



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-NINTH GENERAL ASSEMBLY

83RD LEGISLATIVE DAY

Perfunctory Session

WEDNESDAY, FEBRUARY 24, 2016

2:19 O'CLOCK P.M.

SENATE
Daily Journal Index
83rd Legislative Day

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

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

DHS and DHFS Illinois Medicaid Redetermination Project (IMRP) report of overall activity in Q2 of FY2016; report of agreement of the State with Maximus recommendations during Q2 of FY2016; report on the reason for State disagreement with Maximus recommendations during Q2 of FY2016, submitted by the Department of Human Services and the Department of Healthcare and Family Services.

Illinois Office of Tourism affirmative action program report, submitted by the Department of Commerce and Economic Opportunity.

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

LEGISLATIVE MEASURES FILED

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

- Committee Amendment No. 1 to Senate Bill 1783
- Committee Amendment No. 1 to Senate Bill 2158
- Committee Amendment No. 2 to Senate Bill 2241
- Committee Amendment No. 1 to Senate Bill 2414

MESSAGES FROM THE PRESIDENT

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

February 24, 2016

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 2-10, I am scheduling a Perfunctory Session to convene on February 24, 2016.

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Republican Leader Christine Radogno

OFFICE OF THE SENATE PRESIDENT

[February 24, 2016]

STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

February 24, 2016

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Donne Trotter to temporarily replace Senator Kimberly Lightford as a member of the Senate Committee on Assignments. This appointment will expire upon adjournment of the Senate Committee on Assignments on February 24, 2016.

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Republican Leader Christine Radogno

COMMUNICATIONS FROM THE MINORITY LEADER

SPRINGFIELD OFFICE:
309G STATE HOUSE
SPRINGFIELD, ILLINOIS 62706
PHONE: 217/782-9407
FAX: 217/782-7818

DISTRICT OFFICE
1011 STATE STREET, SUITE 210
LEMONT, ILLINOIS 60439
PHONE: 630/243-0800
FAX: 630/243-0808
CHRISTINE@SENATORRADOGNO.COM

**ILLINOIS STATE SENATE
CHRISTINE RADOGNO
SENATE REPUBLICAN LEADER
41ST SENATE DISTRICT**

February 23, 2016

Mr. Tim Anderson
Secretary of the Senate
401 State House
Springfield, Illinois 62706

Dear Mr. Secretary:

Pursuant to the provisions of Senate Rule 3-5(c), I hereby appoint Senator Nybo to temporarily replace Senator Syverson as Minority Spokesperson of the Senate Human Services Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Human Services Committee.

Sincerely,
s/Christine Radogno
Christine Radogno
Senate Republican Leader

[February 24, 2016]

cc: Senate President John Cullerton
Assistant Secretary of the Senate Scott Kaiser

SPRINGFIELD OFFICE:
309G STATE HOUSE
SPRINGFIELD, ILLINOIS 62706
PHONE: 217/782-9407
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**ILLINOIS STATE SENATE
CHRISTINE RADOGNO
SENATE REPUBLICAN LEADER
41ST SENATE DISTRICT**

February 24, 2016

Mr. Tim Anderson
Secretary of the Senate
401 State House
Springfield, Illinois 62706

Dear Mr. Secretary:

Pursuant to the provisions of Senate Rule 3-5 (c), I am hereby appointing Senator Nybo to replace Senator Righter to serve as Minority Spokesperson of the Senate Committee on Assignments. This appointment is effective immediately and shall automatically expire upon adjournment of the Committee on Assignments.

Sincerely,
s/Christine Radogno
Christine Radogno
Senate Republican Leader

cc: Senate President John Cullerton
Assistant Secretary of the Senate Scott Kaiser

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 1547

Offered by Senator Mulroe and all Senators:
Mourns the death of John N. Belcaster, Jr., of Chicago.

SENATE RESOLUTION NO. 1548

Offered by Senator Althoff and all Senators:
Mourns the death of Genevieve Edith Pfeiffer of Crystal Lake.

SENATE RESOLUTION NO. 1549

Offered by Senator Haine and all Senators:
Mourns the death of Delores "Ceil" Moore.

SENATE RESOLUTION NO. 1550

Offered by Senator Haine and all Senators:
Mourns the death of George Edward Strowmatt.

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By direction of the Secretary, the foregoing resolutions were referred to the Resolutions Consent Calendar.

