



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SIXTH GENERAL ASSEMBLY

27TH LEGISLATIVE DAY

WEDNESDAY, MARCH 18, 2009

11:11 O'CLOCK A.M.

SENATE
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27th Legislative Day

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The Senate met pursuant to adjournment.
 Senator Kimberly A. Lightford, Maywood, Illinois, presiding.
 Prayer by Senator David Koehler Peoria, Illinois.
 Senator Jacobs led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, March 17, 2009, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

DES Report Pursuant to Public Act 87-522 (Flex time), submitted by the Department of Employment Security.

DCFS Report Pursuant to Public Act 87-522 (Flex time), submitted by the Department of Children and Family Services.

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

LEGISLATIVE MEASURES FILED

The following Committee amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Senate Committee Amendment No. 1 to Senate Bill 1754
 Senate Committee Amendment No. 3 to Senate Bill 1927

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Senate Floor Amendment No. 1 to Senate Bill 42
 Senate Floor Amendment No. 1 to Senate Bill 146
 Senate Floor Amendment No. 1 to Senate Bill 218
 Senate Floor Amendment No. 1 to Senate Bill 219
 Senate Floor Amendment No. 1 to Senate Bill 223
 Senate Floor Amendment No. 2 to Senate Bill 312
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[March 18, 2009]

MESSAGE FROM THE PRESIDENT

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

March 18, 2009

Mr. Scott Kaiser
Assistant Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Senate Rule 3-2(c), I hereby appoint Senator John Cullerton to replace Senator James Clayborne as a member of the Senate Committee on Assignments. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Committee on Assignments.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

REPORTS FROM STANDING COMMITTEES

Senator Frerichs, Chairperson of the Committee on Agriculture and Conservation, to which was referred **Senate Resolution No. 127**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 127** was placed on the Secretary's Desk.

Senator Frerichs, Chairperson of the Committee on Agriculture and Conservation, to which was referred **Senate Joint Resolution No. 19**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 19** was placed on the Secretary's Desk.

Senator Maloney, Chairperson of the Committee on Higher Education, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Floor Amendment No. 1 to Senate Bill 325

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

PRESENTATION OF RESOLUTION

Senator Cullerton offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 155

[March 18, 2009]

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the following officer is hereby elected for the term of the Ninety-Sixth General Assembly:

Jillayne Rock: Secretary of the Senate.

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 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. 9

A bill for AN ACT concerning health.

HOUSE BILL NO. 159

A bill for AN ACT concerning local government.

HOUSE BILL NO. 253

A bill for AN ACT concerning transportation.

HOUSE BILL NO. 799

A bill for AN ACT concerning criminal law.

Passed the House, March 17, 2009.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 9, 159, 253 and 799** were 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 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. 146

A bill for AN ACT concerning local government.

HOUSE BILL NO. 665

A bill for AN ACT concerning local government.

HOUSE BILL NO. 675

A bill for AN ACT concerning State government.

HOUSE BILL NO. 808

A bill for AN ACT concerning finance.

HOUSE BILL NO. 813

A bill for AN ACT concerning aging.

Passed the House, March 17, 2009.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 146, 665, 675, 808 and 813** were 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 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. 194

A bill for AN ACT concerning finance.

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HOUSE BILL NO. 208

A bill for AN ACT concerning public health.

HOUSE BILL NO. 470

A bill for AN ACT concerning liquor.

HOUSE BILL NO. 645

A bill for AN ACT concerning education.

Passed the House, March 17, 2009.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 194, 208, 470 and 645** were 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 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. 265

A bill for AN ACT concerning civil law.

HOUSE BILL NO. 682

A bill for AN ACT concerning juveniles.

HOUSE BILL NO. 751

A bill for AN ACT concerning health.

HOUSE BILL NO. 760

A bill for AN ACT concerning government.

HOUSE BILL NO. 761

A bill for AN ACT concerning courts.

HOUSE BILL NO. 820

A bill for AN ACT concerning State government.

Passed the House, March 17, 2009.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 265, 682, 751, 760, 761 and 820** were taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 9, sponsored by Senator Dahl, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 50, sponsored by Senator Brady, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 61, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 146, sponsored by Senator Trotter, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 159, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 194, sponsored by Senator Murphy, was taken up, read by title a first time and referred to the Committee on Assignments.

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House Bill No. 265, sponsored by Senator Raoul, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 347, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 470, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 548, sponsored by Senator Garrett, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 645, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 682, sponsored by Senator Raoul, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 751, sponsored by Senator Steans, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 760, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 813, sponsored by Senator Delgado, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 820, sponsored by Senator Hutchinson, was taken up, read by title a first time and referred to the Committee on Assignments.

At the hour of 11:25 o'clock a.m., Senator Clayborne, presiding, for an introduction.

At the hour of 11:32 o'clock a.m., Senator Lightford, presiding, and the Senate resumed consideration of business.

MESSAGE 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 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. 34

BE IT RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the two Houses shall convene in Joint Session on Wednesday, March 18, 2009 at the hour of 12:00 o'clock noon for the purpose of hearing his Excellency Governor Patrick J. Quinn present to the General Assembly his Report on the Condition of the State of Illinois and to hear the Budget Message for the Fiscal Year 2010, as required by Chapter 15, Section 20/50-5 of the Illinois Compiled Statutes.

Adopted by the House, March 10, 2009.

MARK MAHONEY, Clerk of the House

[March 18, 2009]

By unanimous consent, on motion of Senator Clayborne, the foregoing message reporting House Joint Resolution No. 34 was taken up for immediate consideration.

Senator Clayborne moved that the Senate concur with the House in the adoption of the resolution. The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.

Ordered that the Secretary inform the House of Representatives thereof.

COMMITTEE OF ESCORT

The Chair appointed the following members to the committee of escort to wait upon the Governor: William Delgado, Edward Maloney, Heather Steans, Dan Rutherford, Kyle McCarter.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Cullerton, Chairperson of the Committee on Assignments, reported that the following Legislative Measure has been approved for consideration:

Senate Resolution 155

The foregoing resolution was placed on the Secretary's Desk.

At the hour of 11:50 o'clock a.m., the Chair announced that the Senate stand at recess for the purpose of proceeding to the House of Representatives to meet in a joint session pursuant to House Joint Resolution No. 34.

JOINT SESSION 11:55 O'CLOCK A.M.

The hour having arrived, the time heretofore fixed by Joint Resolution adopted by the Senate and the House of Representatives, the Joint Session convened for the purpose of receiving the Governor to deliver his Report on the Condition of the State of Illinois and the Budget Message for Fiscal Year 2010 in person to the Ninety-Sixth General Assembly. The Senate, preceded by the Honorable President Cullerton and Members of the Senate, appeared in the Hall of the House of Representatives and, by direction of the Speaker, took the seats assigned to them.

The two Houses being convened in Joint Session, President Cullerton of the Senate announced that a quorum of the Senate was present.

Speaker Madigan, of the House of Representatives, announced that a quorum of the House was present.

A majority of each House of the General Assembly being present, the Speaker of the House announced the Joint Session duly formed.

Representative Currie offered the following resolution and moved its adoption.

JOINT SESSION RESOLUTION NO. 1

RESOLVED, That a committee of ten be appointed, five from the House, by the Speaker of the House, and five from the Senate, by the President of the Senate, to wait upon his Excellency Governor Pat Quinn and invite him to address the Joint Assembly.

Representative Michael Connelly
 Representative Kevin Joyce
 Representative Donald Moffitt
 Representative Cynthia Soto
 Representative Karen Yarbrough
 Senator Emil Jones, III

[March 18, 2009]

Senator Edward Maloney
Senator Kyle McCarter
Senator Dan Rutherford
Senator Heather Steans

The motion prevailed, and the resolution was adopted.

His Excellency Governor Patrick Quinn was admitted into the Hall of the House of Representatives and was presented to the General Assembly to deliver his message in person as follows:

**State of the State Address
Fiscal Year 2010 Budget Address
Governor Patrick J. Quinn**

GOOD AFTERNOON.

NEARLY SEVEN WEEKS AGO I HAD THE HONOR OF BEING SWORN IN AS THE FORTY-FIRST GOVERNOR OF ILLINOIS.

AS YOU KNOW, THIS EVENT CAME AFTER A LONG POLITICAL ORDEAL THAT HARMED AND EMBARRASSED THE PEOPLE OF OUR STATE...

FOR TOO LONG, OUR STATE HAS SUFFERED FROM CORRUPTION THAT HAS DAMAGED ILLINOIS' REPUTATION AND DEEPLY HURT OUR CITIZENS.

ILLINOIS IS STILL RECOVERING FROM THE CONVICTION OF FORMER GOVERNOR GEORGE RYAN.

AND OUR STATE IS REELING FROM THE ARREST OF FORMER GOVERNOR ROD BLAGOJEVICH AND HIS SUBSEQUENT REMOVAL FROM OFFICE.

MANY SERIOUS PROBLEMS HAVE RESULTED FROM THIS BI-PARTISAN BETRAYAL OF THE PUBLIC TRUST.

OUR GOVERNMENT HAS AN INTEGRITY CRISIS AND ILLINOIS MUST EMBRACE FAR REACHING ETHICS REFORM.

ILLINOIS ALSO HAS A FISCAL CRISIS.

OUR STATE IS STAGGERING TO PAY AN ELEVEN-AND-A-HALF BILLION-DOLLAR DEFICIT AND HAS A MOUNTAIN OF UNPAID BILLS.

THE ILLINOIS ECONOMY IS ALSO IN CRISIS.

UNEMPLOYMENT IS RISING. OUR PEOPLE ARE HURTING.

TO BE DIRECT AND HONEST: OUR STATE IS FACING ITS GREATEST CRISIS OF MODERN TIMES.

BUT I AM NOT HERE TO DWELL ON THE PAST.

NOR PREACH GLOOM AND DOOM.

ON THE CONTRARY...I AM AN OPTIMIST.

AND I HAVE COMPLETE FAITH IN THE PEOPLE OF ILLINOIS.

THEY HAVE THE STRENGTH OF CHARACTER TO MEET ANY CHALLENGE.

[March 18, 2009]

TO SAVE OUR STATE, WE HAVE TO MAKE TOUGH CHOICES.

TODAY, I PRESENT THE STATE BUDGET FOR FISCAL YEAR TWO-THOUSAND-AND-TEN.

THIS BUDGET IS BALANCED.

IT ALSO SPEAKS HONESTLY AND DIRECTLY TO THE PEOPLE OF ILLINOIS ABOUT OUR TOUGH CHOICES.

WHEN IT IS APPROVED, THIS BUDGET WILL ACHIEVE THREE CRUCIAL OUTCOMES. IT WILL CUT COSTS WHILE DRAMATICALLY RAISING THE ETHICAL STANDARDS FOR DOING THE PUBLIC'S BUSINESS.

IT WILL PROVIDE NEEDED TAX RELIEF TO MILLIONS OF OUR PEOPLE WHILE RESCUING STATE FINANCES.

IT WILL CREATE THOUSANDS OF ILLINOIS JOBS WITH THE FIRST MAJOR PLAN TO REBUILD OUR ROADS...BRIDGES.. SCHOOLS AND OTHER PUBLIC WORKS IN THE PAST DECADE.

THIS BUDGET CENTERS ON "THREE-Rs": REFORM.. RESPONSIBILITY.. AND RECOVERY.

LET'S TALK HONESTLY ABOUT OUR NEED FOR REFORM.

