



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-SIXTH GENERAL ASSEMBLY**

**38TH LEGISLATIVE DAY**

**WEDNESDAY, APRIL 22, 2009**

**12:54 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**38th Legislative Day**

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The Senate met pursuant to adjournment.  
 Senator Kimberly A. Lightford, Maywood, Illinois, presiding.  
 Prayer by Colonel Daniel Krumrei, Parkway Christian Church, Springfield, Illinois.  
 Senator Jacobs led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, April 21, 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:

Law Enforcement Camera Grant Act Report, submitted by the Chillicothe Police Department.

Illinois Child Care Report, FY 2008, submitted by the Department of Human Services.

DHS Staffing Level of Bilingual Employees, April 1, 2009, submitted by the Department of Human Services.

Liabilities of the State Employees' Group Health Insurance Program, Fiscal Year 2010, submitted by the Commission on Government Forecasting and Accountability.

FY 2010 Economic and Revenue Forecast and Updated FY 2009 Revenue Estimate, submitted by the Commission on Government Forecasting and Accountability.

Bonded Indebtedness and Long Term Obligations, submitted by the Office of the Comptroller.

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

### **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 149  
 Senate Floor Amendment No. 1 to Senate Bill 2167

The following Committee amendment to the House Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Senate Committee Amendment No. 1 to House Bill 1329

The following Floor amendment to the House Bill listed below has been filed with the Secretary and referred to the Committee on Assignments:

Senate Floor Amendment No. 1 to House Bill 865

### **JOINT ACTION MOTION FILED**

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

Motion to Concur in House Amendments 1 and 2 to Senate Bill 366

[April 22, 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 31, 2009

Ms. Jillayne Rock  
Secretary of the Senate  
Room 403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish May 31, 2009 as the 3<sup>rd</sup> Reading deadline for Senate Bill 1362.

Sincerely,  
s/John J. Cullerton  
Senate President

cc: Senate Republican Leader Christine Radogno

**REPORTS FROM STANDING COMMITTEES**

Senator Crotty, Chairperson of the Committee on Elections, to which was referred **House Bill No. 3785**, reported the same back with the recommendation that the bill do pass.  
Under the rules, the bill was ordered to a second reading.

Senator Delgado, Chairperson of the Committee on Public Health, to which was referred **House Bills Numbered 185, 748, 805, 818 and 1112**, reported the same back with the recommendation that the bills do pass.  
Under the rules, the bills were ordered to a second reading.

Senator Delgado, Chairperson of the Committee on Public Health, to which was referred **House Bill No. 3779**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.  
Under the rules, the bill was ordered to a second reading.

Senator Maloney, Chairperson of the Committee on Higher Education, to which was referred **House Bills Numbered 2507, 2661 and 4094**, reported the same back with the recommendation that the bills do pass.  
Under the rules, the bills were ordered to a second reading.

Senator Hunter, Chairperson of the Committee on Human Services, to which was referred **House Bills Numbered 399, 416, 804, 2414 and 3843**, reported the same back with the recommendation that the bills do pass.  
Under the rules, the bills were ordered to a second reading.

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Senator Hunter, Chairperson of the Committee on Human Services, to which was referred **Senate Resolution No. 105**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 105** was placed on the Secretary's Desk.

Senator Wilhelmi, Chairperson of the Committee on Judiciary, to which was referred **House Bills Numbered 151, 759, 1065, 1336, 2289, 3726 and 3918**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Wilhelmi, Chairperson of the Committee on Judiciary, to which was referred **House Bill No. 2539**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

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

Senate Amendment No. 1 to Senate Bill 1716

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

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred **House Bills Numbered 931, 1181, 2535 and 3730**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Meeks, Chairperson of the Committee on Education, to which was referred **House Bills Numbered 725, 737, 900, 944, 972, 973, 1190, 2362, 2674, 3731, 4038, 4117 and 4223**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

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

Senate Amendment No. 1 to Senate Joint Resolution 52

Senate Amendment No. 1 to Senate Bill 611

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Koehler, Chairperson of the Committee on Local Government, to which was referred **House Bills Numbered 301, 621, 719, 743 and 1306**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Garrett, Chairperson of the Committee on Environment, to which was referred **House Bills Numbered 696, 1013, 2429 and 3828**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Noland, Chairperson of the Committee on Criminal Law, to which was referred **House Bills Numbered 865, 914, 1314, 1348, 2281, 2574, 2650, 3697, 3897, 4066, 4081, 4169 and 4173**, reported the same back with the recommendation that the bills do pass.

