



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-FIFTH GENERAL ASSEMBLY**

**101ST LEGISLATIVE DAY**

**THURSDAY, OCTOBER 4, 2007**

**9:31 O'CLOCK A.M.**

**SENATE**  
**Daily Journal Index**  
**101st Legislative Day**

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<b>Bill Number</b>	<b>Legislative Action</b>	<b>Page(s)</b>
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The Senate met pursuant to adjournment.  
Senator Iris Y. Martinez, Chicago, Illinois, presiding.  
Prayer by Pastor Clint Cook, Real Life Church, Springfield, Illinois.  
Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, October 3, 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.

**PRESENTATION OF RESOLUTIONS**

**SENATE RESOLUTION 381**

Offered by Senator Koehler and all Senators:  
Mourns the death of Frank Lewis of Peoria.

**SENATE RESOLUTION 382**

Offered by Senator Koehler and all Senators:  
Mourns the death of Charlotte Lewis of Peoria.

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

Senator J. Jones offered the following Senate Resolution, which was referred to the Committee on Rules:

**SENATE RESOLUTION NO. 380**

WHEREAS, The vast majority of the employees of Heartland Human Services have been on strike since July 2 because of the employer's refusal to accept the democratic election of a union; and

WHEREAS, These employees normally deliver crucial mental health and substance abuse services that are necessary for the health, welfare, safety, and quality of life of Heartland clients and all residents of Effingham County; and

WHEREAS, Because of the strike, almost no services are currently being delivered; and

WHEREAS, Heartland clients are going without services, traveling long distances to obtain services, and relying on family and friends for temporary help; and

WHEREAS, This lack of services is placing an unsustainable burden on Heartland clients and their families, to the point that one client has committed suicide; and

WHEREAS, Over 30 behavioral health professionals formerly employed at Heartland attended a public meeting to support the strikers, saying Heartland places financial considerations before client and community needs and creates a hostile environment through demeaning and abusive treatment that is not conducive to quality care; and

WHEREAS, Because of the lack of service delivery due to the strike, the Department of Human Services Division of Alcohol and Substance Abuse has discontinued grant payments to Heartland; and

WHEREAS, The money the Division of Alcohol and Substance Abuse has not paid to Heartland may be available to fund increased service delivery by other providers in the area who are attempting to serve the former Heartland clients; and

WHEREAS, The Division of Mental Health pays Heartland approximately \$200,000 monthly, even

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though virtually no services are being delivered; and

WHEREAS, The Division of Mental Health has not been able to guarantee other mental health providers who are treating Heartland clients that they will be reimbursed for their expanded service deliveries this year; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that State agencies should steward State funding to ensure the maximum amount of services is delivered to the most clients possible; and be it further

RESOLVED, That immediately upon passage of this resolution the Senate urges the Division of Mental Health to discontinue payments to Heartland Human Services until the agency has resolved its dispute with its workers and is once again delivering its full array of services; and be it further

RESOLVED, That the Auditor General is directed to conduct a performance audit of the State moneys provided by or through State agencies to Heartland Human Services under contracts or grant agreements in Fiscal Year 2007 and year-to-date 2008; and be it further

RESOLVED, That this performance audit include, but not be limited to, the following determinations:

- (1) the purposes for which State moneys were provided to Heartland Human Services, for each State agency and for each amount transferred;
- (2) the nature and extent of monitoring by State agencies of how Heartland Human Services used the State-provided moneys;
- (3) the actual use of State moneys by Heartland Human Services;
- (4) whether, through a review of available documentation, Heartland Human Services has met or is meeting the purposes for which the State moneys were provided, with specific information concerning Heartland Human Services' staffing levels and its compensation of management employees; and
- (5) whether Heartland Human Services is in compliance with the applicable laws, regulations, contracts, and grant agreements pertaining to Heartland Human Services' receipt of State moneys; and be it further

RESOLVED, That Heartland Human Services and any State or local agency that may have information relevant to this audit cooperate fully and promptly with the Auditor General's office in its audit; and be it further

RESOLVED, That the Auditor General commence this audit as soon as possible and report his findings and recommendations upon completion in accordance with the provisions of Section 3-14 of the Illinois State Auditing Act.

#### **MESSAGES FROM THE HOUSE**

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 753

A bill for AN ACT concerning government.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 753

Passed the House, as amended, October 3, 2007.

MARK MAHONEY, Clerk of the House

#### **AMENDMENT NO. 2 TO SENATE BILL 753**

AMENDMENT NO. 2. Amend Senate Bill 753 by replacing everything after the enacting clause with the following:

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"Section 5. The Supreme Court Historic Preservation Act is amended by changing Section 10 as follows:

(705 ILCS 17/10)

Sec. 10. Supreme Court Historic Preservation Commission; creation; commissioners; appointments; terms; compensation.

(a) The Supreme Court Historic Preservation Commission is created within the Judicial Branch of State government.

(b) The Commission consists of 9 commissioners as follows:

(1) the Administrative Director of the Illinois Courts shall serve as a commissioner ex officio;

(2) Two commissioners appointed by the Court, one of whom shall be designated as the chairperson of the Commission upon appointment;

(3) Two commissioners appointed by the Governor;

(4) Two commissioners appointed by the President of the Senate, one of whom may not belong to the same political party as the President; and

(5) Two commissioners appointed by the Speaker of the House of Representatives, one of whom may not belong to the same political party as the Speaker.