IN TOUGH TIMES, EVERYONE MUST LIVE WITHIN THEIR MEANS. AND THAT GOES FOR GOVERNMENT, TOO.

RIGHT NOW, STATE REVENUES ARE DROPPING PRECIPITOUSLY. WE HAVE A FAILURE OF REVENUE. AND IN THIS CALAMITY, THE STATE IS SPENDING MORE THAN IT SHOULD.

THAT'S A BAD SITUATION.

BUT FOR THE FIRST TIME IN A GENERATION...WE ARE CHALLENGING THE WAY STATE GOVERNMENT DOES ITS BUSINESS.

WE CAN NO LONGER SUSTAIN THE OUT-OF-CONTROL SPENDING WE'VE SEEN IN THE PAST...UNDER BOTH PARTIES.

TODAY, I AM PROPOSING MAJOR CUTS AND COST-REDUCTIONS THAT WILL SAVE AT LEAST \$1.3 BILLION-DOLLARS.

THESE CUTBACKS INCLUDE:

ORDERING STATE EMPLOYEES TO TAKE FURLOUGHS OF FOUR DAYS...

REQUIRING ACROSS-THE-BOARD REDUCTIONS IN GRANT PROGRAMS...

MAKING TARGETED COST-REDUCTIONS AT EVERY STATE AGENCY...

I PLEDGE THIS IS ONLY THE BEGINNING OF THE BELT-TIGHTENING.

I AM ALSO APPOINTING A NEW TAXPAYER ACTION BOARD TO EVALUATE ALL STATE PROGRAMS AND SPENDING.

THIS BOARD WILL EXAMINE EVERY NOOK AND CRANNY OF STATE GOVERNMENT FINANCE

[March 18, 2009]

THOMAS JOHNSON -PRESIDENT OF THE TAXPAYER FEDERATION OF ILLINOIS... WILL HEAD THE TAXPAYER ACTION BOARD.

I THANK TOM FOR HIS HELP AND SUPPORT.

THE PURPOSE OF THE TAXPAYER ACTION BOARD, IS TO PUT ILLINOIS TAXPAYERS FIRST. WHILE WE ROOT OUT WASTE AND INEFFICIENCY, WE MUST FIX ANOTHER ENORMOUS PROBLEM.

THAT'S OUR GIANT UNDER-FUNDED PUBLIC PENSION SYSTEMS. FOR THIRTY YEARS, THESE SYSTEMS HAVE BEEN ALLOWED TO SPIN OUT OF CONTROL.

THE RESULT IS WE HAVE AT LEAST FIFTY-FIVE BILLION DOLLARS IN UN-FUNDED PENSION OBLIGATIONS.

WITHOUT BOLD REFORM, THESE PENSION SYSTEMS WILL GO BUST.

IF THAT HAPPENS, THE LIVES OF THOUSANDS OF STATE RETIREES AND WORKERS WILL BE TERRIBLY DISRUPTED.

FAILURE TO FIX OUR PUBLIC PENSION SYSTEMS WILL ALSO HURT OUR ENTIRE STATE.

IT WILL ADD TO OUR GROWING DEFICIT AND PILE MORE PUBLIC DEBT ONTO TAXPAYERS.

WE CANNOT ALLOW THIS TO HAPPEN. ON BEHALF OF THE PEOPLE OF ILLINOIS, I AM PROPOSING GROUND-BREAKING PUBLIC PENSION REFORMS AND MODERNIZATION.

UNDER MY PLAN, EXISTING EMPLOYEES AND RETIREES WILL KEEP THEIR CURRENT PENSION BENEFITS FROM YEARS OF SERVICE.

THEY ARE SAFE.

MEANWHILE, NEWLY-HIRED--MOSTLY-YOUNGER--EMPLOYEES WILL BE PART OF A MODERNIZED SYSTEM.

FOR EXAMPLE, THE RETIREMENT AGE FOR NEW WORKERS WILL BE HIGHER. IT WILL CLOSELY MATCH SOCIAL SECURITY AND OTHER PUBLIC PENSION SYSTEMS.

AND COST-OF-LIVING INCREASES WILL BE CAPPED AT A RATE THAT'S IN LINE WITH OTHER PUBLIC RETIREMENT SYSTEMS.

THE PENSION SYSTEM FOR NEW EMPLOYEES WILL STILL PROVIDE A GENEROUS RETIREMENT INCOME.

IF WE ACT NOW...THIS PLAN WILL REDUCE THE TAXPAYERS' PENSION LIABILITIES BY ONE-HUNDRED-AND-SIXTY-TWO BILLION DOLLARS OVER THE NEXT THIRTY-SIX YEARS.

BY ENACTING GROUND-BREAKING PUBLIC PENSION REFORMS, WE CAN... AND WILL...REDUCE FUTURE PAYMENTS.

AS PART OF THIS PLAN, WE WILL STILL MAKE A PENSION PAYMENT OF ONE-POINT-FIVE BILLION DOLLARS TO FUND THIS YEAR'S BENEFITS.

TO SUM IT UP, UNDER OUR PUBLIC PENSION REFORM PLAN: CURRENT RETIREES AND EMPLOYEES ARE PROTECTED.

[March 18, 2009]

FUTURE EMPLOYEES STILL ENJOY A VERY GOOD BENEFIT PACKAGE.

THE TAXPAYERS OF ILLINOIS WILL SAVE BILLIONS OF DOLLARS IN FUTURE OBLIGATIONS.
THAT'S A GOOD DEAL FOR EVERYONE.

AS WE PREPARE FOR A BETTER FUTURE, WE MUST ALSO MAKE TOUGH CHOICES ABOUT CLEANING UP GOVERNMENT RIGHT NOW.

ETHICS REFORM IS OF PARAMOUNT IMPORTANCE TO ME AND THE PEOPLE OF ILLINOIS.

IN THE WAKE OF PAST POLITICAL SCANDALS, THE PEOPLE ARE DEMANDING HONEST AND OPEN GOVERNMENT.

THEY ARE GOING TO GET IT.

MY FIRST ACT AS GOVERNOR WAS SIGNING AN EXECUTIVE ORDER ESTABLISHING THE ILLINOIS REFORM COMMISSION.

THIS INDEPENDENT ADVISORY BOARD IS INVESTIGATING GOVERNMENT PRACTICES FROM TOP TO BOTTOM.

THE REFORM COMMISSION IS LED BY FORMER ASSISTANT UNITED STATES ATTORNEY PATRICK COLLINS.

IN APRIL, THE ILLINOIS REFORM COMMISSION WILL ISSUE ITS RECOMMENDATIONS FOR CLEANING UP STATE GOVERNMENT.

I WANT TO THANK PAT COLLINS AND HIS FOURTEEN FELLOW COMMISSIONERS FOR THEIR HARD WORK. AND I LOOK FORWARD TO THEIR REPORT.

ALREADY, MY ADMINISTRATION IS MAKING GOVERNMENT MORE RESPONSIVE TO THE PEOPLE.

LAST MONTH, I DIRECTED ALL STATE AGENCIES TO CO-OPERATE FULLY WITH THE FREEDOM OF INFORMATION ACT.
AND I IMPLEMENTED THE ILLINOIS SUNSHINE PROJECT.

AS A RESULT, THE PUBLIC CAN NOW GO ONLINE AND VIEW AN UNPRECEDENTED AMOUNT OF GOVERNMENT INFORMATION.

I BELIEVE SUNSHINE IS THE BEST DISINFECTANT.

THESE MEASURES ARE A GREAT START TO CHANGING THE OLD WAY OF DOING BUSINESS.

IT'S TIME TO MAKE ILLINOIS GOVERNMENT A MODEL OF SERVICE AND OPENNESS.

IT'S ALSO TIME TO STRENGTHEN OUR VOTERS...WHO ARE THE HEART AND SOUL OF ILLINOIS.

STATE GOVERNMENT BELONGS TO THE PEOPLE, NOT TO THE OFFICE HOLDERS.

THAT'S WHY WE NEED TO GIVE THE VOTERS OF ILLINOIS THE POWER TO RECALL STATEWIDE ELECTED OFFICIALS IF THEY BETRAY THE PUBLIC TRUST.

ALONG WITH REFORM COMES RESPONSIBILITY.

[March 18, 2009]

ALL OF US ARE RESPONSIBLE FOR MAKING TOUGH CHOICES DURING THESE DIFFICULT DAYS.

AND THERE'S NO MORE IMMEDIATE CRISIS THAN ILLINOIS' ELEVEN-AND-A-HALF BILLION-DOLLAR DEFICIT.

THE STATE'S GENERAL REVENUE PROJECTIONS ARE BLEAK BECAUSE OF THE DEEP RECESSION WE'RE IN.

NEXT YEAR, ANNUAL REVENUES COULD DROP TO THEIR LOWEST LEVEL IN MANY YEARS.

BUT THAT'S NOT THE ONLY REASON FOR OUR DEFICIT DILEMMA.

FOR NEARLY TWENTY-FIVE YEARS, ILLINOIS HAS LIVED OFF THE CREDIT CARD -- RACKING UP DEFICITS UNDER DEMOCRATIC AND REPUBLICAN ADMINISTRATIONS.

AS A RESULT, THE STATE IS STAGGERING UNDER A SHAMEFUL MOUNTAIN OF UNPAID BILLS.

WHEN WE DON'T PAY OUR OBLIGATIONS ON TIME EVERY BUSINESS THAT DEALS WITH THE STATE IS DAMAGED.

THIS INCLUDES:

HOSPITALS...

NURSING HOMES...

PHARMACIES...

SCHOOLS...

AND THOUSANDS OF SMALL BUSINESSES LOCATED THROUGHOUT THE STATE.

FAILURE TO PAY IS FORCING THESE GOOD BUSINESSES TO CUT THEIR OPERATIONS.

THEY HAVE TO

LAY OFF THEIR WORKERS... WHICH ADDS TO UNEMPLOYMENT...

THEY HOLD BACK ON PAYING THEIR BILLS... WHICH INJURES OTHER COMPANIES...

OR THEY JUST GO OUT OF BUSINESS... WHICH DEEPLY HURTS OUR ECONOMY.

THIS IS WRONG.

AND WE KNOW IT'S WRONG.

AND IT IS NOT A BLUEPRINT FOR SOUND FISCAL OR PUBLIC POLICY.

ILLINOIS HAS A MORAL RESPONSIBILITY TO RID ITSELF OF THIS DESTRUCTIVE DEFICIT...

ILLINOIS IS NOT A DEADBEAT STATE THAT REFUSES TO PAY ITS BILLS...

THE PEOPLE OF ILLINOIS WILL NOT TAKE FROM OUR CHILDREN BY FORCING THEM TO PAY OUR DEBTS...

I STRONGLY BELIEVE THERE IS A FAIR AND HONEST WAY TO PAY OUR BILLS AND MEET OUR OBLIGATIONS.

TOGETHER, WE CAN DO IT BY APPROVING THE ILLINOIS ECONOMIC RECOVERY AND TAX REFORM ACT OF 2009.

LET'S TALK ABOUT TAX REFORM. AND I MEAN REFORM THAT PRODUCES TAX RELIEF FOR MIDDLE-CLASS AND WORKING FAMILIES.

[March 18, 2009]

UNDER THE PLAN THAT I PRESENT TODAY:
FIVE MILLION PEOPLE WILL GET MAJOR TAX RELIEF...
THERE WILL BE NO GAS TAX INCREASE...
AND MOMS AND DADS WILL ENJOY A SALES TAX HOLIDAY FOR TEN DAYS IN AUGUST
ON THE PURCHASE OF THEIR KIDS SCHOOL CLOTHES AND SUPPLIES...