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Under the rules, the bills were ordered to a second reading.

**PRESENTATION OF RESOLUTIONS**

**SENATE RESOLUTION NO. 221**

Offered by Senator Hunter and all Senators:  
Mourns the death of Dorothy Hunter.

**SENATE RESOLUTION NO. 222**

Offered by Senator Hunter and all Senators:  
Mourns the death of Gussie Kabakow.

**SENATE RESOLUTION NO. 223**

Offered by Senator Noland and all Senators:  
Mourns the death of Gust Dasakis of Bartlett, formerly of Lombard.

**SENATE RESOLUTION NO. 224**

Offered by Senator Murphy and all Senators:  
Mourns the death of Kenneth M. Bonder of Arlington Heights.

**SENATE RESOLUTION NO. 225**

Offered by Senator Murphy and all Senators:  
Mourns the death of James Smith of Mount Prospect.

**SENATE RESOLUTION NO. 226**

Offered by Senator Wilhelmi and all Senators:  
Mourns the death of Dale M. Morse of Elwood.

**SENATE RESOLUTION NO. 227**

Offered by Senator Dahl and all Senators:  
Mourns the death of Richard A. Foltyniewicz. of Ottawa.

**SENATE RESOLUTION NO. 228**

Offered by Senator Dahl and all Senators:  
Mourns the death of Hubert J. "H.J." Mennie of Mark.

**SENATE RESOLUTION NO. 229**

Offered by Senator Collins and all Senators:  
Mourns the death of John Blakey.

**SENATE RESOLUTION NO. 230**

Offered by Senator Demuzio and all Senators:  
Mourns the death of George F. Taseff of Carlinville.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

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

**SENATE RESOLUTION NO. 231**

WHEREAS, Elev8 Chicago seeks to improve the educational achievement and life outcomes of disadvantage middle school students in five Chicago schools (Ames Middle School, Marquette Elementary, Orozco Academy, Perspectives-Calumet Middle School, and Reavis Elementary); and

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WHEREAS, Elev8 Chicago envisions these young people graduating from 8th grade ready to make important life choices; giving them a fire for learning, healthy minds and bodies, and the support required to succeed in high school and beyond; and

WHEREAS, To achieve this vision, Elev8 Chicago has created a highly integrated program that: extends the school day with afternoon, weekend and summer programming; creates on site, adolescent-focused health clinics in each school; provides social supports including public benefits screening, mentoring, and high school placement assistance; includes local and national advocacy efforts to build supportive policies; and

WHEREAS, Research has suggested that participation in extended day programs increases youth's skills and evidence indicates that locating extended day programs in schools may increase youth's participation in these services or at least support the involvement of a broader (perhaps more at-risk) population of youth; and

WHEREAS, Locating extended day programming on school campus improves students' connections with their schools, both by improving the relationships they have with adults in the school and by fostering a sense of belonging; and

WHEREAS, School-based health services particularly benefit children coming from urban and rural communities underserved by the traditional health care system and research has shown that school-based clinics enable students to receive more needed health services, especially for uninsured and harder-to-reach populations; and

WHEREAS, The benefits of placing health services in schools extend beyond simply making services more easily accessible; students at schools with these services not only use health care more often-they use it differently, shifting toward regular preventive care and away from palliative and emergency services, and thus saving the state and the health care institutions money; and

WHEREAS, In the integrated services model, the school building becomes a hub of academic and enrichment activities for children, while also providing adult programming and resources for families and community members; and

WHEREAS, The Elev8 Chicago sites programs offering family support and parental and community involvement will ensure that middle school students and their families provide a stable home environment; and

WHEREAS, Family support programs commonly provide parents with educational and employment opportunities and help them access and maximize public assistance benefits; such services can help to increase the income level of the family and thereby improve the children's well-being; by making the school a place that helps parents with their income, employment, and other needs, integrated service models ameliorate the alienation that many parents in underserved communities feel toward schools in general; and

