



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SIXTH GENERAL ASSEMBLY

68TH LEGISLATIVE DAY

Perfunctory Session

THURSDAY, OCTOBER 22, 2009

11:16 O'CLOCK A.M.

SENATE
Daily Journal Index
68th Legislative Day

Action	Page(s)
Deadline Established	31
Introduction of Senate Bill No. 2488	4
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Bill Number	Legislative Action	Page(s)
HB 4638	First Reading	4

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

MESSAGES FROM THE PRESIDENT

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

October 21, 2009

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

Dear Madam Secretary:

Pursuant to Rule 2-10, I am scheduling Perfunctory Session on Thursday, October 22, 2009.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno
Democrat Caucus Members
Tim Mapes

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

October 21, 2009

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

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Kwame Raoul to temporarily replace Senator James Clayborne and Senator Antonio Munoz to temporarily replace Senator Louis Viverito as members of the Senate Committee on Assignments. In addition, I hereby appoint Senator Don Harmon to replace Senator James Clayborne as Chairman of the Senate Committee on Assignments. These appointments are effective immediately and will automatically expire upon adjournment of the Senate Committee on Assignments.

Sincerely,
s/John J. Cullerton
Senate President

[October 22, 2009]

cc: Senate Minority Leader Christine Radogno

LEGISLATIVE MEASURES FILED

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

Senate Committee Amendment No. 1 to House Bill 4182
Senate Committee Amendment No. 1 to House Bill 4625

INTRODUCTION OF BILL

SENATE BILL NO. 2488. Introduced by Senator Bomke, a bill for AN ACT concerning criminal law.

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

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 464

Offered by Senator Harmon and all Senators:
Mourns the death of William J. Adelman of Oak Park.

SENATE RESOLUTION NO. 465

Offered by Senator Harmon and all Senators:
Mourns the death of Robert Lewis Stovall of Chicago.

SENATE RESOLUTION NO. 466

Offered by Senator Koehler and all Senators:
Mourns the death of Norma J. Baxter of Creve Coeur.

SENATE RESOLUTION NO. 467

Offered by Senator Koehler and all Senators:
Mourns the death of Paul M. Willi of Peoria.

SENATE RESOLUTION NO. 468

Offered by Senator Raoul and all Senators:
Mourns the death of Bobbie D. Hawkins.

SENATE RESOLUTION NO. 469

Offered by Senator Raoul and all Senators:
Mourns the death of O.T. Buster.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

On motion of Senator Lightford, **House Bill No. 4638** was taken up, read by title a first time and referred to the Committee on Assignments.

MESSAGES FROM THE HOUSE

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

[October 22, 2009]

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

HOUSE BILL 669

A bill for AN ACT concerning transportation.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 14, 2009, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 14, 2009

To the Honorable Members of the
Illinois House of Representatives,
96th General Assembly

Today I veto House Bill 669. This legislation would lower the registration fee for license plates for vehicles owned by municipal fire departments or fire protection district fire chiefs from \$78 to \$8. Fire Chiefs still pay \$78 registration fee for vehicles they own personally.

Currently, mayors in Illinois pay \$78 for "mayor" license plates, regardless of whether or not the car is owned by the municipality or personally by the mayor. Under this bill, fire chiefs would pay \$8 for cars that they use, provided that the car is owned by the fire department, but \$78 if they personally own the car.

On July 13th, 2009, I signed into law bills that created the *Illinois Jobs Now* plan, a \$31 Billion dollar capital plan to rebuild our State's aging infrastructure and help jump start our economy. The plan is predicated, in part, on annual license and registration fees assessed by the Secretary of State.

While I am sympathetic to those who serve the public good in our local fire departments, I also recognize that only steady funding mechanisms will ensure success in the *Illinois Jobs Now* plan.

For the reason above and in accordance with Article IV, Section 9(b) of the Illinois Constitution, I return House Bill 669 to the House, where it originated, vetoed in its entirety.
Sincerely,

PAT QUINN
Governor

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 59

A bill for AN ACT concerning human rights.

I am further directed to transmit to the Senate the following copy of the Governor's specific recommendations for change to the House of Representatives:

Adopted by the House, October 14, 2009.

MARK MAHONEY, Clerk of the House

HB0059AVM001

MOTION

I move to accept the specific recommendations of the Governor as to House Bill 59 in manner and form as follows:

AMENDMENT TO HOUSE BILL 59

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 59 on page 12, by deleting lines 11 through 17; and

on page 20, by deleting lines 19 through 25; and

[October 22, 2009]

on page 22, by deleting lines 15 through 21.

Date: _____, 2009 _____

August 11, 2009

To the Honorable Members of the
Illinois House of Representatives
96th General Assembly

Today, I return House Bill 59 with my specific recommendations for change.

This bill contains language conditioning agency rulemaking authority on compliance with the Illinois Administrative Procedure Act. This language is a remnant of the controversy surrounding certain rulemaking undertaken by my predecessor’s administration. In approving House Bill 398, I demonstrated my administration’s commitment to upholding the law and respecting the constitutionally protected powers of each branch of government. My approval of House Bill 398 renders the language related to rulemaking in this bill moot. It is time to move past the battles between my predecessor and members of the General Assembly. I am, therefore, deleting this language from the bill.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 59, entitled “AN ACT concerning human rights.”, with the following specific recommendations for change:

- on page 12, by deleting lines 11 through 17; and
- on page 20, by deleting lines 19 through 25; and
- on page 22, by deleting lines 15 through 21.

With these changes, House Bill 59 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
Governor

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has accepted the Governor’s specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 547

A bill for AN ACT concerning State government.

I am further directed to transmit to the Senate the following copy of the Governor’s specific recommendations for change to the House of Representatives:

Adopted by the House, October 14, 2009.

MARK MAHONEY, Clerk of the House

HB0547AVM001

MOTION

I move to accept the specific recommendations of the Governor as to House Bill 547 in manner and form as follows:

AMENDMENT TO HOUSE BILL 547
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 547 on page 11, by deleting lines 3 through 8.

Date: _____, 2009 _____

August 25, 2009

To the Honorable Members of the Illinois House of Representatives,
96th General Assembly:

[October 22, 2009]

With this message, I am returning House Bill 547 with a specific recommendation for change.

While I am supportive of the general principles embodied in this legislation, it nevertheless contains certain provisions that require modification. One provision conditions agency rulemaking authority on compliance with the Illinois Administrative Procedure Act and the procedures of the Joint Committee on Administrative Rules. This is a remnant of a controversy involving my predecessor's administration. This conflict has been resolved. When I approved House Bill 398, I committed my administration to upholding the law and respecting the constitutionally protected powers of each branch of government. My approval of, and adherence to, House Bill 398 (now Public Act # 96-0002) renders the rulemaking conditions set forth in this bill redundant. It is time to move past the battles between my predecessor and members of the General Assembly. I am, therefore, deleting this language from the bill.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 547, entitled "AN ACT concerning State government.," with the following specific recommendation for change:

on page 11, by deleting lines 3 through 8.

