



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-FIFTH GENERAL ASSEMBLY**

**133RD LEGISLATIVE DAY**

**WEDNESDAY, MARCH 5, 2008**

**1:00 O'CLOCK P.M.**

NO. 133

[March 5, 2008]

**SENATE**  
**Daily Journal Index**  
**133rd Legislative Day**

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The Senate met pursuant to adjournment.  
Senator Debbie DeFrancesco Halvorson, Crete, Illinois, presiding.

The Journal of Thursday, February 28, 2008, 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:

Fiscal Year 2007 Adult Education and Family Literacy Annual Report, submitted by the Illinois Community College Board.

Calendar Year 2007 Cooperative Utilization of Equipment and Services Report, submitted by the Department of Transportation.

Metropolitan Pier and Exposition Authority's Financial Statements for the six months ended December 31, 2007, submitted by the Metropolitan Pier and Exposition Authority.

Illinois Cares Rx 2007 Annual Report, submitted by the Department of Healthcare and Family Services.

Illinois Prescription Drug Discount Program (Illinois Rx Buying Club) 2007 Annual Report, submitted by the Department of Healthcare and Family Services.

Long-Term Care Report, November 2007, submitted by the Department of Public Health.

IHDA Report of Activities for Fiscal Year 2007 and Projected Activities for Fiscal Year 2008, submitted by the Illinois Housing Development Authority.

911 Implementation Report, submitted by the Illinois Telecommunications Association.

2007 Annual Report of the Illinois Deaf and Hard of Hearing Commission, submitted by the Illinois Deaf and Hard of Hearing Commission.

Annual Report on School Breakfast Incentives, submitted by the Illinois State Board of Education.

2007 Educational Mandates Report, submitted by the Illinois State Board of Education.

2007 Annual Report of the Office of the Auditor General, submitted by the Office of the Auditor General.

State of Illinois Economic Outlook and Forecast, submitted by the Commission on Government Forecasting and Accountability.

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

### **MESSAGES FROM THE PRESIDENT**

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

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

[March 5, 2008]

March 5, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Debbie Halvorson to resume her position as a member and Chairman of the Senate Rules Committee. This appointment is effective immediately.

Sincerely,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

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

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

March 5, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Martin Sandoval to resume his position on the Senate Local Government Committee. This appointment is effective immediately.

Sincerely,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

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

EMIL JONES, JR.  
SENATE PRESIDENT

327 STATE CAPITOL  
Springfield, Illinois 62706

March 5, 2008

Ms. Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, IL 62706

Dear Madam Secretary:

[March 5, 2008]

Pursuant to Rule 3-2(c), I hereby appoint Senator Jacqueline Collins to replace Senator Jeffrey Schoenberg as a member of the Senate Public Health Committee. This appointment is effective immediately.

Sincerely,  
s/Emil Jones, Jr.  
Senate President

cc: Senate Minority Leader Frank Watson

#### **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 1981  
Senate Committee Amendment No. 1 to Senate Bill 2002  
Senate Committee Amendment No. 2 to Senate Bill 2005  
Senate Committee Amendment No. 1 to Senate Bill 2006  
Senate Committee Amendment No. 1 to Senate Bill 2074  
Senate Committee Amendment No. 1 to Senate Bill 2091  
Senate Committee Amendment No. 1 to Senate Bill 2124  
Senate Committee Amendment No. 2 to Senate Bill 2124  
Senate Committee Amendment No. 1 to Senate Bill 2354  
Senate Committee Amendment No. 2 to Senate Bill 2354  
Senate Committee Amendment No. 1 to Senate Bill 2397  
Senate Committee Amendment No. 1 to Senate Bill 2444  
Senate Committee Amendment No. 1 to Senate Bill 2452  
Senate Committee Amendment No. 1 to Senate Bill 2460  
Senate Committee Amendment No. 1 to Senate Bill 2488  
Senate Committee Amendment No. 1 to Senate Bill 2513  
Senate Committee Amendment No. 1 to Senate Bill 2534  
Senate Committee Amendment No. 2 to Senate Bill 2534  
Senate Committee Amendment No. 1 to Senate Bill 2536  
Senate Committee Amendment No. 1 to Senate Bill 2547  
Senate Committee Amendment No. 1 to Senate Bill 2564  
Senate Committee Amendment No. 1 to Senate Bill 2584  
Senate Committee Amendment No. 1 to Senate Bill 2783  
Senate Committee Amendment No. 1 to Senate Bill 2825  
Senate Committee Amendment No. 1 to Senate Bill 2861  
Senate Committee Amendment No. 1 to Senate Bill 2865  
Senate Committee Amendment No. 1 to Senate Bill 2882