THE BASIS OF MY TAX RELIEF PLAN IS THIS:
THE STATE SHOULD NOT TAX STRUGGLING FAMILIES INTO POVERTY.

WORKING FAMILIES... LIVING FROM PAYCHECK-TO-PAYCHECK...MUST HAVE TAX
RELIEF.

IT'S A PRINCIPLE AS OLD AS THE BIBLE.

TAXES SHOULD BE BASED ON THE ABILITY TO PAY.

THE MOST COMPELLING CASE FOR TAX REFORM IS FOUND IN OUR OWN ILLINOIS TAX
CODE.

FOR TWENTY YEARS ILLINOIS HAS HAD ONE OF THE MOST UNFAIR TAX SYSTEMS IN
THE COUNTRY.

A MAJOR PROBLEM IS THE ILLINOIS PERSONAL TAX EXEMPTION IS ONLY TWO-
THOUSAND DOLLARS PER PERSON.

THE PERSONAL EXEMPTION IS MEANT TO SHIELD INCOME FROM TAXATION, SO
FAMILIES HAVE MORE MONEY TO RAISE THEIR CHILDREN.

BUT THE CURRENT ILLINOIS PERSONAL EXEMPTION AMOUNT OF \$2000 DOLLARS..
DOESN'T COME CLOSE TO PROVIDING ENOUGH TAX RELIEF.

THAT'S ESPECIALLY TRUE FOR MIDDLE CLASS FAMILIES...MODEST INCOME
FAMILIES...AND WORKING POOR FAMILIES IN THESE DIFFICULT TIMES.

THERE IS SOMETHING WRONG WHEN ILLINOIS GIVES MORE TAX BREAKS TO THOSE
WHO RAISE THOROUGHbred HORSES THAN TO FAMILIES RAISING CHILDREN!

RIGHT NOW, THE TWO-THOUSAND-DOLLAR EXEMPTION GIVES A FAMILY-OF-FOUR AN
EIGHT-THOUSAND-DOLLAR BREAK.

I PROPOSE WE IMPROVE THE VALUE OF THE PERSONAL EXEMPTION TO SIX-THOUSAND
DOLLARS PER PERSON.

THIS TAX RELIEF WILL GIVE A FAMILY-OF-FOUR A TWENTY-FOUR-THOUSAND DOLLAR
TAX BREAK.

BY IMPROVING THE VALUE OF THE PERSONAL TAX EXEMPTION TO SIX-THOUSAND
DOLLARS PER PERSON...
FIVE MILLION PEOPLE IN ILLINOIS WILL RECEIVE TAX RELIEF THIS YEAR AND WILL
PAY NO TAX INCREASE.

THIS IS A CRUCIAL POINT AND BEARS REPEATING:
FIVE MILLION PEOPLE IN OUR STATE WILL GET TAX CUTS DURING THIS TOUGH
ECONOMIC TIME.

EVEN IF THE INCOME TAX RATE IS CHANGED FROM 3% TO 4.5%.

A FAMILY OF FOUR WITH INCOME OF THIRTY-THOUSAND DOLLARS... WILL GET A
SEVENTY-TWO PERCENT TAX REDUCTION.

[March 18, 2009]

A FAMILY OF FOUR WITH INCOME OF FORTY-FIVE-THOUSAND DOLLARS GETS A TWENTY-TWO-PERCENT TAX REDUCTION.

FAMILIES EARNING ABOUT SIXTY-ONE THOUSAND DOLLARS WILL BREAK EVEN. AND THOSE MAKING MORE THAN THAT WILL HAVE A MODEST INCREASE.

FOR EXAMPLE:

A FAMILY OF FOUR MAKING SEVENTY-FIVE THOUSAND-DOLLARS ANNUALLY WILL PAY ONE-HUNDRED-AND-FORTY-SIX DOLLARS MORE IN TAXES ... AN ELEVEN PERCENT INCREASE...

NOW THERE'S BEEN A LOT OF LOOSE AND SIMPLISTIC TALK ABOUT INCOME TAXES GOING UP FIFTY-PERCENT.

BUT WHEN YOU EXAMINE OUR PLAN YOU'LL SEE THAT'S NOT TRUE.

WORKING FAMILIES CANNOT—AND SHOULD NOT—SHOULDER THE ENTIRE TAX BURDEN ALONE.

THIS IS A TIME FOR SHARED SACRIFICE.
BIG CORPORATIONS MUST ALSO DO THEIR PART.

I WILL CLOSE MILLIONS OF DOLLARS OF UNFAIR CORPORATE TAX LOOPHOLES.

WE ARE GOING TO BALANCE THE BUDGET THROUGH A COMBINATION OF:
TOUGH CUTS...

FEDERAL STIMULUS DOLLARS....

GROUND-BREAKING PUBLIC PENSION REFORMS...

CLOSING CORPORATE LOOPHOLES.

AND A MODEST TAX INCREASE ON THOSE WITH THE ABILITY TO PAY...

TOGETHER, WE WILL PLUG A GAPING BUDGET DEFICIT OF ELEVEN-AND-A-HALF BILLION DOLLARS.

JUST AS IMPORTANTLY, WE WILL HAVE ENACTED PERMANENT TAX RELIEF....FOR PEOPLE WHO NEED HELP THE MOST.

WE WILL RESTORE ILLINOIS' FINANCIAL INTEGRITY...

AND SAVED OUR CHILDREN FROM A TERRIBLE ECONOMIC FATE THAT THREATENS TO ROB THEIR HOPES AND DREAMS...

THE GREAT THING ABOUT AMERICA...

THE GREAT THING ABOUT ILLINOIS...

IS THAT PARENTS ARE WILLING TO SACRIFICE SOME OF THEIR PRESENT TO HELP THEIR KIDS FUTURE.

WE ARE CUSTODIANS OF OUR CHILDREN'S FUTURE.

AND WE WANT OUR CHILDREN AND THEIR CHILDREN TO BE PROUD OF WHAT WE ARE DOING TODAY.

NOW, THERE WILL BE SOME WHO OPPOSE OUR PLAN TO BALANCE THE BUDGET AND BRING TAX REFORM AND TAX RELIEF TO THE PEOPLE.

[March 18, 2009]

I UNDERSTAND THAT.
THIS IS A DEMOCRACY.

AND NO PLAN IS PERFECT.

BUT IF YOU REJECT NEEDED REVENUE INCREASES TO BALANCE THE BUDGET, THEN
YOU MUST TELL THE PEOPLE OF ILLINOIS WHAT YOU WILL DO INSTEAD.

ILLINOIS' ELEVEN-AND-A-HALF BILLION DOLLAR DEFICIT WON'T GO AWAY ON ITS
OWN. SOME WILL CONTEND WE MUST RAISE REVENUES IN MORE CREATIVE WAYS.
YOU MIGHT RECALL THAT LESS THAN TWO YEARS AGO...
MY PREDECESSOR TRIED TO IMPOSE A GROSS RECEIPTS TAX ON THE PEOPLE...WHICH
WOULD HAVE BEEN THE LARGEST SINGLE TAX INCREASE EVER IN THE HISTORY OF
ILLINOIS.

I OPPOSED IT.

AND THIS BODY UNANIMOUSLY STRUCK IT DOWN.

THE TIME FOR SUCH GIMMICKS IS OVER.

OTHERS SAY MORE AND MORE GAMBLING IS THE BIG ANSWER TO OUR PROBLEMS.

BUT DO WE REALLY WANT TO SOLVE OUR BUDGETARY PROBLEMS BY EXPANDING
GAMBLING EVERYWHERE THE EYE CAN SEE?

I THINK THAT'S A BAD BET.

SOME WILL ARGUE FOR A DOOMSDAY BUDGET THAT SIMPLY CUTS STATE
SPENDING...IN A MEAN-SPIRITED WAY.. WITHOUT ANY REFORMS.

SO IF YOU PROPOSE A DOOMSDAY BUDGET, THEN TELL US WHAT PROGRAMS YOU
WOULD ELIMINATE TO SAVE 11 AND A HALF BILLION DOLLARS AND BALANCE THIS
BUDGET.

PUT IT OUT THERE FOR ALL TO SEE AND HEAR.

SAYING 'NO' IS NOT ENOUGH...UNLESS YOU ARE WILLING TO SPEAK THE TRUTH AND
OFFER REAL ALTERNATIVES.

SINCE ENTERING OFFICE, I HAVE SPENT DAY-AND-NIGHT POURING OVER THE FINE
PRINT OF OUR STATE'S FINANCES.

AS YOUR GOVERNOR, I CAN HONESTLY SAY A BUDGET THAT OFFERS ONLY MEAN-
SPIRITED TACTICS WILL HURT ALL OUR CITIZENS.

AND FURTHER DAMAGE OUR ECONOMY.

LET'S FACE THE FACTS:

IF WE USE MEAN-SPIRITED TACTICS...
EIGHT-HUNDRED THOUSAND CHILDREN, SENIORS AND PEOPLE WITH DISABILITIES
WILL LOSE HEALTH CARE...

IF WE USE MEAN-SPIRITED TACTICS...
MORE THAN 34-THOUSAND TEACHERS WILL BE LAID OFF.

CLASS SIZES WILL INCREASE BY 25-PERCENT...

[March 18, 2009]

IF WE USE MEAN-SPIRITED TACTICS...
MORE THAN TEN-THOUSAND SENIORS WILL NO LONGER RECEIVE CRITICAL STATE
SERVICES...

IF WE USE MEAN-SPIRITED TACTICS...
WE WILL HAVE TO LAY OFF HUNDREDS OF STATE POLICE OFFICERS AND ENDANGER
PUBLIC SAFETY.

AND THAT'S ONLY A FEW EXAMPLES OF A MEAN-SPIRITED DOOMSDAY BUDGET.

I DON'T BELIEVE THAT PEOPLE OF ILLINOIS SUPPORT A HARSH AND MEAN SPIRITED
DOOMSDAY BUDGET.

THAT IS NOT WHAT THE LAND OF LINCOLN IS ALL ABOUT.

ILLINOIS IS A COMMUNITY OF SHARED VALUES...
NOT A COLLECTION OF 13 MILLION INDIVIDUALS WHO DON'T CARE ABOUT THEIR
NEIGHBOR.

CONSIDER LAST MONTH, WHEN NINE SOUTHERN ILLINOIS COUNTIES WERE CRIPPLED
BY ONE OF THE WORSE ICE STORMS IN HISTORY.

FAST ACTION WAS NEEDED TO SAVE PEOPLE...RESTORE POWER TO HOMES AND
BUSINESSES....AND REPAIR THE REGION.

THE ILLINOIS EMERGENCY MANAGEMENT AGENCY...WORKING WITH COUNTY AND
LOCAL AUTHORITIES...SAVED THE DAY.

AMONG THOSE LEADING THE CHARGE WAS CITY-OF-METROPOLIS MAYOR BILLY
MCDANIEL.

BILLY ON BEHALF OF THE GRATEFUL PEOPLE OF ILLINOIS..
STAND UP AND TAKE A BOW FOR TAKING CARE OF YOUR NEIGHBORS.
THE PEOPLE OF SOUTHERN ILLINOIS PROVED ONCE AGAIN THAT SERVICE TO OTHERS
IS THE RENT WE PAY FOR OUR PLACE ON GOD'S EARTH.