With this change, House Bill 547 will have my approval. I respectfully request your concurrence. Sincerely,

PAT QUINN
Governor

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 613

A bill for AN ACT concerning education.

I am further directed to transmit to the Senate the following copy of the Governor's specific recommendations for change to the House of Representatives:

Adopted by the House, October 14, 2009.

MARK MAHONEY, Clerk of the House

HB0613AVM001

MOTION

I move to accept the specific recommendations of the Governor as to House Bill 613 in manner and form as follows:

AMENDMENT TO HOUSE BILL 613
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 613 on page 4, by replacing lines 20 through 26 with "communications with bidders".

Date: _____, 2009 _____

August 25, 2009

To the Honorable Members of the Illinois House of Representatives,
96th General Assembly:

With this message, I am returning House Bill 613 with a specific recommendation for change.

I am supportive of the general principles embodied in this legislation. I firmly believe that the integrity of public bidding is of the utmost important. However, this bill contains certain provisions unrelated to insuring integrity in public bidding that require modification. One provision of this bill conditions agency rulemaking authority on compliance with the Illinois Administrative Procedure Act and the procedures of the Joint Committee on Administrative Rules. This is a remnant of a controversy

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involving my predecessor's administration. This conflict has been resolved. When I approved House Bill 398, I committed my administration to upholding the law and respecting the constitutionally protected powers of each branch of government. My approval of, and adherence to, House Bill 398 (now Public Act # 96-0002) renders the rulemaking conditions set forth in this bill redundant. It is time to move past the battles between my predecessor and members of the General Assembly. I am, therefore, deleting this language from the bill.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 613, entitled "AN ACT concerning education.", with the following specific recommendation for change:

on page 4, by replacing lines 20 through 26 with "communications with bidders".

With this change, House Bill 613 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN

Governor

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 725

A bill for AN ACT concerning education.

I am further directed to transmit to the Senate the following copy of the Governor's specific recommendations for change to the House of Representatives:

Adopted by the House, October 14, 2009.

MARK MAHONEY, Clerk of the House

HB0725AVM001

MOTION

I move to accept the specific recommendations of the Governor as to House Bill 725 in manner and form as follows:

AMENDMENT TO HOUSE BILL 725

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 725 on page 2, by replacing lines 8 though 14 with "courses into school foreign language curricula"; and

on page 2, by replacing lines 18 through 23 with "into school foreign language curricula"; and

on page 3, by deleting line 1; and

on page 28, by replacing lines 11 through 16 with "major".

Date: _____, 2009 _____

August 14, 2009

To the Honorable Members of the Illinois House of Representatives,
96th General Assembly:

Today I return House Bill 725 with my specific recommendations for change.

This bill contains language conditioning agency rulemaking ability on compliance with the provisions of the Illinois Administrative Procedure Act. This language is a remnant of the controversy surrounding certain rulemaking undertaken by my predecessor's administration. In approving House Bill 398, my administration demonstrated its commitment to upholding the law and respecting the constitutionally protected powers of each branch of government. My approval of House Bill 398 renders the language related to rulemaking in this bill moot. It is time to move past the battles between my predecessor and members of the General Assembly. I am, therefore, deleting this language from the bill.

[October 22, 2009]

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 725, entitled "AN ACT concerning education.", with the following specific recommendations for change:

on page 2, by replacing lines 8 through 14 with "courses into school foreign language curricula."; and

on page 2, by replacing lines 18 through 23 with "into school foreign language curricula."; and

on page 3, by deleting line 1; and

on page 28, replacing lines 11 through 16 with "major.".

With these changes, House Bill 725 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
Governor

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 1015

A bill for AN ACT concerning regulation.

I am further directed to transmit to the Senate the following copy of the Governor's specific recommendations for change to the House of Representatives:

Adopted by the House, October 14, 2009.

MARK MAHONEY, Clerk of the House

HB1015AVM001

MOTION

I move to accept the specific recommendations of the Governor as to House Bill 1015 in manner and form as follows:

AMENDMENT TO HOUSE BILL 1015

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 1015 on page 12, by deleting lines 20 through 26; and

on page 14, by deleting lines 22 through 26; and

on page 15, by deleting lines 1 and 2.

Date: _____, 2009 _____

August 10, 2009

To the Honorable Members of the
Illinois House of Representatives
96th General Assembly

Today I return House Bill 1015 with my specific recommendations for change.

This bill contains language conditioning the Department of Financial and Professional Regulation's rulemaking ability on compliance with the provisions of the Illinois Administrative Procedure Act. This language is a remnant of the controversy surrounding certain rulemaking undertaken by my predecessor's administration. In approving House Bill 398, my administration is committed to upholding the law and respecting the constitutionally protected powers of each branch of government. I approved House Bill 398 as a demonstration of this commitment. My approval of House Bill 398 renders the language related to rulemaking in this bill moot. It is time to move past the battles between my predecessor and members of the General Assembly. I am, therefore, deleting this language from the bill.

[October 22, 2009]

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 1015, entitled "AN ACT concerning regulation.", with the following specific recommendations for change:

- on page 12, by deleting lines 20 through 26; and
- on page 14, by deleting lines 22 through 26; and
- on page 15, by deleting lines 1 and 2.

With these changes, House Bill 1015 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
Governor

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 1994

A bill for AN ACT concerning Illinois Correctional Industries.

I am further directed to transmit to the Senate the following copy of the Governor's specific recommendations for change to the House of Representatives:

Adopted by the House, October 15, 2009.

MARK MAHONEY, Clerk of the House

HB1994AVM001

MOTION

I move to accept the specific recommendations of the Governor as to House Bill 1994 in manner and form as follows:

AMENDMENT TO HOUSE BILL 1994
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 1994 on page 8, below line 23, by inserting the following:

"Section 99. Effective date. This Act takes effect on July 1, 2010."

Date: _____, 2009 _____

August 11, 2009

To the Honorable Members of the
Illinois House of Representatives
96th General Assembly

I hereby return House Bill 1994 with my specific recommendation for change. I thank the sponsors for their hard work on this legislation. This bill addresses the importance of the Illinois Correctional Industries as a re-entry program within the Department of Corrections. It has helped train and build skills that inmates will be able to utilize once they leave the Department of Corrections and return to their respective communities.

Illinois Correctional Industries is one of the State's most essential goods and services providers, on whom the Department of Corrections and other state agencies rely daily. To ensure success, we must optimize the relationship between the Department of Corrections and Illinois Correctional Industries to enable the Department of Corrections to realize new synergies and efficiencies.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 1994, entitled "AN ACT concerning Illinois Correctional Industries", with the following specific recommendation for change:

- on page 8, below line 23, by inserting the following: "Section 99: Effective date. This Act takes effect on July 1, 2010."

[October 22, 2009]

With this change, House Bill 1994 will have my approval. I respectfully request your concurrence.
Sincerely,

PAT QUINN
Governor

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

Mr. President -- I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 2444

A bill for AN ACT concerning regulation.

I am further directed to transmit to the Senate the following copy of the Governor's specific recommendations for change to the House of Representatives:

Adopted by the House, October 15, 2009.