WHEREAS, Research indicates that each core component of this program can play a pivotal role in the lives of children; the Elev8 approach of providing all of these services together in a coordinated manner seeks to achieve results that are far greater than those that can be achieved by any one of the methods on its own; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that Illinois is committed to closing the gap in teaming achievement levels between low income and middle-income or upper-income children and youth and the Elev8 initiative seeks to rectify this disparage by creating dynamic integration of services within schools, one of the principal environments in which young people spend their time; and be it further

RESOLVED, That the Elev8 Chicago integrated services model enables stakeholders to break down traditional ways of thinking about what school can provide to a community and what a community can provide to a school; this dialogue should include school administrators, parents, community residents, service providers and businesses, together these individuals can strategize what can best suit the needs of

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students, families, and members of the community; and be it further

RESOLVED, That Elev8 Chicago integrated services model enhances educational opportunities and truly engages parents which transforms the standard school environment by providing additional social, emotional, academic, and health-related supports that help students learn.

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

**SENATE JOINT RESOLUTION NO. 60**

WHEREAS, An intact, involved two-parent home provides the optimal environment through which children grow into productive and responsible adults; and

WHEREAS, Parents are the primary "polestar" with respect to raising their children; and

WHEREAS, Our society, State, and statutes should serve as secondary structures designed to support, not supplant, both parents in their role as the primary nurturers of children; and

WHEREAS, Both mothers and fathers provide unique and invaluable contributions towards the development of their children; and

WHEREAS, Each parent's contributions to the upbringing of their children are equally necessary to assure children the best opportunity to develop into healthy citizens; and

WHEREAS, An intact two-parent home is not always available to children; and

WHEREAS, Children of separated or divorced parents will benefit from frequent and continuing involvement with both parents, unless it is shown that such involvement will cause substantial or imminent harm to those children; and

WHEREAS, The role of the State in such situations should be to encourage maximum parental involvement with children; and

WHEREAS, Any legal determination regarding custody, visitation, or parenting time should demonstrate consistent application of a presumption in favor of fit parents, including parental rights and parental autonomy, and maximum parental involvement so as to nurture children fully under the confines of the family; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we discourage policies that result in children being unduly influenced, alienated, or disenfranchised from their parents; and be it further

RESOLVED, That the State's role in the relationship of children with their parents should be minimal unless a parent may be unfit or pose a substantial harm to them; and be it further

RESOLVED, That in accordance with these findings, the Illinois General Assembly declares that our public policy is furthered by recognizing both parents' fundamental liberty interest in the care, custody, and companionship of their children.

**INTRODUCTION OF BILLS**

**SENATE BILL NO. 2451.** Introduced by Senator Haine, a bill for AN ACT concerning appropriations.

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The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

**SENATE BILL NO. 2452.** Introduced by Senator Demuzio, a bill for AN ACT concerning transportation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Assignments.

**MESSAGE FROM THE GOVERNOR**

Message for the Governor by Sean Vinck  
Chief Legislative Counsel to the Governor

March 9, 2009

Mr. President,

The Governor directs me to lay before the Senate the following Message:

STATE OF ILLINOIS  
EXECUTIVE DEPARTMENT

To the Honorable  
Members of the Senate  
Ninety-Sixth General Assembly

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable body.

s/Pat Quinn  
GOVERNOR

**TRANSPORTATION, DEPARTMENT OF**

To be Director of the Department of Transportation for a term commencing February 28, 2009 and ending January 17, 2011:

Gary Hannig of Litchfield  
Salaried

**COMMERCE AND ECONOMIC OPPORTUNITY, DEPARTMENT OF**

To be Director of the Department of Commerce and Economic Opportunity for a term commencing March 2, 2009 and ending January 17, 2011:

Warren Ribley of Springfield  
Salaried

The foregoing Message from the Governor was referred to the Committee on Executive Appointments.