THIS IS WHAT THE PEOPLE OF ILLINOIS ARE ALL ABOUT.

IT'S ABOUT WORKING TOGETHER TO HELP OUR NEIGHBORS AND BUILD OUR
COMMUNITIES.

WORKING TOGETHER WITH THE GENERAL ASSEMBLY..
WE WILL PASS A BUDGET THAT WILL PUT US ON THE ROAD TO RECOVERY.

CREATING AN ENVIRONMENT THAT PROVIDES USEFUL, IMPORTANT JOBS FOR
EVERYONE IS MY TOP PRIORITY.

IF YOU'RE ABLE BODIED AND BREATHING...

WE WANT YOU WORKING IN ILLINOIS.

IN ILLINOIS, THE UNEMPLOYMENT RATE IS SEVEN-POINT-NINE PERCENT.

OVER FIVE-HUNDRED-THOUSAND PEOPLE ARE LOOKING FOR JOBS.

WE MUST GET BACK TO WORK AND FAST!
THAT'S WHY I URGE QUICK PASSAGE OF THE "ILLINOIS JOBS NOW" PLAN.

[March 18, 2009]

THIS INITIATIVE WILL SUPPORT NEARLY THREE-HUNDRED-AND-FORTY THOUSAND JOBS ACROSS OUR STATE.

THIS TWENTY-SIX BILLION DOLLAR JOBS PLAN WILL PROVIDE:
FOURTEEN-BILLION DOLLARS TO BUILD AND UPGRADE ROADS AND BRIDGES....

FIVE-BILLION DOLLARS TO IMPROVE PUBLIC TRANSIT...

FOUR-BILLION DOLLARS TO REPAIR SCHOOLS...

TWO-BILLION DOLLARS FOR ENVIRONMENTAL...ENERGY...AND TECHNOLOGY PROJECTS...

AND ONE-BILLION DOLLARS FOR MUCH-NEEDED ECONOMIC DEVELOPMENT EFFORTS...

AND WE WILL BUILD A THIRD AIRPORT IN THE SOUTH SUBURBS OF CHICAGO...
AND WE WILL BUILD IT AS FAST AS HUMANLY POSSIBLE.

FUNDING FOR THE ILLINOIS JOBS NOW PLAN WILL COME FROM A COMBINATION OF STATE...FEDERAL AND LOCAL SOURCES.

ROAD AND BRIDGE CONSTRUCTION WILL BE FUNDED BY MODEST INCREASES IN SOME MOTOR-VEHICLE USAGE FEES.

IT WILL ALSO DRAW SOME MONEY FROM THE ROAD FUND.

PASSING THIS PLAN MEANS CREATING JOBS IN THE HARD-HIT CONSTRUCTION AND BUILDING INDUSTRY.

BUT THAT'S ONLY ONE IMPORTANT ASPECT OF ILLINOIS JOBS NOW.

THIS PLAN WILL FOCUS ON BUILDING HIGHWAYS AND MAJOR PROJECTS DESIGNED FOR THE TWENTY-FIRST CENTURY.

WE WON'T JUST BUILD A ROAD.

WE'LL ALSO BUILD A TRENCH ALONG SIDE THE ROAD TO INSTALL FIBER OPTIC CABLE...SO EVERYONE CAN GET ACCESS TO HIGH-SPEED INTERNET.

EVERYBODY IN--
NOBODY LEFT OUT.

THAT MEANS MORE INFORMATION SUPER-HIGHWAY JOBS.

WE WON'T JUST POUR CONCRETE AND ASPHALT.

WE'LL MAKE SURE MAJOR PROJECTS ARE ENERGY-EFFICIENT AND SUSTAINABLE.

WE NEED A GREEN WAY OF THINKING..
AND A GREEN WAY OF ACTING.

THAT MEANS LOTS OF "GREEN" COLLAR JOBS... ACROSS THE LAND OF LINCOLN.

WE'LL ALSO MAKE SURE THAT THE CONTRACT PROCESS IS OPEN AND GUARANTEES THAT TAXPAYERS' GET THEIR MONEY'S WORTH.

AND EVERYONE WHO WANTS A JOB WILL GET A FAIR AND EQUAL OPPORTUNITY TO FIND WORK.

THERE'S MUCH TO BE DONE AND LITTLE TIME TO DO IT.

I URGE THE GENERAL ASSEMBLY TO SPEED OUR STATE'S ECONOMIC RECOVERY BY

[March 18, 2009]

QUICKLY PASSING THE "ILLINOIS JOBS NOW" PLAN.

OUR RECOVERY ALSO DEPENDS ON PROTECTING OUR CHILDREN AND SENIOR CITIZENS.

ILLINOIS POET LAUREATE, CARL SANDBURG ONCE SAID..
"THE BIRTH OF A BABY IS GOD'S OPINION THAT THE WORLD SHOULD GO ON."

THEREFORE, OUR BUDGET WILL NOT CUT HEALTHCARE FUNDING FOR OUR MOST VULNERABLE CITIZENS...
INCLUDING CHILDREN AND SENIORS.

IT WILL ALSO SEEK TO EASE THE BURDEN OF MEDICAID PROVIDERS BY REDUCING THE PAYMENT CYCLE TO 30 DAYS.

ANOTHER TOP-PRIORITY FOR THE PEOPLE OF ILLINOIS IS EDUCATION.

THERE ARE TWO FORCES IN LIFE:
ON ONE SIDE THERE ARE THE MOVERS AND THE SHAKERS.
AND ON THE OTHER SIDE THERE ARE THOSE THAT ARE MOVED AND SHAKEN.
--THE DIFFERENCE BETWEEN THEM, IS EDUCATION.

EDUCATION IS THE KEY TO EQUAL OPPORTUNITY AND ECONOMIC EMPOWERMENT.

JOBS FOLLOW BRAIN POWER.

AND ILLINOIS NEEDS ALL THE BRAIN POWER IT CAN MUSTER IN THE 21ST CENTURY.

EVEN IN TOUGH ECONOMIC TIMES WE MUST ALWAYS INVEST IN QUALITY AND ACCOUNTABLE EDUCATION.

THEREFORE, I PLAN TO INCREASE EARLY CHILDHOOD, ELEMENTARY AND HIGH SCHOOL EDUCATION FUNDING BY ONE-HUNDRED-AND-SEVENTY-MILLION DOLLARS.

AT THE SAME TIME, THIS PLAN WILL COMMIT FORTY-MILLION-DOLLARS TO COMMUNITY COLLEGES AND HIGHER EDUCATION.

THE BEST WAY TO ATTRACT AND KEEP BUSINESS IN ILLINOIS IS TO OFFER EMPLOYERS A SMART WELL-TRAINED WORK FORCE.

AND FINALLY, WE MUST NEVER FORGET THE HONORABLE AND COURAGEOUS MEN AND WOMEN WHO WEAR THE UNIFORM OF OUR COUNTRY.

THEY ARE THE BEST-OF-THE-BEST.
TODAY IN THIS CHAMBER, I WANT TO HONOR THOSE WHO MADE THE ULTIMATE SACRIFICE FOR OUR COUNTRY.

WITH US IS THE FAMILY OF MARINE CAPTAIN RYAN ANTHONY BEAUPRE.

WE THANK THEM FOR JOINING US AS WE REMEMBER THEIR LOVING SON.

MARINE CAPTAIN BEAUPRE WAS A STATE CHAMPION RUNNER...AND A GRADUATE OF ILLINOIS WESLEYAN UNIVERSITY.

HE LEFT HIS ACCOUNTING JOB IN BLOOMINGTON TO JOIN THE MARINES.

MARINE CAPTAIN BEAUPRE WAS KILLED ON MARCH 21, 2003... WHEN A HELICOPTER HE WAS PILOTING CRASHED ALONG THE KUWAIT-IRAQ BORDER.

[March 18, 2009]

HE WAS AMONG THE FIRST TO DIE IN THE WAR IN IRAQ.

RYAN BEAUPRE GAVE HIS LAST MEASURE OF DEVOTION TO OUR DEMOCRACY.

AND WE THANK HIM...AND ALL SERVICE MEMBERS AND THEIR FAMILIES...FOR DOING THEIR DUTY SO WELL AND UNSELFISHLY.

TO MAKE SURE OUR VETERANS GET PROPER CARE.

OUR BUDGET CALLS FOR FULLY-OPENING THE 80-BED EXPANSION IN THE LASALLE VETERAN'S HOME.

IT ALSO ALLOCATES SEVENTEEN-MILLION-DOLLARS TO A 200-BED CHICAGO VETERANS HOME AND EXPANDS OUR VETERANS CARE HEALTH PROGRAM.

THE FAMILY OF ILLINOIS BELIEVES IN THE WORDS OF ABRAHAM LINCOLN. IT IS THE DUTY OF ALL OF US IN THE HOMEFRONT, TO TAKE GOOD CARE OF THOSE WHO BEAR THE BATTLE ON THE FRONTLINE.

SINCE TAKING OFFICE, I HAVE TRAVELED OUR ENTIRE STATE.
FROM CHICAGO TO METROPOLIS...
FROM QUINCY TO CHAMPAIGN
AND ALL PARTS IN BETWEEN.

THROUGHOUT MY TRAVEL, PEOPLE HAVE WISHED ME WELL.

AND THEY TAKE ME INTO THEIR CONFIDENCE.

OUR CITIZENS WANT AN END TO PAST BITTERNESS.

THEY LONG FOR BRIGHTER DAYS AHEAD.

THEY ARE COUNTING ON US TO MAKE THEIR LIVES BETTER.

WE MUST NOT LET THEM DOWN.

FELLOW CITIZENS, INACTION IS NOT AN OPTION...

GUTTING OUR STATE'S SERVICES IS NOT A SOLUTION...

PLAYING POLITICS IS A LOSER'S GAME...

THIS IS THE LAND OF LINCOLN.

WE CELEBRATE HIS TWO-HUNDREDTH BIRTHDAY THIS YEAR.

IN MANY WAYS THE HARDSHIPS OF LINCOLN'S TIME MATCH OUR OWN.

ECONOMIC DISTRESS...WAR...
AND DEEP POLITICAL DIVISION.

LINCOLN CONFRONTED THESE PROBLEMS WITH HUMOR, GRACE AND WISDOM.

TODAY, I URGE EVERYONE TO SUMMON THE COURAGE AND SPIRIT OF ABRAHAM LINCOLN.

WE HAVE THE METTLE TO MAKE TOUGH CHOICES.

PASS THIS BUDGET...

[March 18, 2009]

AND LET'S BEGIN AN NEW ERA OF REFORM...
RESPONSIBILITY
...AND RECOVERY.

IT'S TIME TO MAKE THE WILL OF THE PEOPLE...
THE LAW OF THE LAND.

SO HELP US GOD.

THANK YOU.

At the hour of 12:55 o'clock p.m., President Cullerton moved that the Joint Assembly do now arise.

The motion prevailed.

AFTER RECESS

At the hour of 2:32 o'clock p.m., the Senate returned to the Senate Chambers and resumed consideration of business.

Senator Lightford, presiding.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Senate Floor Amendment No. 2 to Senate Bill 90
Senate Floor Amendment No. 2 to Senate Bill 1435
Senate Floor Amendment No. 1 to Senate Bill 1559
Senate Floor Amendment No. 1 to Senate Bill 1796
Senate Floor Amendment No. 1 to Senate Bill 2095

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 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. 47

A bill for AN ACT concerning government.

