



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIFTH GENERAL ASSEMBLY

8TH LEGISLATIVE DAY

WEDNESDAY, FEBRUARY 21, 2007

1:12 O'CLOCK P.M.

SENATE
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8th Legislative Day

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The Senate met pursuant to adjournment.
Honorable Emil Jones, Jr., President of the Senate, presiding.
Prayer by Reverend Reginald Mills, Central Baptist Church, Springfield, Illinois.
Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Friday, February 9, 2007, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

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

Report pursuant to 410 ILCS 45/12.1, submitted by the Office of the Attorney General.

State Tax Incentive for Illinois Businesses, submitted by the Commission on Government Forecasting and Accountability.

2006 Annual Report of the Illinois Deaf and Hard of Hearing Commission, submitted by the Illinois Deaf and Hard of Hearing Commission.

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 Rules:

Senate Committee Amendment No. 1 to Senate Bill 4
Senate Committee Amendment No. 1 to Senate Bill 13
Senate Committee Amendment No. 1 to Senate Bill 44
Senate Committee Amendment No. 1 to Senate Bill 82
Senate Committee Amendment No. 1 to Senate Bill 186

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 67

Offered by Senator Brady and all Senators:
Mourns the death of State Representative Gilbert Deavers of Blowing Rock, NC, formerly of Bloomington.

SENATE RESOLUTION 68

Offered by Senator Harmon and all Senators:
Mourns the death of Lorraine Wendorf.

SENATE RESOLUTION 69

Offered by Senator Maloney and all Senators:
Mourns the death of Gerald T. Callahan.

SENATE RESOLUTION 70

Offered by Senator Haine and all Senators:
Mourns the death of George Becker of Gibsonia, PA, formerly of Granite City.

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SENATE RESOLUTION 71

Offered by Senator Martinez and all Senators:
Mourns the death of Chicago Police Officer Jose Vazquez.

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

Senator Viverito offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 28

WHEREAS, Thousands of Illinois service members are currently engaged in the Global War on Terror; and

WHEREAS, Citizens on the home front have a responsibility to the men and women in uniform; and

WHEREAS, Hundreds of thousands of our brothers and sisters in the Land of Lincoln have served in the armed forces to ensure that "government of the people, by the people, for the people, shall not perish from the earth"; and

WHEREAS, There has been an outpouring of generosity by people across Illinois to support the men and women who ensure our freedom, which is greatly appreciated by the troops and their loved ones; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the part of Interstate Route 355 of the National System of Interstate and Defense Highways which is in the State of Illinois is designated as the Veterans Memorial Tollway; and be it further

RESOLVED, That the Illinois State Toll Highway Authority is requested to erect at suitable locations, consistent with State regulations, appropriate plaques or signs giving notice of the designation.

Senator Viverito offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 29

WHEREAS, The generation born between 1946 and 1964 is rapidly approaching retirement age; a Baby Boomer turns 50 every 7.5 seconds; in 2006 the first Baby Boomers turned 60; by 2011, the first Baby Boomers will turn 65; and people turning 50 today have half of their adult lives ahead of them; and

WHEREAS, This growth trend will hit its peak in 2030, when the number of people over age 65 in the United States will soar to 71.5 million - twice their number in 2000, or 1 in every 5 Americans; and

WHEREAS, The number of people over age 60 in the State of Illinois is projected to increase by 87% from 1,966,236 in 2000 to 3,676,295 in 2030 - 1 in every 5 Illinoisans; and

WHEREAS, Older persons age 60 and older belonging to minority groups will increase from 307,137 in 2000 to 983,396 in 2030 - a 220% increase; and

WHEREAS, The number of persons over 85 in the State of Illinois is projected to increase by 109% from 192,346 in 2000 to 402,311 in 2030, representing 11% of the over-60 population; and

WHEREAS, A national survey of U.S. counties and cities finds that only 46% of American
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communities have begun planning to address the needs of the exploding population of Baby Boomers; and

WHEREAS, The Illinois General Assembly finds that State and community preparedness for the aging of the population will require long-range planning, dialogue across generations, and collaboration among State and local governments and organizations in the private sector; and

WHEREAS, The Older Americans Act Amendments of 2006 authorize the Illinois Department on Aging and the thirteen Area Agencies on Aging to begin the process of assessing the preparedness of the State and communities for the aging of the citizenry, and to formulate recommendations to government officials at the State, county, and local levels in the areas of health and human services, land use, housing, transportation, public safety, workforce and economic development, recreation, education, civic engagement, and emergency preparedness; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Illinois Department on Aging and the thirteen Area Agencies on Aging, with the advice of the Illinois Council on Aging, and in collaboration with other departments and offices of State government, advocacy organizations on behalf of older adults, local units of government, and organizations in the private sector, shall assess the preparedness of the State of Illinois and counties and communities within the thirteen Planning and Service Areas of Illinois for the aging of the population and shall submit a report with recommendations for the planning and development of livable communities for all ages in Illinois to the Illinois General Assembly, the Office of the Governor, and local officials by January 1, 2009; and be it further

RESOLVED, That a copy of this resolution be delivered to the Director of Aging.