MARK MAHONEY, Clerk of the House

HB2444AVM001

MOTION

I move to accept the specific recommendations of the Governor as to House Bill 2444 in manner and form as follows:

AMENDMENT TO HOUSE BILL 2444
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 2444 on page 4, below line 13, by inserting:

"(d) The Department may establish a trainee licensing fee by rule."

Date: _____, 2009 _____

August 11, 2009
To the Honorable Members of the
Illinois House of Representatives
96th General Assembly

Today I return House Bill 2444 with my specific recommendation for change. I thank the sponsors for their hard work and the members of the General Assembly for passing this bill. Although I am sympathetic to the bill's substantive goals, I find it necessary to modify this proposal.

House Bill 2444 will enable licensed hearing instrument dispenser trainees the ability to gain real world, practical experience and client contact under the supervision of a licensed professional. While I agree with this goal, during this time of limited financial resources, we cannot create any new programs without available revenue to support the programs. Accordingly, I am conditioning this program on the Department of Public Health being able to charge a fee for issuance of the trainee certificate. The licensing fee would be an administrative fee that will support this new program. The fee will allow for staff support to issue the trainee licenses, competency testing, as well as investigation of any complaints against trainees.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 2444, entitled "AN ACT concerning regulation.", with the following specific recommendation for change:

on page 4, below line 13, by inserting "(d) The Department may establish a trainee licensing fee by rule."

With this change, House Bill 2444 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
Governor

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

[October 22, 2009]

Mr. President -- I am directed to inform the Senate that the House of Representatives has accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 3642

A bill for AN ACT concerning public aid.

I am further directed to transmit to the Senate the following copy of the Governor's specific recommendations for change to the House of Representatives:

Adopted by the House, October 15, 2009.

MARK MAHONEY, Clerk of the House

HB3642AVM001

MOTION

I move to accept the specific recommendations of the Governor as to House Bill 3642 in manner and form as follows:

AMENDMENT TO HOUSE BILL 3642

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 3642 on page 2, line 22 by replacing "July 1, 2009" with "January 1, 2010".

Date: _____, 2009 _____

August 18, 2009

To the Honorable Members of the
Illinois House of Representatives
96th General Assembly

Today I return House Bill 3642 with my specific recommendation for change. I thank the sponsors for their hard work and the members of the General Assembly for passing this bill. However, there is an aspect of this bill that I must address.

House Bill 3642 establishes the Cross-Agency Medicaid Commission, the purpose of which is to study ways for the State to coordinate activities and programs to maximize the amount of federal Medicaid matching funds paid to the State for goods and services provided to children and their families. While I wholeheartedly agree with the goal of this legislation, the deadline for me to appoint the Commission members is too soon to allow for a thorough vetting of candidates to take place.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 3642, entitled "AN ACT concerning public aid.", with the following specific recommendation for change:

on page 2, line 22, by replacing "July 1, 2009" with "January 1, 2010".

With this change, House Bill 3642 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
Governor

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, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 170

A bill for AN ACT concerning regulation.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 14, 2009, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 24, 2009

[October 22, 2009]

To the Honorable Members of the Illinois House of Representatives,
96th General Assembly:

Today I return House Bill 170 with specific recommendations for change. I thank the sponsors for their hard work and the members of the General Assembly for passing this bill. However, there are provisions parts that require modification.

House Bill 170 provides that, beginning January 1, 2013, no new surface discharging private system installations may be authorized by the Illinois Department of Health (DPH) unless a specific permit is first issued for the system by the Illinois Environmental Protection Agency (EPA). The bill will assist both DPH and EPA in formally coordinating their respective permitting systems. However, there are some issues with the bill as drafted that could lead to misinterpretation and confusion.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 170, entitled "AN ACT concerning regulation," with the following specific recommendations for change:

Page 3, by replacing lines 10 through 11 with "of the United States, as defined at 40 C.F.R. § 122.2"; and

Page 4, by replacing lines 9 through 10 with "waters of the United States, as defined at 40 C.F.R. § 122.2, shall not be constructed"; and

Page 4, by replacing lines 13 through 19 with "Environmental Protection Agency or the United States Environmental Protection Agency. The private sewage disposal code must be amended"; and

Page 5, by replacing lines 11 through 12 with "of the United States, as defined at 40 C.F.R. § 122.2"; and

Page 8, by replacing lines 15 through 16 with "discharges into the waters of the United States, as defined at 40 C.F.R. § 122.2, unless he"; and

Page 8, by replacing lines 18 through 24 with "Illinois Environmental Protection Agency or the United States Environmental Protection Agency."

With these changes, House Bill 170 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
Governor

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, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 237

A bill for AN ACT concerning finance.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 14, 2009, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 25, 2009

To the Honorable Members of the Illinois House of Representatives,
96th General Assembly:

With this message, I return House Bill 237 to the House of Representatives with specific recommendations for change. I regard this bill as noble in intent. However, parts of it are unworkable in practice. The State's fiscal challenges are such that raising the interest rate on bills the state is delinquent in paying will simply exacerbate an already serious problem. Though I am sympathetic to the hardship those to whom the state is delinquent in paying face, promising them additional dollars the State does not have is not a solution.

One portion of this bill defines a specific category of provider bills as falling under the provisions of the State's Prompt Payment Act. Today's action leaves that provision of the bill undisturbed. Inasmuch as most provider bills are already covered under the Prompt Payment Act, treating community-based providers offering prevention, intervention, and treatment for those with

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developmental disabilities, psychological challenges, and substance abuse issues in the same manner is equitable and fair.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 237, entitled "AN ACT concerning finance", with the following specific recommendations for change:

on page 1, line 5, by replacing "Sections 1 and 3-2" with "Section 1"; and
by deleting line 21 on page 2 through line 2 on page 5.

With these changes, House Bill 237 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
Governor

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, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 276

A bill for AN ACT concerning government.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 14, 2009, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 14, 2009

To the Honorable Members of the House of Representatives,
96th General Assembly:

I hereby return HB 276 with the following specific recommendations for change.

HB 276 provides that "for purposes of clarification only", agencies must adopt rules in accordance with the currently-applicable requirements of the Illinois Administrative Procedure Act unless there is a specific exemption set forth in statute. HB 276 also states that the requirement to adopt rules unless exempted from doing so pursuant to an explicit statutory exemption applies to "in addition to all other agency policies affecting persons or entities outside the agency, grant-making policies."

Existing law requires agencies to perform the actions this bill contemplates. This legislation confuses an issue made very clear by existing law. The Illinois Administrative Procedure Act ("Act") provides a definition of the term "rule" that indicates when an agency must promulgate rules and when it need not. 5 ILCS 100/1-70. The first sentence of this legislation restates a part of the Act's definition of rules. It is therefore a redundant and incomplete statement of the law that already binds us.

The second and third sentences of HB 276 indicate a desire to make sure that agencies adhere to rulemaking procedures when soliciting applications for, awarding, disbursing, and making records of, grants. I note that under Section 5-15(a)(2) of the Act, agencies must "maintain as rules ... the current procedures by which the public can obtain information or make submissions or requests on subjects, programs, and activities of the agency." 5 ILCS 100/5-15(a)(2). Therefore, existing law mandates that agencies adhere to the rulemaking procedures as contemplated by House Bill 276.

