS, The United States of America, as the most powerful and influential country in the world, has the moral duty and capacity to lead in domestic, in multinational initiatives and in the United Nations Security Council to prevent and respond rapidly to protect populations from the commission of atrocity crimes; and

WHEREAS, The citizens of the State of Illinois contribute men and women and financial resources to the U.S. Armed Forces and elect Members of Congress and, with other states, the President and Vice-President of the United States, and strongly believe that these public officials and their subordinates have profound responsibilities, to use every possible legal means, under both federal and international law, to protect populations from atrocity crimes; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the President and Congress should commit the leadership of the United States Government to effective implementation of the World Summit Outcome declaration on the responsibility to protect, and to do so in part through strengthening the preventive early warning capabilities of the federal government and the United Nations, and to develop strategies and policies as outlined in the 2005 World Summit Outcome Document (U.N. Document A/RES/60/1) and in the Security Council Resolution 1674 (2006) to ensure that the responsibility to protect populations has both credible meaning and effect, and that the United States is in the forefront of its domestic and global application; and be it further

RESOLVED, That the President should initiate discussions with the permanent and non-permanent members of the United Nations Security Council, the members of the United Nations General Assembly and in separate forums with the governments of the North Atlantic Treaty Organization, the European Union, the African Union, the Organization of American States, and the Association of Southeast Asian Nations respectively, to develop coordinated strategies for regional efforts to implement the responsibility to protect, and that Congress should express its full support for these discussions by joint resolution; and be it further

RESOLVED, That copies of this resolution be sent to the President pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, each member of the Illinois congressional delegation, the President and Vice-President of the United States, the U.S. Secretary of State, the U.S. Secretary of Defense, and the U.S. Permanent Representative to the United Nations.

Adopted by the House, November 15, 2006.

MARK MAHONEY, Clerk of the House

[November 21, 2006]

The foregoing message from the House of Representatives reporting House Joint Resolution No. 144 was referred to the Committee on Rules.

JOINT ACTION MOTION FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 2427

READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 5830, sponsored by Senator Brady, was taken up, read by title a first time and referred to the Committee on Rules.

At the hour of 12:03 o'clock p.m., pursuant to **Senate Joint Resolution No. 96**, the Chair announced the Senate stand adjourned until Tuesday, November 28, 2006, at 1:00 o'clock p.m.