HOUSE BILL NO. 4122

A bill for AN ACT concerning criminal law.

Passed the House, March 18, 2009.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 47 and 4122** were taken up, ordered printed and placed on first reading.

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

[March 18, 2009]

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. 281
A bill for AN ACT concerning education.
HOUSE BILL NO. 437
A bill for AN ACT concerning education.
HOUSE BILL NO. 587
A bill for AN ACT concerning local government.
HOUSE BILL NO. 2244
A bill for AN ACT concerning public health.
HOUSE BILL NO. 2557
A bill for AN ACT concerning public employee benefits.
HOUSE BILL NO. 3670
A bill for AN ACT concerning finance.
Passed the House, March 18, 2009.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 281, 437, 587, 2244, 2557 and 3670** were 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 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. 769
A bill for AN ACT concerning finance.
HOUSE BILL NO. 3641
A bill for AN ACT concerning health.
Passed the House, March 18, 2009.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 769 and 3641** were taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 281, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 437, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 587, sponsored by Senator Koehler, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2244, sponsored by Senator Cronin, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 2557, sponsored by Senator Silverstein, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 3641, sponsored by Senator Bomke, was taken up, read by title a first time and referred to the Committee on Assignments.

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House Bill No. 4122, sponsored by Senator Holmes, was taken up, read by title a first time and referred to the Committee on Assignments.

SENATE BILL RECALLED

On motion of Senator Maloney, **Senate Bill No. 325** was recalled from the order of third reading to the order of second reading.

Senator Maloney offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 325

AMENDMENT NO. 1. Amend Senate Bill 325 as follows:

on page 1, immediately below line 23, by inserting the following:

"Any bonds designated pursuant to this Section shall mature at such time or times not exceeding 5 years from the date thereof and must be issued with a debt service reserve equal to at least 4% of the principal amount of the bonds, of which 75% of such reserve shall be funded from the proceeds of the bonds, and 25% of such reserve shall be funded by the Commission and not out of proceeds of the bonds. Proceeds of any bonds designated pursuant to this Section may be used only in connection with the rehabilitation loan program, to fund a debt service reserve as herein described, and for costs of issuance of the bonds."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Maloney, **Senate Bill No. 325**, having been transcribed and typed and all amendments adopted thereto having been printed, 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:

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Frerichs	Lightford	Risinger
Bivins	Garrett	Link	Rutherford
Bomke	Haine	Luechtefeld	Sandoval
Brady	Harmon	Maloney	Silverstein
Burzynski	Hendon	Martinez	Steans
Collins	Holmes	McCarter	Sullivan
Cronin	Hultgren	Meeks	Syverson
Crotty	Hunter	Millner	Trotter
Dahl	Hutchinson	Munoz	Viverito
DeLeo	Jacobs	Murphy	Wilhelmi
Delgado	Jones, E.	Noland	Mr. President
Demuzio	Jones, J.	Pankau	
Dillard	Koehler	Radogno	
Duffy	Kotowski	Raoul	
Forby	Laufen	Righter	

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

[March 18, 2009]

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Cullerton moved that **Senate Resolution No. 155**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Cullerton moved that Senate Resolution No. 155 be adopted.

And on that motion, a call of the roll was had resulting as follows:

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lauzen	Righter
Bivins	Frerichs	Lightford	Risinger
Bomke	Garrett	Link	Rutherford
Brady	Haine	Luechtefeld	Sandoval
Burzynski	Harmon	Maloney	Silverstein
Clayborne	Hendon	Martinez	Steans
Collins	Holmes	McCarter	Sullivan
Cronin	Hultgren	Meeks	Syverson
Crotty	Hunter	Millner	Trotter
Dahl	Hutchinson	Munoz	Wilhelmi
DeLeo	Jacobs	Murphy	Mr. President
Delgado	Jones, E.	Noland	
Demuzio	Jones, J.	Pankau	
Dillard	Koehler	Radogno	
Duffy	Kotowski	Raoul	

The motion prevailed.

And the resolution was adopted.

Senator Viverito asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **Senate Resolution No. 155**.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Garrett, **Senate Bill No. 40** having been printed, was taken up, read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Assignments.

The following amendment was offered in the Committee on State Government and Veterans Affairs, adopted and ordered printed:

AMENDMENT NO. 2 TO SENATE BILL 40

AMENDMENT NO. 2. Amend Senate Bill 40 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by adding Section 405-122 as follows:

(20 ILCS 405/405-122 new)

Sec. 405-122. Employees with a disability. The Department, in cooperation with the Department of Human Services, the Department of Employment Security, and other agencies of State government shall develop and implement programs to increase the number of qualified employees with disabilities working in the State. The programs shall include provisions to increase the number of people with a disability hired for positions with specific job titles for which they have been assessed and awarded a passing grade. The Department and the Department of Human Services must submit a report, annually,

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to the Governor and the General Assembly concerning their actions under this Section.

Section 10. The Department of Human Services Act is amended by adding Section 10-27 as follows:
(20 ILCS 1305/10-27 new)

Sec. 10-27. Information concerning federal tax credits and deductions for hiring qualified employees with disabilities.

(a) The Department shall collect, during the period of July 1, 2009 through June 30, 2010, information regarding all of the following:

(1) The number of employers that have claimed the Work Opportunity Tax Credit and the amounts claimed during this time frame.

(2) The size of the employer claiming the Work Opportunity Tax Credit and whether the employer is a small business or a large business.

(b) The Department shall cooperate with the Department of Revenue, the Department of Employment Security, and other appropriate agencies of State government to gather the information required in items (1) and (2) of subsection (a).

(c) For the purposes of this Section:

"Large business" means a business concern, including affiliates, which is not a small business.

"Small business" means a business concern, including affiliates, with fewer than 16 employees or has gross annual sales of less than \$3 million.

(d) The Department shall submit a report, annually, to the Governor and the General Assembly concerning its actions under this Section.

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

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Raoul, **Senate Bill No. 48** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Criminal Law, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 48

AMENDMENT NO. 1. Amend Senate Bill 48 on page 3, by replacing lines 6 through 17 with the following:

"The members of the Commission shall be appointed by the Governor, with the advice and consent of the Senate. Members may be re-appointed for additional terms, as provided for under Section 25."; and

on page 3, line 18, by replacing "appointing authority" with "Governor"; and

on page 4, lines 2 and 3, by replacing "appointing authority" with "Governor"; and

on page 4, line 5, by replacing "appointing authority" with "Governor".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 54**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 62** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Criminal Law, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 62

AMENDMENT NO. 1. Amend Senate Bill 62 by replacing lines 20 through 26 on page 4 and line 1 on page 5 with the following:

"(c-8) It is unlawful for a child sex offender to knowingly operate, whether authorized to do so or not,

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any of the following vehicles: (1) a vehicle which is specifically designed, constructed or modified and equipped to be used for the retail sale of food or beverages, including but not limited to an ice cream truck; (2) an authorized emergency vehicle; or (3) a rescue vehicle."; and

by replacing lines 17 and 18 on page 11 with the following:

"(14) "Authorized emergency vehicle", "rescue vehicle", and "vehicle" have the meanings ascribed to them in Sections 1-105, 1-171.8 and 1-217, respectively, of the Illinois Vehicle Code."; and

by replacing line 26 on page 15 and lines 1 through 7 on page 16, with the following:

"(c-8) It is unlawful for a child sex offender to knowingly operate, whether authorized to do so or not, any of the following vehicles: (1) a vehicle which is specifically designed, constructed or modified and equipped to be used for the retail sale of food or beverages, including but not limited to an ice cream truck; (2) an authorized emergency vehicle; or (3) a rescue vehicle."; and

by replacing lines 8 and 9 on page 23 with the following:

"(14) "Authorized emergency vehicle", "rescue vehicle", and "vehicle" have the meanings ascribed to them in Sections 1-105, 1-171.8 and 1-217, respectively, of the Illinois Vehicle Code.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 65** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 65

AMENDMENT NO. 1. Amend Senate Bill 65 on page 18, line 5, by replacing "Section" with "Act Section"; and

on page 23, line 6, by replacing "incorporates" with "includes the counsel's representation that the client has been provided incorporates".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 69** having been printed, was taken up, read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Assignments.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 2 TO SENATE BILL 69

AMENDMENT NO. 2. Amend Senate Bill 69, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Medical Practice Act of 1987 is amended by changing Section 22 and adding Section 22.2 as follows:

(225 ILCS 60/22) (from Ch. 111, par. 4400-22)

(Section scheduled to be repealed on December 31, 2010)

Sec. 22. Disciplinary action.

(A) The Department may revoke, suspend, place on probationary status, refuse to renew, or take any other disciplinary action as the Department may deem proper with regard to the license or visiting professor permit of any person issued under this Act to practice medicine, or to treat human ailments without the use of drugs and without operative surgery upon any of the following grounds:

(1) Performance of an elective abortion in any place, locale, facility, or institution other than:

- (a) a facility licensed pursuant to the Ambulatory Surgical Treatment Center Act;
- (b) an institution licensed under the Hospital Licensing Act; or

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(c) an ambulatory surgical treatment center or hospitalization or care facility maintained by the State or any agency thereof, where such department or agency has authority under law to establish and enforce standards for the ambulatory surgical treatment centers, hospitalization, or care facilities under its management and control; or

(d) ambulatory surgical treatment centers, hospitalization or care facilities maintained by the Federal Government; or

(e) ambulatory surgical treatment centers, hospitalization or care facilities maintained by any university or college established under the laws of this State and supported principally by public funds raised by taxation.

(2) Performance of an abortion procedure in a wilful and wanton manner on a woman who was not pregnant at the time the abortion procedure was performed.

(3) The conviction of a felony in this or any other jurisdiction, except as otherwise provided in subsection B of this Section, whether or not related to practice under this Act, or the entry of a guilty or nolo contendere plea to a felony charge.

(4) Gross negligence in practice under this Act.

(5) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(6) Obtaining any fee by fraud, deceit, or misrepresentation.

(7) Habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, or of any other substances which results in the inability to practice with reasonable judgment, skill or safety.

(8) Practicing under a false or, except as provided by law, an assumed name.

(9) Fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under this Act.

(10) Making a false or misleading statement regarding their skill or the efficacy or value of the medicine, treatment, or remedy prescribed by them at their direction in the treatment of any disease or other condition of the body or mind.

(11) Allowing another person or organization to use their license, procured under this Act, to practice.

(12) Disciplinary action of another state or jurisdiction against a license or other authorization to practice as a medical doctor, doctor of osteopathy, doctor of osteopathic medicine or doctor of chiropractic, a certified copy of the record of the action taken by the other state or jurisdiction being prima facie evidence thereof.

(13) Violation of any provision of this Act or of the Medical Practice Act prior to the repeal of that Act, or violation of the rules, or a final administrative action of the Secretary, after consideration of the recommendation of the Disciplinary Board.