I agree with members of the General Assembly that the processes by which agencies distribute grants must be formalized, transparent, and fair. However, HB 276 restates, incompletely and out of context, existing provisions of law and frustrates the realization of that shared goal.

Because I share the goal of a formal, transparent and efficient process for distributing grants, I hereby make the specific recommendations for change set forth below.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 557, entitled "AN ACT concerning government, with the following specific recommendation for change:

On Page 1, delete lines 22-23;

On Page 2, delete lines 1-13;

On Page 5, by inserting after line 4:

[October 22, 2009]

“Section 5. The Illinois Administrative Procedure Act is amended by changing Section 5-20 as follows:

Sec. 5-20. Implementing discretionary powers. Each rule that implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power. The standards shall be stated as precisely and clearly as practicable under the conditions to inform fully those persons affected. For purposes of this Section 5-20, the term “discretionary power” shall include the authority to award monetary grants.”

With these changes, House Bill 276 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
Governor

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, the Governor’s specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 363

A bill for AN ACT concerning education.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 14, 2009, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 25, 2009

To the Honorable Members of the
Illinois House of Representatives
96th General Assembly

Today I return House Bill 363 with my specific recommendations for change. I thank the sponsors for their hard work and the members of the General Assembly for passing this bill. However, in order for me to give unqualified support to this measure, I respectfully request the adoption of the recommendations set forth below.

House Bill 363 creates the Chicago Education Facilities Task Force to study school facility related decisions and recommend criteria for an equitable and transparent master facility plan for Chicago Public Schools. While I agree with the goal of this legislation, the timeline is too soon to allow for successful implementation to take place. Moreover, I believe that the membership of the Task Force should be diversified to ensure the most fruitful discussion possible.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 363, entitled “AN ACT concerning education.”, with the following specific recommendations for change:

on page 3, line 7, by replacing “15” with “30”; and

on page 3, by deleting lines 11 through 14 and replacing them with “(1) Two members of the House of Representatives, one appointed by the Speaker of the House and one appointed by the Minority Leader of the House.”; and

on page 3, by deleting lines 15 through 18 and replacing them with “(2) Two members of the Senate, one appointed by the President of the Senate and one appointed by the Minority Leader of the Senate.”; and

on page 3, by deleting lines 19 through 21 and replacing them with “(3) Two representatives from the State Board of Education, including the Superintendent or his or her designee.”; and

on page 3, by deleting lines 22 through 24 and replacing them with “(4) Four members of the education community, two appointed by the Governor and two appointed by the Mayor of Chicago.”; and

on page 4, by deleting line 1 and replacing it with “issues, one appointed by the Governor and one appointed by the Mayor of Chicago.”; and

on page 4, by deleting lines 2 through 4 and replacing them with “(6) Two representatives of school community organizations with past involvement in school facility issues, one

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appointed by the Speaker of the House and one appointed by the President of the Senate.”;
 and
 on page 4, by deleting lines 12 through 22 and replacing them with “(d) The Governor shall appoint one of the appointed members as chairperson of the Chicago Educational Facilities Task Force. Members appointed by the Governor, the Mayor and the legislative leaders shall be appointed for the duration of the Chicago Educational Facilities Task Force; in the event of a vacancy, the appointment to fill the vacancy shall be made by the appointing authority who made the original appointment.”; and
 on page 5, line 3, by replacing “15” with “30”; and
 on page 5, line 23, by replacing “October 30, 2009” with “March 30, 2010”.

With these changes, House Bill 363 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
 Governor

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, the Governor’s specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 366

A bill for AN ACT concerning aging.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 14, 2009, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 14, 2009

To the Honorable Members of the Illinois House of Representatives,
 96th General Assembly:

Today I return House Bill 366 with my specific recommendations for change. I thank the sponsors for their hard work and the members of the General Assembly for passing this bill. Furthermore, I recognize that many advocates and members of the General Assembly have fought long and hard for this change. I wholeheartedly agree that we all must work together to provide support to seniors and disabled persons throughout our State. However, there are aspects of this bill that I must address.

The expansions of healthcare under House Bill 366 do not qualify for federal Medicaid matching. During this period of unprecedented financial strain, we cannot create any new programs without sufficient revenue. Accordingly, I am recommending that the effective date of this bill be changed to July 1, 2012, and that the programs be made subject to appropriation, in order to allow the state time to improve its fiscal health.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 366, entitled “AN ACT concerning public aging”, with the following specific recommendations for change:

on page 6, by replacing line 13 with “Article. The benefits under this Act are subject to appropriation.”; and

on page 15, by replacing lines 18-22 with “For 2011 claim year applications submitted during calendar year 2012, and claim years thereafter, a household must have annual household income of less than the applicable limit for its size, calculated to reflect the annual cost of living adjustment in Social Security and Supplemental Security Income benefits that are applicable to the year for which those benefits are being reported as income on an application in each intervening year for the 2006 through 2011 calendar years, keeping the limit commensurate with the Pharmaceutical Assistance Program.”; and

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on page 15, line 24 by replacing "2011" with "2013"; and

on page 22, by replacing lines 14-24 with

"(5) for the 2007 claim year through the 2010 claim year, have a maximum household income of (i) less than \$22,218 for a household containing one person, (ii) \$29,480 for a household containing 2 persons, or (iii) \$36,740 for a household containing 3 or more persons; and

6) for 2011 claim year applications submitted during calendar year 2012, and claim years thereafter, a household must have annual household income of less than the applicable limit for its size, as calculated to reflect the annual cost of living adjustment in Social Security and Supplemental Security Income benefits that is applicable to the year for which those benefits are being reported as income on an application in each intervening year for the 2006 through 2011 calendar years. "; and

on page 22, line 26 by replacing "2011" with "2013"; and

on page 40, by replacing line 11 with "1, 2010. The changes made by this amendatory Act with respect to eligibility groups and pharmaceutical benefits in Section 4(g) shall take effect on January 1, 2012."

With these changes, House Bill 366 will have my approval. I respectfully request your concurrence. Sincerely,

PAT QUINN
Governor

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, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 489

A bill for AN ACT concerning deferred compensation.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 14, 2009, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 25, 2009

To the Honorable Members of the Illinois House of Representatives,
96th General Assembly:

With this message, I am returning House Bill 489 with a specific recommendation for change.