**REPORT FROM COMMITTEE ON ASSIGNMENTS**

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 22, 2009 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

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Agriculture and Conservation: **HOUSE BILLS 36, 78, 229, 338, 543, 872, 998, 1087, 1204, 2251, 2546, 3685, 3990, 4030, 4036 and 4245.**

Appropriations I: **HOUSE BILLS 83, 609, 612, 859, 928, 991, 1053, 2270, 2314, 2469, 2640 and 3841.**

Appropriations II: **HOUSE BILLS 84, 278, 962 and 2328.**

Commerce: **HOUSE BILLS 264, 436, 442, 607, 624, 796, 852, 3637 and 4186.**

Consumer Protection: **HOUSE BILLS 446, 490, 813, 964, 1142, 1793, 2247, 2286, 2688 and 4088.**

Criminal Law: **HOUSE BILLS 10, 69, 164, 182, 184, 192, 202, 224, 253, 265, 327, 370, 396, 445, 550, 557, 584, 594, 596, 597, 610, 648, 656, 675, 682, 693, 710, 721, 761, 799, 867, 869, 881, 934, 1105, 1116, 2245, 2253, 2332, 2353, 2450, 2474, 2541, 2610, 2660, 2669, 2678, 2680, 3676, 3677, 3681, 3714, 3716, 3717, 3795, 3877, 3885, 3909, 3934, 3961, 3962, 3991, 4008, 4013, 4049, 4122, 4177 and 4198.**

Education: **HOUSE BILLS 16, 272, 281, 288, 325, 363, 380, 392, 475, 548, 605, 628, 645, 684, 740, 806, 979, 999, 1107, 1313, 1335, 2321, 2386, 2448, 2530, 2619, 2871, 3245 and 3982.**

Elections: **HOUSE BILLS 85, 267, 268, 477, 567, 704, 723, 1131, 2465, 3972, 4051 and 4077.**

Energy: **HOUSE BILLS 3217, 3854 and 4251.**

Environment: **HOUSE BILLS 170, 266, 402, 1042, 2491, 2664, 3859, 3987 and 4021.**

Executive: **HOUSE BILLS 5, 7, 35, 47, 80, 88, 146, 194, 470, 547, 569, 571, 773, 1115, 1322, 1345, 2370, 2428, 2544, 2547, 2626, 3923, 4075 and 4078; SENATE BILL 1362;**

#### **Senate Joint Resolution 34.**

Financial Institutions: **HOUSE BILLS 348, 537, 705, 2005, 3806 and 4011.**

Gaming: **HOUSE BILLS 14, 26, 261 and 467.**

Higher Education: **HOUSE BILLS 150, 168, 336, 364, 382, 437, 461, 862, 898, 899, 1035, 1079, 1143, 2235, 2330, 2573, 2686, 3600, 3999, 4039 and 4209.**

Human Services: **HOUSE BILLS 30, 39, 204, 366, 415, 497, 520, 562, 726, 745, 758, 760, 808, 917, 976, 2365, 2383, 2388, 2653, 3641, 3642, 3844, 3925, 3967, 3981, 3997 and 4054.**

Insurance: **HOUSE BILLS 70, 152, 244, 394, 650, 812, 2275, 2325, 2343, 2652, 2687 and 3650.**

Judiciary: **HOUSE BILLS 59, 153, 155, 236, 271, 529, 574, 688, 756, 821, 2266, 2290, 2335, 2405, 2424, 2782, 2845, 3690, 3691, 3794, 3863 and 4212.**

Labor: **HOUSE BILLS 163, 762, 866, 952, 2445 and 3634.**

Licensed Activities: **HOUSE BILLS 68, 496, 786, 880, 1088, 1150, 1175, 2331, 2440 and 3874; Senate Floor Amendment No. 2 to Senate Bill 149; Senate Committee Amendment No. 1 to House Bill 1293 and Senate Committee Amendment No. 1 to House Bill 1329.**

Local Government: **HOUSE BILLS 38, 61, 159, 211, 347, 460, 466, 483, 585, 587, 606, 629, 644, 666, 667, 771, 793, 849, 883, 1003, 1597, 2295, 2409, 2425, 2451, 3112, 3630, 3746, 3986 and 4151.**