~~(14) Violation of the prohibition against fee splitting in Section 22.2 of this Act. Dividing with anyone other than physicians with whom the licensee practices in a partnership, Professional Association, limited liability company, or Medical or Professional Corporation any fee, commission, rebate or other form of compensation for any professional services not actually and personally rendered. Nothing contained in this subsection prohibits persons holding valid and current licenses under this Act from practicing medicine in partnership under a partnership agreement, including a limited liability partnership, in a limited liability company under the Limited Liability Company Act, in a corporation authorized by the Medical Corporation Act, as an association authorized by the Professional Association Act, or in a corporation under the Professional Corporation Act or from pooling, sharing, dividing or apportioning the fees and monies received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the Board of Directors of the corporation or association. Nothing contained in this subsection prohibits 2 or more corporations authorized by the Medical Corporation Act, from forming a partnership or joint venture of such corporations, and providing medical, surgical and scientific research and knowledge by employees of these corporations if such employees are licensed under this Act, or from pooling, sharing, dividing, or apportioning the fees and monies received by the partnership or joint venture in accordance with the partnership or joint venture agreement. Nothing contained in this subsection shall abrogate the right of 2 or more persons, holding valid and current licenses under this Act, to each receive adequate compensation for concurrently rendering professional services to a patient and divide a fee; provided, the patient has full knowledge of the division, and, provided, that the division is made in proportion to the services performed and responsibility assumed by each.~~

(15) A finding by the Medical Disciplinary Board that the registrant after having his or her license placed on probationary status or subjected to conditions or restrictions violated the

terms of the probation or failed to comply with such terms or conditions.

(16) Abandonment of a patient.

(17) Prescribing, selling, administering, distributing, giving or self-administering any drug classified as a controlled substance (designated product) or narcotic for other than medically accepted therapeutic purposes.

(18) Promotion of the sale of drugs, devices, appliances or goods provided for a patient in such manner as to exploit the patient for financial gain of the physician.

(19) Offering, undertaking or agreeing to cure or treat disease by a secret method, procedure, treatment or medicine, or the treating, operating or prescribing for any human condition by a method, means or procedure which the licensee refuses to divulge upon demand of the Department.

(20) Immoral conduct in the commission of any act including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice.

(21) Wilfully making or filing false records or reports in his or her practice as a physician, including, but not limited to, false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(22) Wilful omission to file or record, or wilfully impeding the filing or recording, or inducing another person to omit to file or record, medical reports as required by law, or wilfully failing to report an instance of suspected abuse or neglect as required by law.

(23) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(24) Solicitation of professional patronage by any corporation, agents or persons, or profiting from those representing themselves to be agents of the licensee.

(25) Gross and wilful and continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing such false statements for collection of monies for services not rendered from the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(26) A pattern of practice or other behavior which demonstrates incapacity or incompetence to practice under this Act.

(27) Mental illness or disability which results in the inability to practice under this Act with reasonable judgment, skill or safety.

(28) Physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skill which results in a physician's inability to practice under this Act with reasonable judgment, skill or safety.

(29) Cheating on or attempt to subvert the licensing examinations administered under this Act.

(30) Wilfully or negligently violating the confidentiality between physician and patient except as required by law.

(31) The use of any false, fraudulent, or deceptive statement in any document connected with practice under this Act.

(32) Aiding and abetting an individual not licensed under this Act in the practice of a profession licensed under this Act.

(33) Violating state or federal laws or regulations relating to controlled substances, legend drugs, or ephedra, as defined in the Ephedra Prohibition Act.

(34) Failure to report to the Department any adverse final action taken against them by another licensing jurisdiction (any other state or any territory of the United States or any foreign state or country), by any peer review body, by any health care institution, by any professional society or association related to practice under this Act, by any governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(35) Failure to report to the Department surrender of a license or authorization to practice as a medical doctor, a doctor of osteopathy, a doctor of osteopathic medicine, or doctor of chiropractic in another state or jurisdiction, or surrender of membership on any medical staff or in any medical or professional association or society, while under disciplinary investigation by any of those authorities or bodies, for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(36) Failure to report to the Department any adverse judgment, settlement, or award arising from a liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(37) Failure to ~~provide~~ ~~transfer~~ copies of medical records as required by law.

(38) Failure to furnish the Department, its investigators or representatives, relevant information, legally requested by the Department after consultation with the Chief Medical Coordinator or the Deputy Medical Coordinator.

(39) Violating the Health Care Worker Self-Referral Act.

(40) Willful failure to provide notice when notice is required under the Parental Notice of Abortion Act of 1995.

(41) Failure to establish and maintain records of patient care and treatment as required by this law.

(42) Entering into an excessive number of written collaborative agreements with licensed advanced practice nurses resulting in an inability to adequately collaborate ~~and provide medical direction~~.

(43) Repeated failure to adequately collaborate with ~~or provide medical direction to~~ a licensed advanced practice nurse.

Except for actions involving the ground numbered (26), all proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds, must be commenced within 5 years next after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described herein. Except for the grounds numbered (8), (9), (26), and (29), no action shall be commenced more than 10 years after the date of the incident or act alleged to have violated this Section. For actions involving the ground numbered (26), a pattern of practice or other behavior includes all incidents alleged to be part of the pattern of practice or other behavior that occurred or a report pursuant to Section 23 of this Act received within the 10-year period preceding the filing of the complaint. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, such claim, cause of action or civil action being grounded on the allegation that a person licensed under this Act was negligent in providing care, the Department shall have an additional period of 2 years from the date of notification to the Department under Section 23 of this Act of such settlement or final judgment in which to investigate and commence formal disciplinary proceedings under Section 36 of this Act, except as otherwise provided by law. The time during which the holder of the license was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

The entry of an order or judgment by any circuit court establishing that any person holding a license under this Act is a person in need of mental treatment operates as a suspension of that license. That person may resume their practice only upon the entry of a Departmental order based upon a finding by the Medical Disciplinary Board that they have been determined to be recovered from mental illness by the court and upon the Disciplinary Board's recommendation that they be permitted to resume their practice.

The Department may refuse to issue or take disciplinary action concerning the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied as determined by the Illinois Department of Revenue.

The Department, upon the recommendation of the Disciplinary Board, shall adopt rules which set forth standards to be used in determining:

- (a) when a person will be deemed sufficiently rehabilitated to warrant the public trust;
- (b) what constitutes dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public;
- (c) what constitutes immoral conduct in the commission of any act, including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice; and
- (d) what constitutes gross negligence in the practice of medicine.

However, no such rule shall be admissible into evidence in any civil action except for review of a licensing or other disciplinary action under this Act.

In enforcing this Section, the Medical Disciplinary Board, upon a showing of a possible violation, may compel any individual licensed to practice under this Act, or who has applied for licensure or a permit pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at

the expense of the Department. The examining physician or physicians shall be those specifically designated by the Disciplinary Board. The Medical Disciplinary Board or the Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee or applicant and the examining physician. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any individual to submit to mental or physical examination, when directed, shall be grounds for suspension of his or her license until such time as the individual submits to the examination if the Disciplinary Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause. If the Disciplinary Board finds a physician unable to practice because of the reasons set forth in this Section, the Disciplinary Board shall require such physician to submit to care, counseling, or treatment by physicians approved or designated by the Disciplinary Board, as a condition for continued, reinstated, or renewed licensure to practice. Any physician, whose license was granted pursuant to Sections 9, 17, or 19 of this Act, or, continued, reinstated, renewed, disciplined or supervised, subject to such terms, conditions or restrictions who shall fail to comply with such terms, conditions or restrictions, or to complete a required program of care, counseling, or treatment, as determined by the Chief Medical Coordinator or Deputy Medical Coordinators, shall be referred to the Secretary for a determination as to whether the licensee shall have their license suspended immediately, pending a hearing by the Disciplinary Board. In instances in which the Secretary immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Disciplinary Board within 15 days after such suspension and completed without appreciable delay. The Disciplinary Board shall have the authority to review the subject physician's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act, affected under this Section, shall be afforded an opportunity to demonstrate to the Disciplinary Board that they can resume practice in compliance with acceptable and prevailing standards under the provisions of their license.

The Department may promulgate rules for the imposition of fines in disciplinary cases, not to exceed \$10,000 for each violation of this Act. Fines may be imposed in conjunction with other forms of disciplinary action, but shall not be the exclusive disposition of any disciplinary action arising out of conduct resulting in death or injury to a patient. Any funds collected from such fines shall be deposited in the Medical Disciplinary Fund.

(B) The Department shall revoke the license or visiting permit of any person issued under this Act to practice medicine or to treat human ailments without the use of drugs and without operative surgery, who has been convicted a second time of committing any felony under the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act, or who has been convicted a second time of committing a Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A person whose license or visiting permit is revoked under this subsection B of Section 22 of this Act shall be prohibited from practicing medicine or treating human ailments without the use of drugs and without operative surgery.

(C) The Medical Disciplinary Board shall recommend to the Department civil penalties and any other appropriate discipline in disciplinary cases when the Board finds that a physician willfully performed an abortion with actual knowledge that the person upon whom the abortion has been performed is a minor or an incompetent person without notice as required under the Parental Notice of Abortion Act of 1995. Upon the Board's recommendation, the Department shall impose, for the first violation, a civil penalty of \$1,000 and for a second or subsequent violation, a civil penalty of \$5,000.

(Source: P.A. 94-556, eff. 9-11-05; 94-677, eff. 8-25-05; 95-331, eff. 8-21-07.)

(225 ILCS 60/22.2 new)

(Section scheduled to be repealed on December 31, 2010)

Sec. 22.2. Prohibition against fee splitting.

(a) A licensee under this Act may not directly or indirectly divide, share or split any professional fee or other form of compensation for professional services with anyone in exchange for a referral or otherwise, other than as provided in this Section 22.2.

(b) Nothing contained in this Section abrogates the right of 2 or more licensed health care workers as defined in the Health Care Worker Self-referral Act to each receive adequate compensation for concurrently rendering services to a patient and to divide the fee for such service, whether or not the worker is employed, provided that the patient has full knowledge of the division and the division is made in proportion to the actual services personally performed and responsibility assumed by each licensee consistent with his or her license, except as prohibited by law.

(c) Nothing contained in this Section prohibits a licensee under this Act from practicing medicine through or within any form of legal entity authorized to conduct business in this State or from pooling, sharing, dividing, or apportioning the professional fees and other revenues in accordance with the agreements and policies of the entity provided:

(1) each owner of the entity is licensed under this Act;

(2) the entity is organized under the Medical Corporation Act, the Professional Services Corporation Act, the Professional Association Act, or the Limited Liability Company Act;

(3) the entity is allowed by Illinois law to provide physician services or employ physicians such as a licensed hospital or hospital affiliate or licensed ambulatory surgical treatment center owned in full or in part by Illinois-licensed physicians; or

(4) the entity is a combination or joint venture of the entities authorized under this subsection (c).

(d) Nothing contained in this Section prohibits a licensee under this Act from paying a fair market value fee to any person or entity whose purpose is to perform billing, administrative preparation, or collection services based upon a percentage of professional service fees billed or collected, a flat fee, or any other arrangement that directly or indirectly divides professional fees, for the administrative preparation of the licensee's claims or the collection of the licensee's charges for professional services, provided that:

(i) the licensee or the licensee's practice under subsection (c) of this Section at all times controls the amount of fees charged and collected; and

(ii) all charges collected are paid directly to the licensee or the licensee's practice or are deposited directly into an account in the name of and under the sole control of the licensee or the licensee's practice or deposited into a "Trust Account" by a licensed collection agency in accordance with the requirements of Section 8(c) of the Illinois Collection Agency Act.

(e) Nothing contained in this Section prohibits the granting of a security interest in the accounts receivable or fees of a licensee under this Act or the licensee's practice for bona fide advances made to the licensee or licensee's practice provided the licensee retains control and responsibility for the collection of the accounts receivable and fees.