While I am supportive of the general principles embodied in this legislation, it nevertheless contains certain provisions that require modification. One provision conditions agency rulemaking authority on compliance with the Illinois Administrative Procedure Act and the procedures of the Joint Committee on Administrative Rules. This is a remnant of a controversy involving my predecessor's administration. This conflict has been resolved. When I approved House Bill 398, I committed my administration to upholding the law and respecting the constitutionally protected powers of each branch of government. My approval of, and adherence to, House Bill 398 (now Public Act # 96-0002) renders the rulemaking conditions set forth in this bill redundant. It is time to move past the battles between my predecessor and members of the General Assembly. I am, therefore, deleting this language from the bill.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 489, entitled "AN ACT concerning deferred compensation.", with the following specific recommendation for change:

on page 18, by replacing lines 10 through 15 with the following:

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~~“Rulemaking authority to implement this amendatory Act of the 95th General Assembly, if any, is conditioned on the rules being adopted in accordance with all provisions of the Illinois Administrative Procedure Act and all rules and procedures of the Joint Committee on Administrative Rules; any purported rule not so adopted, for whatever reason, is unauthorized.”~~

With this change, House Bill 489 will have my approval. I respectfully request your concurrence.
Sincerely,

PAT QUINN
Governor

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, the Governor’s specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 557

A bill for AN ACT concerning criminal law.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 14, 2009, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 14, 2009

To the Honorable Members of the
Illinois House of Representatives
96th General Assembly

I hereby return House Bill 557 with my specific recommendation for change. I thank the sponsors for their hard work on this legislation.

This bill makes interference with a public institution of education accompanied by a threat of personal injury or property damage a Class 3 felony. While it is important to convey the message that false threats at schools are serious crimes, punishing such threats as Class 3 felonies is too severe. Therefore, I am proposing to define threats of this nature as Class 4 felonies. This will make the punishment identical to that authorized for similar crimes punished as class 3 felonies, such as making false threat against public agencies and officials (720 ILCS 5/26-1 (2), (4)), or making a bomb threat that endangers human life (720 ILCS 5/26-1(3)).

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 557, entitled “AN ACT concerning Criminal Law”, with the following specific recommendation for change:

- on page 3, line 23, by replacing “3” with “4”; and
- on page 3, line 24, be replacing “2 years” with “1 year”; and
- on page 4, line 1, by replacing “10 years” with “6 years”; and
- on page 4, line 1, by deleting “and may be prosecuted for”; and
- on page 4, by deleting line 2.

With this change, House Bill 557 will have my approval. I respectfully request your concurrence.
Sincerely,

PAT QUINN
Governor

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, the Governor’s specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 723

A bill for AN ACT concerning elections.

[October 22, 2009]

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 14, 2009, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 25, 2009

To the Honorable Members of the Illinois House of Representatives
96th General Assembly

Today I return House Bill 723 with specific recommendations for change. I commend the sponsors for their hard work on this bill. This bill is an important measure that will help ensure ethical conduct and transparency. I believe we all must work together to make sure that ethical conduct and transparency exist in all other aspects of state government as well.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 723, entitled "AN ACT concerning elections.", with the following specific recommendations for change:

on page 1, lines 4 and 5, by replacing "Section 7-61" with "Sections 7-61 and 28-1, and by adding Section 28-14"; and
on page 6, below line 4, by inserting the following:

"(10 ILCS 5/28-1) (from Ch. 46, par. 28-1)

Sec. 28-1. The initiation and submission of all public questions to be voted upon by the electors of the State or of any political subdivision or district or precinct or combination of precincts shall be subject to the provisions of this Article.

Questions of public policy which have any legal effect shall be submitted to referendum only as authorized by a statute which so provides or by the Constitution. Advisory questions of public policy shall be submitted to referendum pursuant to Section 28-5 or pursuant to a statute which so provides.

The method of initiating the submission of a public question shall be as provided by the statute authorizing such public question, or as provided by the Constitution.

All public questions shall be initiated, submitted and printed on the ballot in the form required by Section 16-7 of this Act, except as may otherwise be specified in the statute authorizing a public question.

Whenever a statute provides for the initiation of a public question by a petition of electors, the provisions of such statute shall govern with respect to the number of signatures required, the qualifications of persons entitled to sign the petition, the contents of the petition, the officer with whom the petition must be filed, and the form of the question to be submitted. If such statute does not specify any of the foregoing petition requirements, the corresponding petition requirements of Section 28-6 shall govern such petition.

Irrespective of the method of initiation, not more than 3 public questions other than (a) back door referenda, (b) referenda to determine whether a disconnection may take place where a city coterminous with a township is proposing to annex territory from an adjacent township, (c) referenda held under the provisions of the Property Tax Extension Limitation Law in the Property Tax Code, or (d) referenda held under Section 2-3002 of the Counties Codemay be submitted to referendum with respect to a political subdivision at the same election.

If more than 3 propositions are timely initiated or certified for submission at an election with respect to a political subdivision, the first 3 validly initiated, by the filing of a petition or by the adoption of a resolution or ordinance of a political subdivision, as the case may be, shall be printed on the ballot and submitted at that election. However, except as expressly authorized by law not more than one proposition to change the form of government of a municipality pursuant to Article VII of the Constitution may be submitted at an election. If more than one such proposition is timely initiated or certified for submission at an election with respect to a municipality, the first validly initiated shall be the one printed on the ballot and submitted at that election.

No public question shall be submitted to the voters of a political subdivision at any regularly scheduled election at which such voters are not scheduled to cast votes for any candidates for nomination for, election to or retention in public office, except that if, in any existing or proposed political subdivision in which the submission of a public question at a

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regularly scheduled election is desired, the voters of only a portion of such existing or proposed political subdivision are not scheduled to cast votes for nomination for, election to or retention in public office at such election, but the voters in one or more other portions of such existing or proposed political subdivision are scheduled to cast votes for nomination for, election to or retention in public office at such election, the public question shall be voted upon by all the qualified voters of the entire existing or proposed political subdivision at the election.

Not more than 3 advisory public questions may be submitted to the voters of the entire state at a general election. If more than 3 such advisory propositions are initiated, the first 3 timely and validly initiated shall be the questions printed on the ballot and submitted at that election; provided however, that a question for a proposed amendment to Article IV of the Constitution pursuant to Section 3, Article XIV of the Constitution, ~~or for~~ a question submitted under the Property Tax Cap Referendum Law, or a question held under the provisions of Section 28-14 of this Code shall not be included in the foregoing limitation.

(10 ILCS 5/28-14 new)

Sec. 28-14. The general primary election ballot in 2010 shall contain an advisory question of public policy in substantially the following form:

Should the Illinois Constitution be amended to allow the people of Illinois to initiate, by petition, a binding referendum to adopt standards of ethical conduct for officials and employees of State government?

The votes must be recorded as "Yes" or "No".

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

With these changes, House Bill 723 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
Governor

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, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 746

A bill for AN ACT concerning public aid.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 14, 2009, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 25, 2009

To the Honorable Members of the
Illinois House of Representatives
96th General Assembly

Today, I return House Bill 746 with specific recommendations for change. I thank the sponsors for their hard work and the members of the General Assembly for passing this bill. However, in order for me to give unqualified support to this measure, I respectfully request the adoption of the recommendations set forth below.