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

SENATE RESOLUTION NO. 1551

WHEREAS, The State of Illinois exempts State taxation of retirement income; and

WHEREAS, Retirees living on a fixed income have limited ability to rejoin the workforce, face high health care costs, and have little ability to save money; and

WHEREAS, Retirees could not have anticipated in their lifetime of planning that their retirement income would suddenly be taxed by the State, forcing them to cut already strained household budgets; and

WHEREAS, Retirees do pay many other taxes, such as federal income taxes, property taxes, and sales taxes; and

WHEREAS, The exclusion of taxing retirement income encourages residents to remain living throughout their retirement in Illinois and encourages newly retired Americans to relocate to the State; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we state our belief that the Illinois Income Tax Act should not be amended to permit taxing retirement income; and be it further

RESOLVED, That suitable copies of this resolution be delivered to all Illinois constitutional officers, the Speaker and Minority Leader of the Illinois House of Representatives, and the President and Minority Leader of the Illinois Senate.

Senator L. Murphy offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 1552

WHEREAS, The O'Hare Modernization Program, approved in 2003, has generated serious noise issues that affect the quality of life and health of a significant number of household residents living adjacent to the airport, especially persons who live directly east and west of the new parallel runways that now carry most of O'Hare's jet airplane traffic; and

WHEREAS, The Federal Aviation Administration (FAA), the federal agency that regulates all aspects of United States commercial flight, granted permission to the City of Chicago and O'Hare airport to carry out its current expansion, and its permission was based on: (a) noise projections generated prior to approval of the modernization plan, and (b) ongoing monitoring of O'Hare airport noise through the use of noise-monitoring technology that was adequate for that purpose based upon 1990s standards; and

WHEREAS, During the years since the Illinois General Assembly approved the O'Hare Modernization Program in 2003, the City of Chicago has carried out noise monitoring in cooperation with the FAA based upon the technological standards and practices that were in place at the start of the modernization program; and

WHEREAS, The "noise contour maps" generated by City of Chicago/FAA data are public documents that are used to measure the impact of O'Hare noise on its neighbors and, in some cases, to allocate

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soundproofing aid to owners of residential, educational, commercial, and industrial properties, if they are located within the "contours" of noise impact measured by O'Hare Modernization Program noise impact collection data; and

WHEREAS, Many of the constituents of the co-sponsors of this resolution do not live within these Modernization Program noise contours, but tell us that they are severely and negatively affected by O'Hare Airport noise; and

WHEREAS, New technologies, distributed and made available since 2003, have created a new standard, the "Community Noise Equivalent Level" or CNEL for short, which has significantly changed and improved the way that technology can measure the impact of airplane noise on human quality of life; and

WHEREAS, In response to Illinois constituent concerns, the General Assembly, in the spring of 2015, enacted P.A. 99-202, amending the Permanent Noise Monitoring Act to mandate the use, going forward, of Community Noise Equivalent Level (CNEL) technologies and noise measurement data in the monitoring of noise in and around O'Hare Airport; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we commend the generation of new CNEL data as a way for the communities around O'Hare International Airport to better understand the impact of airport noise on their communities and quality of life; and be it further

RESOLVED, That we commend the City of Chicago for supporting P.A. 99-202 and call upon it to continue to take steps to implement the law and generate the data mandated by this Public Act; and be it further

RESOLVED, That we call upon the Federal Aviation Administration to assist the City of Chicago in the implementation of P.A. 99-202, including the siting, re-siting, and re-equipping of noise monitoring stations, and the generation and publication of data generated by these stations in conformity with CNEL professional standards; and be it further

RESOLVED, That we re-affirm that the noise contour maps that cover areas surrounding O'Hare Airport, and describe the impacts of noise upon these communities, should be based upon the best and newest possible data and technology; and be it further

RESOLVED, That we call upon the FAA to use new CNEL data to revisit the existing noise contour maps that cover areas surrounding O'Hare Airport, and to promptly redraw these maps as new airport noise data is submitted; and be it further

RESOLVED, That suitable copies of this resolution be submitted to the Director of the Federal Aviation Administration and to the Mayor of the City of Chicago.

Senator L. Murphy offered the following Senate Resolution, which was referred to the Committee on Assignments:

SENATE RESOLUTION NO. 1553

WHEREAS, The Illinois General Assembly in 2003 approved Public Act 93-450 (HB 721: Currie/Jones), a bill to enact the O'Hare Modernization Act; this new Act made Illinois and its citizens equal partners in the O'Hare Airport Modernization Program that has been carried out by the Chicago Department of Aviation and its private-sector partners in the 13 years since 2003, including the voluntary Fly Quiet program for aircraft noise mitigation that was inaugurated in 1997; and

WHEREAS, Many of our constituents understand the importance of O'Hare International Airport to the economic life and health of greater Chicago, and are eager to push for aggressive noise reduction in the context of a healthy and thriving O'Hare Airport; therefore, be it