(f) Excluding payments that may be made to the owners of or licensees in the licensee's practice under subsection (c), a licensee under this Act may not divide, share or split a professional service fee with, or otherwise directly or indirectly pay a percentage of the licensee's professional service fees, revenues or profits to anyone for: (i) the marketing or management of the licensee's practice, (ii) including the licensee or the licensee's practice on any preferred provider list, (iii) allowing the licensee to participate in any network of health care providers, (iv) negotiating fees, charges or terms of service or payment on behalf of the licensee, or (v) including the licensee in a program whereby patients or beneficiaries are provided an incentive to use the services of the licensee.

(g) Nothing contained in this Section prohibits the payment of rent or other remuneration paid at fair market value to an individual, partnership, or corporation by a licensee for the lease, rental, or use of space, staff, administrative services, or equipment owned or controlled by the individual, partnership, or corporation, or the receipt thereof by a licensee.

Section 10. The Illinois Optometric Practice Act of 1987 is amended by changing Section 24 and by adding Section 24.2 as follows:

(225 ILCS 80/24) (from Ch. 111, par. 3924)

(Section scheduled to be repealed on January 1, 2017)

Sec. 24. Grounds for disciplinary action.

(a) The Department may refuse to issue or to renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary action as the Department may deem proper, including fines not to exceed \$10,000 for each violation, with regard to any license for any one or combination of the following causes:

(1) Violations of this Act, or of the rules promulgated hereunder.

(2) Conviction of or entry of a plea of guilty to any crime under the laws of any U.S. jurisdiction thereof that is a felony or that is a misdemeanor of which an essential element is dishonesty, or any crime that is directly related to the practice of the profession.

(3) Making any misrepresentation for the purpose of obtaining a license.

(4) Professional incompetence or gross negligence in the practice of optometry.

(5) Gross malpractice, prima facie evidence of which may be a conviction or judgment of malpractice in any court of competent jurisdiction.

(6) Aiding or assisting another person in violating any provision of this Act or rules.

(7) Failing, within 60 days, to provide information in response to a written request

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made by the Department that has been sent by certified or registered mail to the licensee's last known address.

(8) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(9) Habitual or excessive use or addiction to alcohol, narcotics, stimulants or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety.

(10) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein.

~~(11) Violation of the prohibition against fee splitting in Section 24.2 of this Act. Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered. This shall not be deemed to include (i) rent or other remunerations paid to an individual, partnership, or corporation by an optometrist for the lease, rental, or use of space, owned or controlled, by the individual, partnership, corporation or association, and (ii) the division of fees between an optometrist and related professional service providers with whom the optometrist practices in a professional corporation organized under Section 3.6 of the Professional Service Corporation Act.~~

(12) A finding by the Department that the licensee, after having his or her license placed on probationary status has violated the terms of probation.

(13) Abandonment of a patient.

(14) Willfully making or filing false records or reports in his or her practice, including but not limited to false records filed with State agencies or departments.

(15) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(16) Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, or safety.

(17) Solicitation of professional services other than permitted advertising.

(18) Failure to provide a patient with a copy of his or her record or prescription in accordance with federal law.

(19) Conviction by any court of competent jurisdiction, either within or without this State, of any violation of any law governing the practice of optometry, conviction in this or another State of any crime that is a felony under the laws of this State or conviction of a felony in a federal court, if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust.

(20) A finding that licensure has been applied for or obtained by fraudulent means.

(21) Continued practice by a person knowingly having an infectious or contagious disease.

(22) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or a neglected child as defined in the Abused and Neglected Child Reporting Act.

(23) Practicing or attempting to practice under a name other than the full name as shown on his or her license.

(24) Immoral conduct in the commission of any act, such as sexual abuse, sexual misconduct or sexual exploitation, related to the licensee's practice.

(25) Maintaining a professional relationship with any person, firm, or corporation when the optometrist knows, or should know, that such person, firm, or corporation is violating this Act.

(26) Promotion of the sale of drugs, devices, appliances or goods provided for a client or patient in such manner as to exploit the patient or client for financial gain of the licensee.

(27) Using the title "Doctor" or its abbreviation without further qualifying that title or abbreviation with the word "optometry" or "optometrist".

(28) Use by a licensed optometrist of the word "infirmary", "hospital", "school", "university", in English or any other language, in connection with the place where optometry may be practiced or demonstrated.

(29) Continuance of an optometrist in the employ of any person, firm or corporation, or as an assistant to any optometrist or optometrists, directly or indirectly, after his or her employer or superior has been found guilty of violating or has been enjoined from violating the laws of the State of Illinois relating to the practice of optometry, when the employer or superior persists in that violation.

(30) The performance of optometric service in conjunction with a scheme or plan with another person, firm or corporation known to be advertising in a manner contrary to this Act or otherwise violating the laws of the State of Illinois concerning the practice of optometry.

(31) Failure to provide satisfactory proof of having participated in approved continuing education programs as determined by the Board and approved by the Secretary. Exceptions for extreme hardships are to be defined by the rules of the Department.

(32) Willfully making or filing false records or reports in the practice of optometry, including, but not limited to false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(33) Gross and willful overcharging for professional services including filing false statements for collection of fees for which services are not rendered, including, but not limited to filing false statements for collection of monies for services not rendered from the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(34) In the absence of good reasons to the contrary, failure to perform a minimum eye examination as required by the rules of the Department.

(35) Violation of the Health Care Worker Self-Referral Act.

The Department may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of the tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(a-5) In enforcing this Section, the Board upon a showing of a possible violation, may compel any individual licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians or clinical psychologists shall be those specifically designated by the Board. The Board or the Department may order the examining physician or clinical psychologist to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician or clinical psychologist. Eye examinations may be provided by a licensed optometrist. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until such time as the individual submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board finds an individual unable to practice because of the reasons set forth in this Section, the Board shall require such individual to submit to care, counseling, or treatment by physicians or clinical psychologists approved or designated by the Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice, or in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual, or the Board may recommend to the Department to file a complaint to suspend, revoke, or otherwise discipline the license of the individual. Any individual whose license was granted pursuant to this Act, or continued, reinstated, renewed, disciplined, or supervised, subject to such conditions, terms, or restrictions, who shall fail to comply with such conditions, terms, or restrictions, shall be referred to the Secretary for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Board.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient; and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume his or her practice.

(Source: P.A. 94-787, eff. 5-19-06.)

(225 ILCS 80/24.2 new)

(Section scheduled to be repealed on January 1, 2017)

Sec. 24.2. Prohibition against fee splitting.

(a) A licensee under this Act may not directly or indirectly divide, share or split any professional fee or other form of compensation for professional services with anyone in exchange for a referral or

otherwise, other than as provided in this Section 24.2.

(b) Nothing contained in this Section abrogates the right of 2 or more licensed health care workers as defined in the Health Care Worker Self-referral Act to each receive adequate compensation for concurrently rendering services to a patient and to divide the fee for such service, whether or not the worker is employed, provided that the patient has full knowledge of the division and the division is made in proportion to the actual services personally performed and responsibility assumed by each licensee consistent with his or her license, except as prohibited by law.

(c) Nothing contained in this Section prohibits a licensee under this Act from practicing optometry through or within any form of legal entity authorized to conduct business in this State or from pooling, sharing, dividing, or apportioning the professional fees and other revenues in accordance with the agreements and policies of the entity provided:

(1) each owner of the entity is licensed under this Act;

(2) the entity is organized under the Professional Services Corporation Act, the Professional Association Act, or the Limited Liability Company Act;

(3) the entity is allowed by Illinois law to provide optometric services or employ optometrists such as a licensed hospital or hospital affiliate or licensed ambulatory surgical treatment center owned in full or in part by Illinois-licensed physicians; or

(4) the entity is a combination or joint venture of the entities authorized under this subsection (c).

(d) Nothing contained in this Section prohibits a licensee under this Act from paying a fair market value fee to any person or entity whose purpose is to perform billing, administrative preparation, or collection services based upon a percentage of professional service fees billed or collected, a flat fee, or any other arrangement that directly or indirectly divides professional fees, for the administrative preparation of the licensee's claims or the collection of the licensee's charges for professional services, provided that:

(i) the licensee or the licensee's practice under subsection (c) at all times controls the amount of fees charged and collected; and

(ii) all charges collected are paid directly to the licensee or the licensee's practice or are deposited directly into an account in the name of and under the sole control of the licensee or the licensee's practice or deposited into a "Trust Account" by a licensed collection agency in accordance with the requirements of Section 8(c) of the Illinois Collection Agency Act.

(e) Nothing contained in this Section prohibits the granting of a security interest in the accounts receivable or fees of a licensee under this Act or the licensee's practice for bona fide advances made to the licensee or licensee's practice provided the licensee retains control and responsibility for the collection of the accounts receivable and fees.

(f) Excluding payments that may be made to the owners of or licensees in the licensee's practice under subsection (c), a licensee under this Act may not divide, share or split a professional service fee with, or otherwise directly or indirectly pay a percentage of the licensee's professional service fees, revenues or profits to anyone for: (i) the marketing or management of the licensee's practice, (ii) including the licensee or the licensee's practice on any preferred provider list, (iii) allowing the licensee to participate in any network of health care providers, (iv) negotiating fees, charges or terms of service or payment on behalf of the licensee, or (v) including the licensee in a program whereby patients or beneficiaries are provided an incentive to use the services of the licensee.

(g) Nothing contained in this Section prohibits the payment of rent or other remuneration paid at fair market value to an individual, partnership, or corporation by a licensee for the lease, rental, or use of space, staff, administrative services, or equipment owned or controlled by the individual, partnership, or corporation, or the receipt thereof by a licensee.

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

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 74**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **Senate Bill No. 82** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Energy, adopted and ordered printed:

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AMENDMENT NO. 1 TO SENATE BILL 82

AMENDMENT NO. 1. Amend Senate Bill 82 on page 9, by replacing lines 6 through 8 with the following:

"(i) Any public utility that fails to comply with the provisions of subsection (c) or (d) of this Section shall pay for all costs of enforcement by the Illinois Department of Revenue, including reasonable legal fees."; and

on page 16, by replacing lines 7 through 9 with the following:

"(i) Any public utility that fails to comply with the provisions of subsection (c) or (d) of this Section shall pay for all costs of enforcement by the Illinois Department of Revenue, including reasonable legal fees.".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 84**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dahl, **Senate Bill No. 88** having been printed, was taken up, read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Assignments.

The following amendment was offered in the Committee on Revenue, adopted and ordered printed:

AMENDMENT NO. 2 TO SENATE BILL 88

AMENDMENT NO. 2. Amend Senate Bill 88 on page 3, line 2, by replacing "If" with the following: "For grant year 2010 and each grant year thereafter, if"; and

on page 9, line 14, by replacing "If" with the following: "For grant year 2010 and each grant year thereafter, if".

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 95**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, **Senate Bill No. 105** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Public Health, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 105

AMENDMENT NO. 1. Amend Senate Bill 105 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the MRSA Prevention, Control, and Reporting Act.

Section 5. Definition. In this Act, "State residential facility" or "facility" means: any Department of Human Services operated residential facility, including any State mental health hospital, State developmental center, or State residential school for the deaf and visually impaired; any Department of Corrections operated correctional center, work camp or boot camp; and any Department of Juvenile Justice operated juvenile center or boot camp.