House Bill 746 requires the Department of Human Services to operate the Rapid Reintegration Pilot Program. The purpose is to demonstrate that, with appropriate support and services, individuals with physical disabilities and mental illness who need short term placement of six months or less in a nursing home facility can return to the community without unnecessary institutionalization. However, I believe this bold approach should be conducted with each of the special needs population groups, including older adults. The state is already engaged in the Money Follows the Person demonstration program to assist individuals within these special needs populations who have nursing home stays of six months or longer. The effort envisioned by House Bill 746 should include the same populations for those whose stays are less than six months. Therefore, I have included the Department

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on Aging in this pilot program. Regrettably, in spite of the laudable goal of this bill, during this period of unprecedented financial difficulty, we cannot create any new mandates. Accordingly, I am conditioning this program on sufficient appropriations being available for its support.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 746, entitled "AN ACT concerning public aid.," with the following specific recommendations for change:

on page 1, by deleting line 10 and replacing it with "(a) The Department of Human Services and the Department on Aging shall operate, subject to appropriation, a Rapid"; and
 on page 1, by deleting line 12 and replacing it with "is to demonstrate that, with appropriate support and services, individuals age 65 and older,"; and
 on page 1, by deleting lines 17 through 19, and replacing them with "institutionalization. The pilot program sites shall be those initiated or operated in Fiscal Year 2009. After completion of a successful evaluation, the pilot program may be expanded to other sites as"; and
 on page 1, by deleting line 21 and replacing it with "(b) The Department of Human Services and the Department on Aging shall secure, subject to appropriation, the"; and
 on page 2 by deleting line 2 and replacing it with "Case Coordination Units, Service Coordination Agencies, and the Home Services Program to"; and
 on page 2, by deleting line 6 and replacing it with "(c) The Case Coordination Units, Service Coordination Agencies, and the Home Services"; and
 on page 2, line 7, by replacing "make" with "make, subject to appropriation,"; and
 on page 2, by deleting line 12 and replacing it with "(d) The Case Coordination Units, Service Coordination Agencies, and the Home Services"; and
 on page 2, line 13, by replacing "make" with "make, subject to appropriation,"; and
 on page 2, by deleting line 18 and replacing it with "independent living, community mental health agencies and area agencies on aging,"; and
 on page 2, line 22, by replacing "assessed" with "assessed, subject to appropriation,"; and
 on page 2, line 26, by replacing "operate" with "operate, subject to appropriation,"; and
 on page 3, by deleting lines 2 through 10, and replacing them with "96th General Assembly. The Department of Healthcare and Family Services, in collaboration with the Department of Human Services and the Department on Aging, shall assess, subject to appropriation, the effectiveness of the pilot program.".

With these changes, House Bill 746 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
Governor

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, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 1115

A bill for AN ACT concerning insurance.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 14, 2009, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 11, 2009

To the Honorable Members of the
Illinois House of Representatives
96th General Assembly

Today, I return House Bill 1115 with specific recommendations for change. This legislation would separate the Department of Insurance (formerly the Division of Insurance) from the Department of Financial and Professional Regulation thereby reestablishing the Department of Insurance as a stand-

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alone entity. While I appreciate the efforts of the sponsors, and support fully an independent Department of Insurance, I must note that this objective has already been accomplished. Executive Order 2009-04, issued April 1, 2009, which became effective pursuant to Article V, Section 11 of the Illinois Constitution when neither chamber of the General Assembly disapproved of it, reestablishing the Department of Insurance as a stand-alone executive agency directly responsible to the Governor. As a result, all powers, duties, rights and responsibilities of the Division of Insurance within the Department of Financial and Professional Regulation have been transferred to the Department of Insurance. Therefore, the substance of House Bill 1115 is declarative of existing law. I look forward to working with the members of the General Assembly to achieve our shared goal of ensuring that its new independence will enable the Department of Insurance to excel.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 382, entitled "AN ACT concerning insurance.", with the following specific recommendations for change:

on page 1, by replacing lines 9 through 14 with "(a) Executive Order 2009-04 hereby supersedes Executive Order 2004-6 to the extent that Executive Order 2004-6 transfers the powers, duties, rights, and responsibilities of the Department of Insurance to the Division of Insurance within the Department of Financial and Professional Regulation."

on page 1, line 18, by replacing "July 1, 2009" with "the effective date of Executive Order 2009-04"; and

on page 2, line 17, by replacing "this amendatory act" with "Executive Order 2009-04"; and on page 3, lines 6 and 7, by replacing "this amendatory act" with "Executive Order 2009-04"; and on page 3, line 14, by replacing "this amendatory act" with "Executive Order 2009-04"; and on page 4, line 2, by replacing "this amendatory act" with "Executive Order 2009-04"; and on page 4, line 9, by replacing "this amendatory act" with "Executive Order 2009-04"; and on page 4, line 14, by replacing "this amendatory act" with "Executive Order 2009-04"; and on page 4, line 16, by replacing "this amendatory act" with "Executive Order 2009-04"; and on page 4, line 25, by replacing "July 1, 2009" with "the effective date of Executive Order 2009-04"; and

on page 5, line 7, by replacing "July 1, 2009" with "the effective date of Executive Order 2009-04".

With these changes, House Bill 1115 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
Governor

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, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 2279

A bill for AN ACT concerning regulation.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 14, 2009, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 17, 2009

To the Honorable Members of the
Illinois House of Representatives
96th General Assembly:

Today, I return House Bill 2279 with a specific recommendation for change. This legislation expands the community-based residential rehabilitation center alternative health care model demonstration program.

I commend the sponsors for their work on this legislation, and their work in fostering alternative methods of bringing quality health care to the residents of our state. After hearing from a

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number of supporters of this legislation, I believe that the demand for these services may be slightly greater than the sponsors had envisioned.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 2279, entitled "AN ACT concerning regulation." with the following specific recommendation for change:

on page 4, line 8, by replacing "2" with "5".

With this change, House Bill 2279 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
Governor

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, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 2547

A bill for AN ACT concerning civil law.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 14, 2009, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 18, 2009

To the Honorable Members of the House of Representatives,
96th General Assembly,

In accordance with Article IV, Section 9(e) of the Illinois Constitution, I hereby return House Bill 2547 with the following specific recommendation for change.

This legislation seeks to achieve a laudable goal. I commend the sponsors of this legislation for their commitment to the protection of children, and for their commitment to promoting civil and human rights generally.

Although I wholeheartedly endorse the objectives of this legislation, the means by which it proposes to achieve this objective are problematic. Before I approve legislation committing this administration to any task, I must be sure that there are sufficient resources and structures in place to perform the task to the high standard of professionalism I expect of all state employees.

The bill, as drafted, beginning January 1, 2010, would give the Illinois Department of Human Rights the jurisdiction to consider charges of severe bullying pervasive harassment against children.

It is beyond question that we have a collective responsibility to ensure that children have access to education, a right guaranteed by the Illinois Constitution, in a safe and nurturing environment, free of harassment or duress of any kind.

Yet, extending the jurisdiction of the Department in this way without providing the staff and resources necessary to properly handle these matters would not in my judgment or the Department's judgment reduce the instance of harassment and bullying in schools.

Moreover, currently, the Department's cases generally involve adults. The proper handling of children's issues requires professionals trained in child-specific psychology, law, and medicine. The Department must have these resources in place in order to handle the matters contemplated in this statute effectively.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 2547, entitled "AN ACT concerning civil law." with the following specific recommendation for change:

on page 4, line 21, by replacing "harassment." with "harassment. The Department need not exercise jurisdiction under subsection (3) of this Section unless there are sufficient appropriations available for that purpose.".