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RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we support the November 2015 report of the Suburban O'Hare Commission, which includes over 20 recommendations to strengthen the "Fly Quiet" program and to reduce noise from newly-reconfigured runways at O'Hare International Airport; and be it further

RESOLVED, That the Chicago Department of Aviation should develop a more comprehensive, aggressive Fly Quiet program, including the development of a Continuous Descent Approach, a review of Noise Abatement Department Procedures, the act of maintaining at least 2 operating runways and leaving a third runway open during Fly Quiet hours, including at least one diagonal runway, and the operating use of a Runway Rotation Plan, to disperse airport noise effects during Fly Quiet hours; and be it further

RESOLVED, That the Chicago Department of Aviation should revise and strengthen the Fly Quiet Program Manual and operating procedures to create a pathway toward partial compliance with Fly Quiet during non-optimal weather conditions, and better familiarity between air traffic controllers and Fly Quiet principles; and be it further

RESOLVED, That the Fly Quiet Program Manual should be studied and revised at regular, periodic intervals; these reviews should include, but not be limited to, the assessment of departure paths and headings from O'Hare's newest runways and determine the best runway configurations, with the goal of directing flights over less-populated areas and reducing population impacts; and be it further

RESOLVED, That stakeholders should work together to study and implement Fly Quiet Program Manual voluntary operating procedures outside of normal Fly Quiet hours; and be it further

RESOLVED, That the Chicago Department of Aviation should make every effort to work with its private partners to discourage and phase down the use of older and noisier aircraft, including but not limited to the MD-80 and DC-10 aircraft, on a 24/7 basis but especially during Fly Quiet hours; and be it further

RESOLVED, That the Chicago Department of Aviation should enhance the report card program to measure and publicly report on the noise mitigation performance metrics posted by airlines and air cargo operators throughout the 24/7 day, but especially with respect to operations during Fly Quiet hours; and be it further

RESOLVED, That copies of this resolution be sent to the Mayor of Chicago, the head of the Federal Aviation Administration, the CEO of American Airlines, and the CEO of United Airlines.

Senator Althoff offered the following Senate Joint Resolution, which was ordered printed and referred to the Committee on Assignments:

**SENATE JOINT RESOLUTION NO. 26
CONSTITUTIONAL AMENDMENT**

SC0026

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, That there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to add Section 13 to Article VII of the Illinois Constitution as follows:

ARTICLE VII
LOCAL GOVERNMENT

SECTION 13. UNFUNDED MANDATES

(a) If the General Assembly or any State executive action requires a unit of local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures of revenue by the unit of local government, then the State must provide funds to reimburse the unit of local government for the costs necessary to carry out the mandated requirement, except that the General Assembly may, but need not, provide funds for the following mandates:

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(1) legislatively mandated requirements requested by the unit of local government affected; and
(2) legislatively mandated requirements that became effective before the effective date of this Section or State executive actions initially implementing legislation that became effective before the effective date of this Section.

(b) A mandated requirement that is not funded is not enforceable while not funded unless the bill implementing the mandated requirement passed with the concurrence of at least three-fourths of the members elected to each house of the General Assembly and specifically states that it is a non-reimbursable mandate under this subsection.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

Senator Landek offered the following Senate Joint Resolution, which was ordered printed and referred to the Committee on Assignments:

SENATE JOINT RESOLUTION NO. 27 CONSTITUTIONAL AMENDMENT

SC0027

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Article V of the Illinois Constitution by changing Sections 1, 2, 3, 6, and 7 and by repealing Sections 4 and 14 as follows:

ARTICLE V THE EXECUTIVE

SECTION 1. OFFICERS

The Executive Branch shall include a Governor, ~~Lieutenant Governor~~, Attorney General, Secretary of State, Comptroller and Treasurer elected by the electors of the State. They shall keep the public records and maintain a residence at the seat of government during their terms of office.

(Source: Illinois Constitution.)

SECTION 2. TERMS

These elected officers of the Executive Branch shall hold office for four years beginning on the second Monday of January after their election and, ~~except in the case of the Lieutenant Governor~~, until their successors are qualified. They shall be elected at the general election in 1978 and every four years thereafter.

(Source: Illinois Constitution.)

SECTION 3. ELIGIBILITY

To be eligible to hold the office of Governor, ~~Lieutenant Governor~~, Attorney General, Secretary of State, Comptroller or Treasurer, a person must be a United States citizen, at least 25 years old, and a resident of this State for the three years preceding his or her election.

(Source: Illinois Constitution.)