(c) The terms of the initial appointed commissioners shall commence upon qualification. Each appointing authority shall designate one appointee to serve for a 2-year term running through June 30, 2009, and each appointing authority shall designate one appointee to serve for a 4-year term running through June 30, 2011. The commissioner designated as the chairperson by the Court must be appointed for a 4-year term. The initial appointments must be made by January 1, 2008 ~~within 60 days after the effective date of this Act.~~

(d) After the initial terms, commissioners shall serve for 4-year terms commencing on July 1 of the year of appointment and running through June 30 of the 4th following year. Commissioners may be reappointed to one or more subsequent terms.

(e) Vacancies occurring other than at the end of a term shall be filled by the appointing authority only for the balance of the term of the commissioner whose office is vacant.

(f) Terms shall run regardless of whether the position is filled.

(g) The members of the Commission shall receive no compensation for their service, except for their actual expenses while in the discharge of their official duties.

(Source: P.A. 95-410, eff. 8-24-07.)

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

Under the rules, the foregoing **Senate Bill No. 753**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1279

A bill for AN ACT concerning regulation.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 1279

Concurred in by the House, October 2, 2007.

MARK MAHONEY, Clerk of the House

At the hour of 9:54 o'clock a.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

#### AFTER RECESS

At the hour of 10:06 o'clock a.m., the Senate resumed consideration of business.

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Senator Martinez, presiding.

**MESSAGE FROM THE GOVERNOR**

Message for the Governor by Joseph B. Handley  
Deputy Chief of Staff for Legislative Affairs

October 4, 2007

Mr. President,

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

STATE OF ILLINOIS  
EXECUTIVE DEPARTMENT

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

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

s/Rod Blagojevich  
Governor

**PUBLIC HEALTH, ILLINOIS DEPARTMENT OF**

To be Director of the Department of Public Health for a term commencing October 1, 2007 and ending January 19, 2009:

Damon T. Arnold, M.D., M.P.H.  
Salaried

**FINANCE AUTHORITY, ILLINOIS**

To be a member of the Illinois Finance Authority for a term commencing September 20, 2007 and ending July 21, 2008:

April D. Verrett  
Non-salaried

**MEDICAL DISCIPLINARY BOARD**

To be a member of the Illinois Medical Disciplinary Board for a term commencing September 19, 2007 and ending January 1, 2010:

Robert Fernandez  
Non-salaried

To be a member of the Illinois Medical Disciplinary Board for a term commencing September 19, 2007 and ending January 1, 2008:

Homero Tristan  
Non-salaried

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**WORKERS' COMPENSATION ADVISORY BOARD**

To be a member of the Workers' Compensation Advisory Board for a term commencing September 20, 2007 and ending January 17, 2011:

Philip J. Gruber  
Non-salaried

**PRESENTATION OF RESOLUTION****SENATE RESOLUTION 383**

Offered by Senator Link and all Senators:  
Mourns the death of Patrick Leahy of Mundelein.

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

**RESOLUTIONS CONSENT CALENDAR****SENATE RESOLUTION 371**

Offered by Senator Viverito and all Senators:  
Mourns the death of Dale Roehr of Burbank.

**SENATE RESOLUTION 372**

Offered by Senator E. Jones and all Senators:  
Mourns the death of Catherine M. Demuzio of Carlinville.

**SENATE RESOLUTION 373**

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

**SENATE RESOLUTION 374**

Offered by Senator Noland and all Senators:  
Mourns the death of Elizabeth (Jones) Misicka of Morrison, formerly of Streamwood.

**SENATE RESOLUTION 375**

Offered by Senator Radogno and all Senators:  
Mourns the death of Margaret Foley of Evanston.

**SENATE RESOLUTION 376**

Offered by Senator Link and all Senators:  
Mourns the death of Adolph Severin Jerdee, Jr., of Waukegan.

**SENATE RESOLUTION 377**

Offered by Senator Haine and all Senators:  
Mourns the death of Donald E. Dugan of Alton.

**SENATE RESOLUTION 378**

Offered by Senator Lightford and all Senators:  
Mourns the death of Melanie J. Kirk of Evanston.

**SENATE RESOLUTION 381**

Offered by Senator Koehler and all Senators:  
Mourns the death of Frank Lewis of Peoria.

**SENATE RESOLUTION 382**

Offered by Senator Koehler and all Senators:

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Mourns the death of Charlotte Lewis of Peoria.

**SENATE RESOLUTION 383**

Offered by Senator Link and all Senators:

Mourns the death of Patrick Leahy of Mundelein.

**SENATE JOINT RESOLUTION 71**

Offered by Senator Trotter and all Senators:

Mourns the death of Orlando G. Jones, Sr., of Chicago.

The Chair moved the adoption of the Resolutions Consent Calendar. The motion prevailed, and the resolutions were adopted.

**PRESENTATION OF RESOLUTION**

Senator Halvorson offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

**SENATE JOINT RESOLUTION NO. 73**

**RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN,** that when the two Houses adjourn on Thursday, October 04, 2007, the Senate stands adjourned until Wednesday, October 10, 2007 at 12:00 o'clock noon; and the House of Representatives stands adjourned until Friday, October 05, 2007, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, October 09, 2007, in perfunctory session; and when it adjourns on that day, it stands adjourned until Wednesday, October 10, 2007, at 1:00 o'clock p.m.

The motion prevailed.

And the resolution was adopted.

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

At the hour of 10:10 o'clock a.m., the Chair announced that the Senate stand adjourned until Wednesday, October 10, 2007, at 12:00 o'clock noon.