With this change, House Bill 2547 will have my approval. I respectfully request your concurrence.

Sincerely,

[October 22, 2009]

PAT QUINN
Governor

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, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 2445

A bill for AN ACT concerning government.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 15, 2009, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 18, 2009

To the Honorable Members of the
Illinois House of Representatives
96th General Assembly

Today I return House Bill 2445 with my specific recommendations for change. I thank the sponsors for their hard work and the members of the General Assembly for passing this bill. However, during this period of unprecedented fiscal challenges, we cannot create any new mandates without available revenue. Accordingly, I am conditioning this program on sufficient appropriations being available for its support.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 2445, entitled "AN ACT concerning government.", with the following specific recommendations for change:

on page 7, line 6, by replacing "employ" with "employ, subject to appropriation."; and
on page 34, line 4, by replacing "employ" with "employ, subject to appropriation.".

With these changes, House Bill 2445 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
Governor

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, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 3325

A bill for AN ACT concerning transportation.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 15, 2009, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 25, 2009

To the Honorable Members of the
Illinois House of Representatives
96th General Assembly

I hereby return House Bill 3325 with a specific recommendation for change. I thank the sponsors for their hard work on this legislation. While I approve of the objective of this legislation, a technical change is necessary to correct a flaw in the bill as drafted. If this bill were to become law as written, driving multipurpose passenger vehicles (sport utilities) that have their rear windows factory tinted would violate the law.

[October 22, 2009]

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 3325, entitled "AN ACT concerning transportation", with the following specific recommendation for change:

on page 6, by replacing lines 7 through 13 with "(3) on multipurpose passenger vehicles, as defined by Section 1-148.3b of this Code, with a nonreflective tint originally applied by the manufacturer on the windows to the rear of the driver's seat, the side windows immediately adjacent to each side of the driver may be treated with a nonreflective tint that allows at least 50% light transmittance, with a 5% variance observed by a law enforcement official metering the light transmittance."

With these changes, House Bill 3325 will have my approval. I respectfully request your concurrence.
Sincerely,

PAT QUINN
Governor

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, the Governor's specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 4096

A bill for AN ACT concerning State government.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 15, 2009, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 11, 2009

To the Honorable Members of the
Illinois House of Representatives
96th General Assembly

Today I return House Bill 4096 with my specific recommendations for change. I thank the sponsors for their hard work and the members of the General Assembly for passing this bill. However, there is an aspect of this bill that I must address.

House Bill 4096 provides generally that the Governor's Office of Management and Budget ("GOMB") take steps to make the State's finances more accessible to the legislature and to the public. For example, House Bill 4096 specifically mandates that GOMB prepare and publish quarterly financial reports on the State's finances and that GOMB disclose financial information presented to credit rating agencies and potential investors in State bonds. While I fully support the goal of this legislation, these same mandates can be found in substantially the same form in Section 55 of Senate Bill 54. In the interest of establishing consistency between the two bills, I have changed House Bill 4096 to mirror the obligations and duties included in Senate Bill 54.

In addition, I am recommending that the effective date of this bill be changed to July 1, 2010, in order to allow GOMB sufficient time to prepare to meet these new obligations and duties.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 4096, entitled "AN ACT concerning State government.", with the following specific recommendations for change:

on page 1, by replacing lines 7 through 23 with the following:

"Sec. 7.1 Transparency in finance. Upon request by the President of the Senate, the Speaker of the House of Representatives, or the Minority Leaders of the Senate and House of Representatives, the Office shall provide a summary of all formal presentations submitted by the Office to credit rating agencies or potential investors in State bonds. Within 10 business days after the submission of State financial information to credit rating agencies or potential investors in State bonds, a summary of the submitted information shall be provided to the legislative leaders and posted on the Office's website. Notwithstanding any provision to the contrary, the Office shall not release any information that is not subject to disclosure under the Freedom of Information Act."; and

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on page 2, by deleting line 1; and
 on page 2, line 6, by deleting “In addition, for the months of”; and
 on page 2, by deleting line 7; and
 on page 2, line 8, by deleting “monthly financial report.”; and
 on page 2, line 10, by deleting “, both nationally”; and
 on page 2, line 11, by deleting “and”; and
 on page 2, by replacing line 14 with “performance.”; and
 on page 2, by replacing lines 18 through 25 with the following:

“In addition, the fourth quarter report for each fiscal year shall include a summary of fiscal and balanced budget notes issued by the Office to the General Assembly during the prior legislative session. Each report shall be posted on the Office’s website within 45 days.”;
 and

on page 3, by deleting lines 1 and 2; and
 on page 3, by replacing lines 3 and 4 with the following:

“Section 99. Effective date. This Act takes effect on July 1, 2010. Notwithstanding any other law, rule, or regulation to the contrary, if and only if Senate Bill 54 of the 96th General Assembly becomes law, Section 55 of Senate Bill 54 of the 96th General Assembly shall become effective no sooner than July 1, 2010.”.

With these changes, House Bill 4096 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
 Governor

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, the Governor’s specific recommendations for change notwithstanding, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 382

A bill for AN ACT concerning education.

I am further instructed to deliver to you the objections of the Governor which are contained in the attached copy of his letter to the House of Representatives:

Passed the House, October 16, 2009, by a three-fifths vote.

MARK MAHONEY, Clerk of the House

August 10, 2009

To the Honorable Members of the
 Illinois House of Representatives
 96th General Assembly

Today I return House Bill 382 with my specific recommendations for change. I thank the sponsors for their hard work and the members of the General Assembly for passing this bill. I agree that we all must work together to provide support to aspiring nurses and to provide assistance to students throughout our State. However, there are aspects of this bill that I must address.

This bill creates a scholarship program for nurse educators. During this time of limited financial resources, we cannot create any new programs without available revenue to support the programs. We also cannot duplicate existing programs. Accordingly, I am conditioning this program on sufficient appropriations being available for its support and am removing language requiring the Department of Public Health to maintain a database of available nurse educator positions because such a database is already maintained by the Illinois Center for Nursing.

This bill also contains language conditioning the Department of Public Health’s rulemaking ability on compliance with the provisions of the Illinois Administrative Procedure Act. This language is a remnant of the controversy surrounding certain rulemaking undertaken by my predecessor’s administration. In approving House Bill 398, my administration is committed to upholding the law and respecting the constitutionally protected powers of each branch of government. I approved House Bill 398 as a demonstration of this commitment. My approval of House Bill 398 renders the language related

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to rulemaking in this bill moot. It is time to move past the battles between my predecessor and members of the General Assembly. I am, therefore, deleting this language from the bill.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 382, entitled "AN ACT concerning education.", with the following specific recommendations for change:

- on page 6, by deleting lines 15 through 20; and
- on page 6, line 25, by replacing "provide" with "provide, subject to appropriation."; and
- on page 9, by replacing lines 20 and 21 with "nurse educator."; and
- on page 9, by deleting lines 25 and 26; and
- on page 10, by deleting lines 1 through 5.