Section 10. MRSA prevention, control, and reporting. In order to improve the prevention of infections due to methicillin-resistant *Staphylococcus aureus* ("MRSA"), the following MRSA prevention, control, and reporting activities are applicable to State residential facilities:

(1) Guidelines. State residential facilities shall develop and utilize policies and procedures for MRSA prevention, control, and reporting that are in compliance with federal

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guidelines and consistent with the operational needs of affected agencies.

(2) Minimum standards. Procedural MRSA Prevention and Control Guidelines shall include, but not be limited to, recommendations and requirements for screening and surveillance, education and training, hygiene, sanitation, and infection control.

(3) Reporting. State residential facilities shall comply with Department of Public Health rules and regulations for reporting of communicable diseases, including MRSA.

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

Senate Committee Amendment No. 2 was held in the Committee on Assignments.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 108**, having been printed, was taken up, read by title a second time.

Senate Committee Amendment No. 1 was held in the Committee on Assignments.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 63**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 109**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 111**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 112**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 120**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 122** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 122

AMENDMENT NO. 1. Amend Senate Bill 122 on page 3, by deleting lines 18 through 22; and

on page 8, immediately below line 11, by inserting the following:

"No officer, board, commission, or other public entity who receives technical submissions shall accept for filing or approval any technical submissions relating to services requiring the involvement of an architect that do not bear the seal and signature of an architect licensed under this Act."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 133**, having been printed, was taken up, read by title a second time.

Senate Floor Amendment No. 1 was held in the Committee on Assignments.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 134**, having been printed, was taken up, read by title a second time.

Senate Floor Amendment No. 1 was held in the Committee on Assignments.

There being no further amendments, the bill was ordered to a third reading.

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On motion of Senator Silverstein, **Senate Bill No. 146**, having been printed, was taken up, read by title a second time.

Senate Floor Amendment No. 1 was held in the Committee on Assignments.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 149**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 171**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 175**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **Senate Bill No. 177**, having been printed, was taken up, read by title a second time.

Senate Floor Amendment No. 1 was held in the Committee on Assignments.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 190**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **Senate Bill No. 211** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Criminal Law, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 211

AMENDMENT NO. 1. Amend Senate Bill 211 on page 9, line 16, by inserting ", or uses an air rifle as defined in the Air Rifle Act" after "firearm".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Koehler, **Senate Bill No. 212**, having been printed, was taken up, read by title a second time.

Senate Floor Amendment No. 1 was held in the Committee on Assignments.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Bomke, **Senate Bill No. 227**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **Senate Bill No. 236** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 236

AMENDMENT NO. 1. Amend Senate Bill 236 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Sections 1-140.10, 1-140.15, and 11-1516 and by changing Section 1-146 as follows:

(625 ILCS 5/1-140.10 new)

Sec. 1-140.10. Low-speed electric bicycle. The term "low-speed electric bicycle" has the same meaning ascribed to it by Section 38 of the Consumer Product Safety Act (15 U.S.C. Sec. 2085).

(625 ILCS 5/1-140.15 new)

Sec. 1-140.15. Low-speed gas bicycle. A 2 or 3-wheeled device with fully operable pedals and a

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gasoline motor of less than one horsepower, whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 miles per hour.

(625 ILCS 5/1-146) (from Ch. 95 1/2, par. 1-146)

Sec. 1-146. Motor vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power, ~~and~~ motorized wheelchairs, low-speed electric bicycles, and low-speed gas bicycles. For this Act, motor vehicles are divided into two divisions:

First Division: Those motor vehicles which are designed for the carrying of not more than 10 persons.

Second Division: Those motor vehicles which are designed for carrying more than 10 persons, those motor vehicles designed or used for living quarters, those motor vehicles which are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodelled for use and used as motor vehicles of the Second Division.

(Source: P.A. 85-1010.)

(625 ILCS 5/11-1516 new)

Sec. 11-1516. Low-speed bicycles.

(a) A person may operate a low-speed electric bicycle or low-speed gas bicycle only if the person is at least 16 years of age.

(b) A person may not operate a low-speed electric bicycle or low-speed gas bicycle at a speed greater than 20 miles per hour upon any highway, street, or roadway.

(c) A person may not operate a low-speed electric bicycle or low-speed gas bicycle on a sidewalk.

(d) Except as otherwise provided in this Section, the provisions of this Article XV that apply to bicycles also apply to low-speed electric bicycles and low-speed gas bicycles."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Raoul, **Senate Bill No. 241**, having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 243**, having been printed, was taken up, read by title a second time.

Senate Floor Amendment Nos. 1 and 2 were held in the Committee on Assignments.

There being no further amendments, the bill was ordered to a third reading.

Senator Clayborne asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following Committees to meet tomorrow, Thursday, March 19, 2009:

At 8:30 o'clock a.m., the Committees on Public Health in Room 212, Elections in Room 400, and Agriculture and Conservation in Room 409.

At 9:15 o'clock a.m., the Committees on Human Services in Room 212, Judiciary in Room 400, and Higher Education in Room 409.

At 10:30 o'clock a.m., the Committees on Transportation in Room 400 and Education in Room 409.

At 11:15 o'clock a.m., the Committees on Criminal Law in Room 212, Environment in Room 400, and Local Government in Room 409.

At the hour of 3:18 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

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AFTER RECESS

At the hour of 6:14 o'clock p.m., the Senate resumed consideration of business.
 Senator Harmon, presiding.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the Senate Resolution listed below has been filed with the Secretary and referred to the Committee on Assignments:

Senate Floor Amendment No. 1 to Senate Resolution 93

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Senate Floor Amendment No. 3 to Senate Bill 80
 Senate Floor Amendment No. 4 to Senate Bill 80
 Senate Floor Amendment No. 2 to Senate Bill 108
 Senate Floor Amendment No. 1 to Senate Bill 1920
 Senate Floor Amendment No. 2 to Senate Bill 2089
 Senate Floor Amendment No. 1 to Senate Bill 2257
 Senate Floor Amendment No. 1 to Senate Bill 2269
 Senate Floor Amendment No. 1 to Senate Bill 2272

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 18, 2009 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: **Senate Floor Amendment No. 1 to Senate Bill 1538.**

Consumer Protection: **Senate Floor Amendment No. 2 to Senate Bill 1408.**

Criminal Law: **Senate Floor Amendment No. 1 to Senate Bill 42; Senate Floor Amendment No. 1 to Senate Bill 933; Senate Floor Amendment No. 1 to Senate Bill 1012; Senate Floor Amendment No. 1 to Senate Bill 1030.**

Education: **Senate Floor Amendment No. 2 to Senate Bill 152; Senate Floor Amendment No. 1 to Senate Bill 153; Senate Floor Amendment No. 1 to Senate Bill 613; Senate Floor Amendment No. 1 to Senate Bill 2051; Senate Floor Amendment No. 1 to Senate Bill 2214.**

Elections: **Senate Floor Amendment No. 3 to Senate Bill 80; Senate Floor Amendment No. 4 to Senate Bill 80; Senate Floor Amendment No. 1 to Senate Bill 146; Senate Floor Amendment No. 1 to Senate Bill 1662.**

Environment: **Senate Floor Amendment No. 1 to Senate Joint Resolution 36; Senate Floor Amendment No. 1 to Senate Bill 1269; Senate Floor Amendment No. 2 to Senate Bill 1291; Senate Floor Amendment No. 1 to Senate Bill 2184.**

Executive: **Senate Floor Amendment No. 2 to Senate Bill 44; Senate Floor Amendment No. 3 to Senate Bill 324; Senate Floor Amendment No. 1 to Senate Bill 1265; Senate Floor Amendment No. 1 to Senate Bill 2101.**

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Financial Institutions: **Senate Floor Amendment No. 2 to Senate Bill 229; Senate Floor Amendment No. 3 to Senate Bill 229.**

Higher Education: **Senate Floor Amendment No. 1 to Senate Bill 37.**

Human Services: **Senate Floor Amendment No. 2 to Senate Joint Resolution 3; Senate Floor Amendment No. 1 to Senate Bill 807; Senate Floor Amendment No. 2 to Senate Bill 1330; Senate Floor Amendment No. 1 to Senate Bill 1907.**

Insurance: **Senate Floor Amendment No. 1 to Senate Bill 1809.**

Judiciary: **Senate Floor Amendment No. 2 to Senate Bill 154; Senate Floor Amendment No. 1 to Senate Bill 177; Senate Floor Amendment No. 1 to Senate Bill 239; Senate Floor Amendment No. 1 to Senate Bill 243; Senate Floor Amendment No. 2 to Senate Bill 243; Senate Floor Amendment No. 1 to Senate Bill 266; Senate Floor Amendment No. 1 to Senate Bill 291; Senate Floor Amendment No. 1 to Senate Bill 292; Senate Floor Amendment No. 1 to Senate Bill 1053; Senate Floor Amendment No. 1 to Senate Bill 1066; Senate Floor Amendment No. 1 to Senate Bill 1390; Senate Floor Amendment No. 1 to Senate Bill 1487; Senate Floor Amendment No. 2 to Senate Bill 1579; Senate Floor Amendment No. 1 to Senate Bill 2230.**

Labor: **Senate Floor Amendment No. 2 to Senate Bill 43; Senate Floor Amendment No. 1 to Senate Bill 218; Senate Floor Amendment No. 1 to Senate Bill 219; Senate Floor Amendment No. 1 to Senate Bill 1770.**

Licensed Activities: **Senate Floor Amendment No. 2 to Senate Bill 53; Senate Floor Amendment No. 2 to Senate Bill 289; Senate Floor Amendment No. 3 to Senate Bill 318; Senate Floor Amendment No. 1 to Senate Bill 1339; Senate Floor Amendment No. 1 to Senate Bill 1486; Senate Floor Amendment No. 1 to Senate Bill 1488; Senate Floor Amendment No. 1 to Senate Bill 1925.**

Local Government: **Senate Floor Amendment No. 1 to Senate Bill 337; Senate Floor Amendment No. 2 to Senate Bill 1995; Senate Floor Amendment No. 3 to Senate Bill 2057.**

Pensions and Investments: **Senate Floor Amendment No. 1 to Senate Bill 2212.**

Public Health: **Senate Floor Amendment No. 1 to Senate Bill 133; Senate Floor Amendment No. 1 to Senate Bill 134; Senate Floor Amendment No. 1 to Senate Bill 212; Senate Floor Amendment No. 2 to Senate Bill 270; Senate Floor Amendment No. 1 to Senate Bill 1736; Senate Floor Amendment No. 1 to Senate Bill 2155.**

Revenue: **Senate Floor Amendment No. 4 to Senate Bill 89; Senate Floor Amendment No. 1 to Senate Bill 450; Senate Floor Amendment No. 1 to Senate Bill 1723.**

State Government and Veterans Affairs: **Senate Floor Amendment No. 1 to Senate Joint Resolution 29.**

Transportation: **Senate Floor Amendment No. 2 to Senate Bill 148; Senate Floor Amendment No. 2 to Senate Bill 1833.**

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following Committees to meet tomorrow, Thursday, March 19, 2009:

At 8:30 o'clock a.m., the Committees on Public Health in Room 212, Elections in Room 400, and Agriculture and Conservation in Room 409.

At 9:15 o'clock a.m., the Committees on Human Services in Room 212 and Judiciary in Room 400.

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At 10:30 o'clock a.m., the Committees on Transportation in Room 400 and Education in Room 409.

At 11:15 o'clock a.m., the Committees on Criminal Law in Room 212, Environment in Room 400, and Local Government in Room 409.

At the hour of 6:20 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, March 19, 2009, at 12:00 o'clock noon.