SECTION 4. JOINT ELECTION (REP.)

~~In the general election for Governor and Lieutenant Governor, one vote shall be cast jointly for the candidates nominated by the same political party or petition. The General Assembly may provide by law for the joint nomination of candidates for Governor and Lieutenant Governor.~~

(Source: Illinois Constitution.)

SECTION 6. GUBERNATORIAL SUCCESSION

(a) In the event of a vacancy, the order of succession to the office of Governor or to the position of Acting Governor shall be ~~the Lieutenant Governor~~, the elected Attorney General, the elected Secretary of State, and then as provided by law.

(b) If the Governor is unable to serve because of death, conviction on impeachment, failure to qualify, resignation or other disability, the office of Governor shall be filled by the officer next in line of succession for the remainder of the term or until the disability is removed.

(c) Whenever the Governor determines that he or she may be seriously impeded in the exercise of his or her powers, he or she shall so notify the Secretary of State and the officer next in line of succession.

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The latter shall thereafter become Acting Governor with the duties and powers of Governor. When the Governor is prepared to resume office, he or she shall do so by notifying the Secretary of State and the Acting Governor.

(d) The General Assembly by law shall specify by whom and by what procedures the ability of the Governor to serve or to resume office may be questioned and determined. The Supreme Court shall have original and exclusive jurisdiction to review such a law and any such determination and, in the absence of such a law, shall make the determination under such rules as it may adopt.

(Source: Illinois Constitution.)

SECTION 7. VACANCIES IN OTHER ELECTIVE OFFICES

If the Attorney General, Secretary of State, Comptroller or Treasurer fails to qualify or if his or her office becomes vacant, the Governor shall fill the office by appointment. The appointee shall hold office until the elected officer qualifies or until a successor is elected and qualified as may be provided by law and shall not be subject to removal by the Governor. ~~If the Lieutenant Governor fails to qualify or if his office becomes vacant, it shall remain vacant until the end of the term.~~

(Source: Illinois Constitution.)

SECTION 14. LIEUTENANT GOVERNOR - DUTIES (REP.)

~~The Lieutenant Governor shall perform the duties and exercise the powers in the Executive Branch that may be delegated to him by the Governor and that may be prescribed by law.~~

(Source: Illinois Constitution.)

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act and applies beginning with the term of office otherwise commencing in 2019.

REPORT FROM ASSIGNMENTS COMMITTEE

Senator Clayborne, Chairperson of the Committee on Assignments, during its February 24, 2016 meeting, reported the following Senate Bills have been assigned to the indicated Standing Committees of the Senate:

Appropriations I: **Senate Bill No. 2749.**

Commerce and Economic Development: **Senate Bills Numbered 2531 and 2600.**

Criminal Law: **Senate Bills Numbered 2521, 2539, 2588 and 2601.**

Energy and Public Utilities: **Senate Bills Numbered 2522 and 2551.**

Executive: **Senate Bills Numbered 2535, 2550, 2552, 2597, 2745 and 2747.**

Higher Education: **Senate Bill No. 2743.**

Human Services: **Senate Bills Numbered 2524, 2536, 2555, 2610 and 2734.**

Insurance: **Senate Bills Numbered 2515, 2528, 2574, 2589 and 2596.**

Judiciary: **Senate Bills Numbered 2529, 2556, 2565, 2735, 2738, 2741, 2744 and 2750.**

Labor: **Senate Bills Numbered 2613 and 2736.**

Licensed Activities and Pensions: **Senate Bills Numbered 2537, 2584, 2595 and 2742.**

Local Government: **Senate Bills Numbered 2525, 2533 and 2604.**

Public Health: **Senate Bills Numbered 2519, 2580 and 2591.**

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Revenue: **Senate Bills Numbered 2517, 2526, 2538, 2549, 2562, 2593, 2605, 2611, 2612, 2740, 2746, 2748 and 2751.**

State Government and Veterans Affairs: **Senate Bills Numbered 2514, 2532, 2592 and 2739.**

Transportation: **Senate Bills Numbered 2527 and 2579.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its February 24, 2016 meeting, reported the following Senate Resolution has been assigned to the indicated Standing Committee of the Senate:

Human Services: **Senate Resolution No. 1537.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its February 24, 2016 meeting, reported that the Committee recommends that **Senate Bill No. 2151** be re-referred from the Committee on Licensed Activities and Pensions to the Committee on Judiciary.

At the hour of 2:26 o'clock p.m., pursuant to **House Joint Resolution No. 132**, the Chair announced the Senate stand adjourned until Tuesday, March 1, 2016, at 3:00 o'clock p.m., or until the call of the President.