Pensions and Investments: **HOUSE BILLS 895, 923, 1041, 1099, 1148, 1291, 2540, 2557, 2582, 2643, 3606, 3656, 3661, 3840, 3900 and 3964.**

Public Health: **HOUSE BILLS 9, 208, 342, 404, 488, 542, 546, 658, 746, 752, 838, 921, 926, 1033, 1188, 1292, 1327, 2244, 2285, 2318, 2481, 3649, 3767, 3878, 3994, 4047, 4182 and 4318.**

Revenue: **HOUSE BILLS 75, 174, 212, 241, 242, 255, 303, 441, 471, 472, 473, 665, 870, 1004, 1055, 1086, 1137, 1197, 1628, 2263, 2394, 3666, 3682, 3872, 4120 and 4326.**

State Government and Veterans Affairs: **HOUSE BILLS 22, 49, 50, 77, 177, 282, 379, 457, 480, 489, 655, 706, 820, 897, 1075, 1200, 1332, 1994, 2302, 2369, 2376, 2400, 2435, 2644, 3670, 3970, 4027, 4099, 4153, 4197, 4199 and 4213; Senate Joint Resolution 48; Senate Resolution 137; Senate Floor Amendment No. 1 to Senate Bill 2167.**

Telecommunications and Information Technology: **HOUSE BILLS 617 and 3718.**

Transportation: **HOUSE BILLS 43, 52, 71, 72, 156, 228, 247, 353, 476, 641, 707, 795, 853, 942, 2455, 2625, 2750, 3322, 3325, 3705, 3721, 3787, 3889, 3956 and 4327.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 22, 2009 meeting, reported the following Joint Action Motion has been assigned to the indicated Standing Committee of the Senate:

Executive: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 366**

### CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Hutchinson moved that **Senate Joint Resolution No. 35**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Hutchinson moved that Senate Joint Resolution No. 35 be adopted.

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

YEAS 33; NAYS 21.

The following voted in the affirmative:

Bond	Haine	Kotowski	Stears
Clayborne	Harmon	Lightford	Sullivan
Collins	Hendon	Maloney	Trotter
Crotty	Holmes	Martinez	Viverito
DeLeo	Hunter	Munoz	Wilhelmi
Delgado	Hutchinson	Noland	Mr. President
Demuzio	Jacobs	Raoul	
Forby	Jones, E.	Sandoval	
Frerichs	Koehler	Silverstein	

The following voted in the negative:

Althoff	Dahl	McCarter	Risinger
Bivins	Dillard	Millner	Rutherford
Bomke	Duffy	Murphy	Syversen

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Brady	Jones, J.	Pankau
Burzynski	Lauzen	Radogno
Cronin	Luechtefeld	Righter

The roll call verified.  
The motion prevailed.  
And the resolution was adopted.  
Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

**COMMITTEE MEETING ANNOUNCEMENT**

The Chair announced that in addition to the regularly scheduled committee meetings held this afternoon, the Senate Executive Committee will also be meeting at 3:00 o'clock p.m. in order to hear the concurrence motion on Senate Bill 366.

**MESSAGES FROM THE PRESIDENT**

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

JOHN J. CULLERTON  
SENATE PRESIDENT

327 STATE CAPITOL  
SPRINGFIELD, ILLINOIS 62706

April 22, 2009

Ms. Jillayne Rock  
Secretary of the Senate  
Room 401 State House  
Springfield, IL 62706

Dear Madam Secretary:

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

Sincerely,  
s/John J. Cullerton  
Senate President

cc: Senate Minority Leader Christine Radogno

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

JOHN J. CULLERTON  
SENATE PRESIDENT

327 STATE CAPITOL  
SPRINGFIELD, ILLINOIS 62706

April 22, 2009

Ms. Jillayne Rock  
Secretary of the Senate  
Room 401 State House  
Springfield, IL 62706

[April 22, 2009]

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Michael Bond to temporarily replace Senator Jeff Schoenberg as a member of the Senate Revenue Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Revenue Committee.

Sincerely,  
s/John J. Cullerton  
Senate President

cc: Senate Minority Leader Christine Radogno

At the hour of 2:01 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, April 23, 2009, at 12:00 o'clock noon.

[April 22, 2009]