Senator Delgado offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 30

WHEREAS, Lung cancer is the leading cause of cancer deaths in both men and women in Illinois, the United States, and the world, this year killing more Americans than breast, prostate, and colon cancer combined; and

WHEREAS, There were an estimated 173,000 new cases of lung cancer and an estimate 428 deaths from lung cancer each day in the United States; and

WHEREAS, There will be an estimated 7,290 new cases of lung cancer in Illinois this year, and there will be an estimated 6,790 deaths from lung cancer this year; and

WHEREAS, Smoking is the number one cause of lung cancer, yet former smokers and persons who have never smoked comprise 60% of the majority of new cases of lung cancer each year; and

WHEREAS, Other causes of lung cancer are exposure to cancer-causing substances or carcinogens, such as asbestos, radon, uranium, arsenic, and certain petroleum products; and

WHEREAS, In the early stages of lung cancer, symptoms are usually not apparent, however, when symptoms occur, the cancer is often advanced; and

WHEREAS, Symptoms of lung cancer include chronic cough, hoarseness, coughing up blood, weight loss and loss of appetite, shortness of breath, fever without a known reason, wheezing, repeated bouts of bronchitis or pneumonia and chest pain; and

WHEREAS, There is currently no standard screening for lung cancer; and

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WHEREAS, Funding for lung cancer medical research falls far short of that for other less fatal diseases; and

WHEREAS, To help build awareness and save lives, the Lung Cancer Alliance, a national patient advocacy group for lung cancer dedicated to helping build awareness of this disease, has proclaimed November as Lung Cancer Awareness Month; and

WHEREAS, It is only fitting and proper for the State of Illinois to join the nation in designating November as "Lung Cancer Awareness Month" so that through better education, more cases of lung cancer may be found in the early stage, when the chances of long-term survival are as high as 85 percent; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the month of November annually be designated "Lung Cancer Awareness Month" in the State of Illinois; and be it further

RESOLVED, That the Governor is requested to issue a proclamation calling upon the public officials and the citizens of Illinois to observe the month with appropriate activities and programs annually; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to Governor Rod Blagojevich.

Senators Bomke, J. Jones, Syverson, Lauzen, Radogno and Murphy offered the following Senate Joint Resolution, which was ordered printed and referred to the Committee on Rules:

**SENATE JOINT RESOLUTION NO. 31
CONSTITUTIONAL AMENDMENT**

SC0031

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH 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 11 to Article IX of the Illinois Constitution as follows:

ARTICLE IX
REVENUE

SECTION 11. HIGHWAY FUNDS

(a) No moneys derived from fees, excises, or license taxes, relating to registration, titles, operation, or use of vehicles on public highways, or to fuels used for propelling vehicles, including bond proceeds, shall be expended for other than costs of administering laws related to vehicles, statutory refunds and adjustments provided in those laws, payment of highway obligations, costs for construction, reconstruction, maintenance, repair, and betterment of public highways, roads, streets, and bridges, and other statutory highway purposes, the State or local share to match federal aid highway funds, administrative costs of the Department of Transportation or any successor agency, expenses of grade separation of public highways and railroad crossings, protection of at-grade public highways and railroad crossings, expense of State enforcement of traffic laws and, with respect to local governments, other transportation purposes as authorized by law.

(b) The total amount appropriated in any fiscal year for the sum of the cost of State enforcement of traffic laws, plus the cost of collecting and administering the fees, excises, and license taxes described in subsection (a), plus the cost of administering laws relating to motor vehicles, may not exceed 8% of the total amount of those fees, excises, or taxes, collected by the State of Illinois, in the most recent complete fiscal year.

(c) Federal funds may be spent for any purposes authorized by federal law.

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section

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7 of the Illinois Constitutional Amendment Act.

INTRODUCTION OF BILLS

SENATE BILL NO. 1752. Introduced by Senator Maloney, 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 Rules.

SENATE BILL NO. 1753. Introduced by Senator Trotter, a bill for AN ACT concerning appropriations.