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

Senate Floor Amendment No. 2 to Senate Bill 1893  
Senate Floor Amendment No. 1 to Senate Bill 2098  
Senate Floor Amendment No. 1 to Senate Bill 2199

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

Senate Committee Amendment No. 1 to House Bill 230

[March 5, 2008]

**MOTION IN WRITING**

HB1279AVM001

**MOTION**

I move to accept the specific recommendations of the Governor as to House Bill 1279 in manner and form as follows:

AMENDMENT TO HOUSE BILL 1279  
IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS  
Amend House Bill 1279 on page 2, line 12, after "any", by inserting "outdoor".

Date: 3/5/08, 2008 s/Martin A. Sandoval

The foregoing Motion in Writing was referred to the Committee on Rules.

**PRESENTATION OF RESOLUTIONS****SENATE RESOLUTION 566**

Offered by Senator E. Jones and all Senators:  
Mourns the death of Josephine Leah Bulger Lewis of Chicago.

**SENATE RESOLUTION 567**

Offered by Senator Demuzio and all Senators:  
Mourns the death of William "Bill" Horman of Hardin.

**SENATE RESOLUTION 568**

Offered by Senator Althoff and all Senators:  
Mourns the death of Robert J. Mortell of McHenry.

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

**SENATE JOINT RESOLUTION NO. 86  
CONSTITUTIONAL AMENDMENT**

SC0086

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 amend Section 3 of Article IX of the Illinois Constitution as follows:

**ARTICLE IX****REVENUE****SECTION 3. LIMITATIONS ON INCOME TAXATION**

(a) A tax on or measured by income ~~may be at a graduated~~ shall be at a non-graduated rate. At any one time there may be no more than one such tax imposed by the State for State purposes on individuals ~~and one such tax so imposed on corporations~~. In any such tax imposed upon corporations the rate shall not exceed the average rate imposed on individuals by more than a ratio of 8 to 5.

(b) Laws imposing taxes on or measured by income may adopt by reference provisions of the laws and regulations of the United States, as they then exist or thereafter may be changed, for the purpose of arriving at the amount of income upon which the tax is imposed.

(Source: Illinois Constitution.)

**SCHEDULE**

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

[March 5, 2008]

**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 adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

**HOUSE JOINT RESOLUTION NO. 86**

WHEREAS, Diseases of the heart are the nation's leading cause of death, and strokes are the third leading cause of death; and

WHEREAS, Cardiovascular diseases (CVD) claim the lives of over 460,000 American females (about one death per minute) each year; and

WHEREAS, Each year, 53% of all cardiovascular disease deaths occur in females, as compared to 47% in men, and about 32,500 more females than males die from a stroke; and

WHEREAS, In 2008 the estimated direct and indirect cost of cardiovascular diseases and strokes in the US is estimated at \$448.5 billion; and

WHEREAS, More women die of heart disease, stroke, and all other cardiovascular diseases than the next five leading causes of death combined, including all cancers; and

WHEREAS, Only 21% of women consider cardiovascular disease their greatest health risk; and

WHEREAS, February is designated as American Heart Month; and

WHEREAS, Go Red For Women is the American Heart Association's national call to increase awareness about heart disease, the leading cause of death for women, and to inspire women to take charge of their heart health; and

WHEREAS, All women should learn their own personal risk for heart disease, using tools such as the American Heart Association's Go Red For Women Heart Checkup and by talking to their healthcare providers; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that in recognition of the importance of the ongoing fight against heart disease and stroke we proclaim February 1, 2008 as National Wear Red Day throughout the State of Illinois; and be it further

RESOLVED, We urge all citizens to show their support for women and the fight against heart disease by commemorating this day by wearing the color red; by increasing awareness and empowering women to reduce their risk for cardiovascular disease, we can save thousands of lives each year.

Adopted by the House, February 27, 2008.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 86 was referred to the Committee on Rules.