With these changes, House Bill 382 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN
Governor

Bills reported on the foregoing veto messages were placed on the Senate Calendar for Wednesday, October 28, 2009.

MOTIONS IN WRITING

Senator Haine submitted the following Motion in Writing:

I move that House Bill 1115 do pass, notwithstanding the specific recommendations of the Governor.

DATE: 14 Oct. 09

s/William R. Haine
SENATOR

Senator Steans submitted the following Motion in Writing:

I move that House Bill 2547 do pass, notwithstanding the specific recommendations of the Governor.

10/15/09
DATE

s/Heather Steans
SENATOR

The foregoing Motions in Writing were filed with the Secretary and placed on the Senate Calendar.

At the hour of 11:21 o'clock a.m., the Chair announced that the Senate stand at recess until the hour of 3:00 o'clock p.m.

AFTER RECESS

At the hour of 3:22 o'clock p.m., the Senate resumed perfunctory session.
The Secretary of the Senate, presiding.

LEGISLATIVE MEASURE FILED

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

[October 22, 2009]

Senate Floor Amendment No. 3 to House Bill 2643

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 470

Offered by Senator Koehler and all Senators:
Mourns the death of Robert Irvine "Bob" Grubbs of Peoria.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

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 accepted the Governor's specific recommendations for change, which are attached, to a bill of the following title, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL 70

A bill for AN ACT concerning insurance.

I am further directed to transmit to the Senate the following copy of the Governor's specific recommendations for change to the House of Representatives:

Adopted by the House, October 15, 2009.

MARK MAHONEY, Clerk of the House

HB0070AVM001

MOTION

I move to accept the specific recommendations of the Governor as to House Bill 70 in manner and form as follows:

AMENDMENT TO HOUSE BILL 70

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 70 on page 2, by deleting lines 21 through 26; and

on page 5, by deleting lines 21 through 26; and

on page 6, by deleting line 1; and

on page 7, below line 11, by inserting the following:

"Section 99. Effective date. This Act takes effect on January 1, 2010."

Date: _____, 2009 _____

August 14, 2009

To the Honorable Members of the Illinois House of Representatives,
96th General Assembly:

With this message, I am returning House Bill 70 with specific recommendations for change.

While I am supportive of the general principles embodied in this legislation, it nevertheless contains certain provisions that require modification. One provision conditions the agency's rulemaking authority on compliance with the Illinois Administrative Procedure Act and the procedures of the Joint Committee on Administrative Rules. This is a remnant of a controversy involving my predecessor's administration. This conflict has been resolved. When I approved House Bill 398, I committed my administration to upholding the law and respecting the constitutionally protected powers of each branch of government. My approval of, and adherence to, House Bill 398 (now Public Act # 96-0002) renders

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the rulemaking conditions set forth in this bill redundant. It is time to move past the battles between my predecessor and members of the General Assembly. I am, therefore, deleting this language from the bill.

Therefore, pursuant to Article IV, Section 9(e) of the Illinois Constitution of 1970, I hereby return House Bill 70, entitled "AN ACT concerning insurance.", with the following specific recommendations for change:

- on page 2, by deleting lines 21 through 26; and
- on page 5, by deleting lines 21 through 26; and
- on page 6, by deleting line 1; and
- on page 7, below line 11, by inserting the following:

"Section 99. Effective date. This Act takes effect on January 1, 2010."

With these changes, House Bill 70 will have my approval. I respectfully request your concurrence. Sincerely,

PAT QUINN
Governor

The bill reported on the foregoing veto message was placed on the Senate Calendar.

LEGISLATIVE MEASURE FILED

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. 3 to House Bill 2643

REPORTS FROM COMMITTEE ON ASSIGNMENTS

Senator Harmon, Chairperson of the Committee on Assignments, during its October 22, 2009 meeting, reported the following House Bills have been assigned to the indicated Standing Committees of the Senate:

Executive: **House Bills Numbered 5, 1188 and 3900.**

Human Services: **House Bills Numbered 1800, 1801 and 1802.**

Licensed Activities: **House Bill No. 4638.**

State Government and Veterans Affairs: **House Bill No. 1995.**

Transportation: **House Bill No. 4628.**

Senator Harmon, Chairperson of the Committee on Assignments, during its October 22, 2009 meeting, reported the following Senate Bills have been assigned to the indicated Standing Committees of the Senate:

Executive: **Senate Bill No. 2473.**

Financial Institutions: **Senate Bill No. 2101.**

Senator Harmon, Chairperson of the Committee on Assignments, during its October 22, 2009 meeting, reported the following House Resolutions have been assigned to the indicated Standing Committee of the Senate:

State Government and Veterans Affairs: **House Joint Resolutions Numbered 31 and 45.**

[October 22, 2009]

Senator Harmon, Chairperson of the Committee on Assignments, during its October 22, 2009 meeting, to which was referred **House Bills Numbered 84, 2240 and 2643** on August 15, 2009, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **House Bills Numbered 84, 2240 and 2643** were returned to the order of third reading.

Senator Harmon, Chairperson of the Committee on Assignments, during its October 22, 2009 meeting, to which was referred **Senate Bill No. 1973** on August 15, 2009, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **Senate Bill No. 1973** was returned to the order of third reading.

Senator Harmon, Chairperson of the Committee on Assignments, during its October 22, 2009 meeting, to which was referred **Senate Bill No. 2148** on August 15, 2009, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **Senate Bill No. 2148** was returned to the order of secretary's desk concurrence.

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

Energy: **Senate Committee Amendment No. 1 to House Bill 4182.**

Executive: **Senate Floor Amendment No. 2 to Senate Bill 1973; Senate Floor Amendment No. 3 to House Bill 2643; Senate Committee Amendment No. 1 to House Bill 4625.**

Public Health: **Senate Committee Amendment No. 1 to House Bill 342.**

Revenue: **Senate Floor Amendment No. 2 to House Bill 2414.**

Senator Harmon, Chairperson of the Committee on Assignments, during its October 22, 2009 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Licensed Activities: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 1894**

Public Health: **Motion to Concur in House Amendment 1 to Senate Bill 1371**

Revenue: **Motion to Concur in House Amendments 1 and 2 to Senate Bill 227**

State Government and Veterans Affairs: **Motion to Concur in House Amendments 1 and 5 to Senate Bill 2148**

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT STATE OF ILLINOIS

[October 22, 2009]

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

October 21, 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 December 31, 2009 as the 3rd Reading deadline for the following Bills:

Senate Bills:
1973, 2101, 2473

House Bills:
5, 84, 1188, 1800, 1801, 1802, 1911, 1995, 2240, 2643, 3900, 4599, 4638

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Republican Leader Christine Radogno

At the hour of 3:25 o'clock p.m., the Chair announced the that pursuant to **Senate Joint Resolution No. 79**, adopted October 16, 2009, the Senate stand adjourned until Wednesday, October 28, 2009, at 12:00 o'clock noon.

[October 22, 2009]