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

REPORT FROM RULES COMMITTEE

Senator Halvorson, Chairperson of the Committee on Rules, during its February 21, 2007 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Judiciary Criminal Law: **Senate Committee Amendment No. 1 to Senate Bill 44.**

Local Government: **Senate Committee Amendment No. 1 to Senate Bill 186.**

Public Health: **Senate Committee Amendment No. 1 to Senate Bill 4.**

Revenue: **Senate Committee Amendment No. 1 to Senate Bill 13.**

State Government and Veterans Affairs: **Senate Committee Amendment No. 1 to Senate Bill 82.**

COMMITTEE MEETING ANNOUNCEMENTS

Senator Cullerton, Chairperson of the Committee on Judiciary Civil Law, announced that the Judiciary Criminal Law Committee will meet today in Room 212, at 2:00 o'clock p.m.

Senator Crotty, Chairperson of the Committee on Local Government, announced that the Local Government Committee will meet today in Room 409, at 2:00 o'clock p.m.

Senator Garrett, Chairperson of the Committee on Public Health, announced that the Public Health Committee will meet today in Room 400, at 2:00 o'clock p.m.

Senator Wilhelmi, Chairperson of the Committee on Judiciary - Criminal Law, announced that the Judiciary Criminal Law Committee will meet today in Room 212, at 3:30 o'clock p.m.

Senator Raoul, Chairperson of the Committee on Pensions and Investments, announced that the Pensions and Investments Committee will meet today in Room 400, at 5:00 o'clock p.m.

EXCUSED FROM ATTENDANCE

On motion of Senator Righter, Senator Lauzen was excused from attendance due to legislative business in his district.

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At the hour of 1:43 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 6:20 o'clock p.m., the Senate resumed consideration of business.
Honorable Emil Jones, Jr., President of the Senate, presiding.

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 2 to Senate Bill 4

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

Senate Committee Amendment No. 1 to Senate Bill 68
Senate Committee Amendment No. 1 to Senate Bill 96
Senate Committee Amendment No. 1 to Senate Bill 100
Senate Committee Amendment No. 1 to Senate Bill 113
Senate Committee Amendment No. 1 to Senate Bill 153
Senate Committee Amendment No. 1 to Senate Bill 486

REPORTS FROM STANDING COMMITTEES

Senator Cullerton and Senator Dillard, Co-Chairpersons of the Committee on Judiciary Civil Law, to which was referred **Senate Bill No. 20**, reported the same back with the recommendation that the bill do pass.

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

Senator Crotty, Chairperson of the Committee on Local Government, to which was referred **Senate Bills Numbered 29, 38, 77, 113 and 152**, reported the same back with the recommendation that the bills do pass.

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

Senator Crotty, Chairperson of the Committee on Local Government, to which was referred **Senate Bill No. 186**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Garrett, Chairperson of the Committee on Public Health, to which was referred **Senate Bill No. 4**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Wilhelmi, Chairperson of the Committee on Judiciary Criminal Law, to which was referred **Senate Bills Numbered 14, 31, 55, 75 and 76**, reported the same back with the recommendation that the bills do pass.

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

Senator Raoul, Chairperson of the Committee on Pensions and Investments, to which was referred **Senate Bill No. 65**, reported the same back with the recommendation that the bill do pass.

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

REPORT FROM RULES COMMITTEE

Senator Halvorson, Chairperson of the Committee on Rules, during its February 21, 2007 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: **SENATE BILLS 201, 202, 206, 225, 281, 346, 498, 518, 550, 557, 560, 570, 627, 649, 724, 1204, 1559, 1617 and 1683.**

Commerce and Economic Development: **SENATE BILLS 207, 208, 309, 368, 499, 1243, 1317, 1457 and 1578.**

Education: **SENATE BILLS 198, 266, 306, 396, 397, 398, 423, 424, 446, 505, 541, 543, 641, 671, 746, 1157, 1165, 1361, 1425, 1426, 1463, 1472, 1474, 1482, 1510, 1557, 1560, 1702 and 1720.**

Environment and Energy: **SENATE BILLS 208, 303, 357, 376, 456, 526, 569, 615, 616, 618, 620, 655, 659, 661, 663, 680, 1174, 1184, 1241, 1242, 1257, 1262, 1299, 1366, 1392, 1419, 1422, 1477, 1583, 1592, 1663 and 1704.**

Executive: **SENATE BILLS 311, 392, 500, 593, 750, 1159, 1370, 1467, 1544, 1625 and 1701.**

Financial Institutions: **SENATE BILLS 228, 235, 236, 237, 310, 388, 510, 515, 536, 537, 549, 643, 703, 1167, 1224, 1347, 1464, 1468, 1671, 1673, 1674, 1675 and 1676.**

Higher Education: **SENATE BILLS 313, 325, 326, 387, 394, 395, 401, 402, 433, 437, 457, 674, 729, 1414, 1446 and 1455.**

Housing and Community Affairs: **SENATE BILLS 220, 258, 380, 687, 688, 1199, 1273, 1404, 1495 and 1687.**

Human Services: **SENATE BILLS 234, 243, 244, 284, 322, 335, 340, 381, 390, 466, 511, 544, 574, 581, 591, 595, 608, 611, 640, 715, 731, 1245, 1253, 1364, 1368, 1415, 1497, 1579, 1581, 1618, 1628, 1664, 1699 and 1739.**

Insurance: **SENATE BILLS 210, 362, 379, 422, 484, 520, 555, 626, 1208, 1211, 1279, 1328, 1330, 1365, 1367, 1373, 1487, 1519, 1523 and 1688.**

Judiciary Civil Law: **SENATE BILLS 213, 229, 297, 318, 319, 330, 333, 337, 355, 365, 389, 404, 452, 454, 461, 472, 478, 481, 486, 497, 528, 531, 534, 634, 738, 747, 1162, 1260, 1270, 1296, 1309, 1434, 1435, 1449, 1501, 1545, 1549, 1576, 1706 and 1733.**

Judiciary Criminal Law: **SENATE BILLS 226, 265, 273, 274, 288, 328, 363, 364, 386, 426, 441, 521, 527, 529, 532, 533, 542, 572, 585, 594, 597, 665, 705, 710, 711, 740, 1228, 1293, 1331, 1346, 1348, 1369, 1374, 1375, 1379, 1390, 1391, 1397, 1399, 1418, 1428, 1430, 1440, 1458, 1505, 1509, 1686, 1722 and 1724.**

Labor: **SENATE BILLS 516, 1234, 1235, 1290, 1295, 1301, 1314, 1345, 1386, 1427, 1475, 1528, 1529, 1659, 1660, 1700, 1734 and 1744.**

Licensed Activities: **SENATE BILLS 196, 211, 214, 230, 259, 354, 360, 385, 448, 495, 509, 525, 558, 571, 573, 605, 617, 730, 1225, 1226, 1227, 1384, 1398, 1424 and 1626.**

Local Government: **SENATE BILLS 222, 232, 249, 253, 255, 263, 270, 285, 290, 299, 305, 341, 342, 343, 374, 382, 384, 434, 436, 439, 473, 494, 513, 539, 599, 612, 662, 684, 689, 725, 744,**

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1188, 1244, 1261, 1313, 1453, 1485, 1493, 1494, 1504, 1508, 1558, 1568, 1623, 1656, 1729, 1731 and 1746.

Pensions and Investments: SENATE BILLS 212, 217, 218, 219, 377, 447, 488, 493, 517, 610, 644, 645, 647, 719, 1143, 1158, 1179, 1185, 1186, 1192, 1193, 1196, 1197, 1198, 1380, 1383, 1481, 1506, 1507, 1513, 1539, 1553, 1653, 1740, 1741, 1743 and 1748.

Public Health: SENATE BILLS 233, 264, 530, 545, 547, 552, 650, 654, 656, 1144, 1236, 1237, 1349, 1350, 1471, 1566, 1580 and 1585.

Revenue: SENATE BILLS 247, 261, 267, 304, 327, 338, 445, 455, 488, 496, 519, 561, 660, 698, 1180, 1181, 1248, 1252, 1264, 1267, 1287, 1354, 1360, 1362, 1363, 1395, 1429, 1433, 1452, 1454, 1514, 1680, 1692, 1697 and 1750.

State Government and Veterans Affairs: SENATE BILLS 199, 223, 252, 321, 336, 479, 576, 597, 1255, 1304, 1326, 1358, 1381, 1448, 1479, 1498, 1499, 1511, 1512, 1619, 1620, 1621, 1665 and 1666.

Transportation: SENATE BILLS 254, 302, 307, 308, 314, 391, 393, 427, 435, 438, 459, 514, 540, 577, 580, 639, 673, 678, 682, 1164, 1173, 1265, 1291, 1311, 1318, 1344, 1409, 1438, 1460, 1575 and 1594.

At the hour of 6:38 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, February 22, 2007, at 12:00 o'clock noon