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

[March 5, 2008]

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 4167  
A bill for AN ACT concerning local government.  
HOUSE BILL NO. 4174  
A bill for AN ACT concerning elections.  
HOUSE BILL NO. 4180  
A bill for AN ACT concerning education.  
HOUSE BILL NO. 4183  
A bill for AN ACT concerning transportation.  
HOUSE BILL NO. 4199  
A bill for AN ACT concerning health.  
HOUSE BILL NO. 4201  
A bill for AN ACT concerning local government.  
HOUSE BILL NO. 4212  
A bill for AN ACT concerning State government.  
HOUSE BILL NO. 4215  
A bill for AN ACT concerning appropriations.  
HOUSE BILL NO. 4219  
A bill for AN ACT concerning State government.  
Passed the House, March 4, 2008.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 4167, 4174, 4180, 4183, 4199, 4201, 4212, 4215 and 4219** were taken up, ordered printed and placed on first reading.

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 bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 4226  
A bill for AN ACT concerning education.  
HOUSE BILL NO. 4309  
A bill for AN ACT concerning education.  
HOUSE BILL NO. 4378  
A bill for AN ACT concerning local government.  
HOUSE BILL NO. 4428  
A bill for AN ACT making appropriations.  
HOUSE BILL NO. 4434  
A bill for AN ACT concerning appropriations.  
HOUSE BILL NO. 4450  
A bill for AN ACT concerning civil law.  
HOUSE BILL NO. 4455  
A bill for AN ACT making appropriations.  
Passed the House, March 4, 2008.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 4226, 4309, 4378, 4428, 4434, 4450 and 4455** were taken up, ordered printed and placed on first reading.

**EXCUSED FROM ATTENDANCE**

[March 5, 2008]



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

### CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Martinez moved that **Senate Resolution No. 483**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

#### AMENDMENT NO. 1 TO SENATE RESOLUTION 483

AMENDMENT NO. 1. Amend Senate Resolution 483 by replacing everything after the heading with the following:

"WHEREAS, The Illinois Measure of Annual Growth in English (IMAGE) Test was developed as a proficiency test and not as a test to measure student achievement relative to the Illinois Learning Standards (ILS); and

WHEREAS, When the No Child Left Behind Act of 2001 (NCLB) came into being, the State Board of Education attempted to modify the IMAGE Test so that it might satisfy NCLB achievement testing requirements for accountability purposes, but in the end was unsuccessful; and

WHEREAS, The U.S. Department of Education ruled that the IMAGE Test did not serve as a valid measure of assessing students' abilities under federal law; and

WHEREAS, The State Board of Education has not produced an acceptable replacement test to administer to students who are learning English; instead, the State Board of Education recently announced that the IMAGE Test will not be given in 2008 and that students with limited proficiency in English ("ELLS") will take the same assessment test as English-speaking students; and

WHEREAS, Discontinuing the IMAGE Test or failing to implement a similar alternative examination will negatively impact students, schools, and districts throughout the State; assessment data may be swayed by poor test scores of students who simply do not understand English, resulting in schools or districts failing to meet federal standards; and

WHEREAS, The State Board of Education has offered a short term solution for 2008 that involves accommodations for the Illinois Standards Achievement Test (ISAT) and Prairie State Achievement Examination (PSAE), which include timing and scheduling, setting, and presentation; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the State Board of Education to make a formal request to the U.S. Department of Education that the results from the ISAT and PSAE scores for those ELLs who would otherwise have been eligible to take the IMAGE Test in 2008 and 2009 not be used to calculate Annual Yearly Progress for the next 2 years; and be it further

RESOLVED, That we urge the U.S. Department of Education to grant the request of the State of Illinois and not use results from the ISAT and PSAE for those ELLs who would otherwise have been eligible to take the IMAGE Test in 2008 and 2009 for the next 2 years; and be it further

RESOLVED, That if the U.S. Department of Education grants the State of Illinois's request, we urge the State Board of Education to work aggressively to develop an alternative examination for ELLs that will be ready for adoption in 2 years; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the State Board of Education and the U.S. Department of Education."

[March 5, 2008]

Senator Martinez moved that **Senate Resolution No. 483**, as amended, be adopted.  
 The motion prevailed.  
 And the resolution was adopted.

### REPORT FROM RULES COMMITTEE

Senator Halvorson, Chairperson of the Committee on Rules, during its March 5, 2008 meeting, reported the following Resolutions have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: **Senate Joint Resolution No. 64.**

Labor: **House Joint Resolution No. 78; Senate Joint Resolution No. 83.**

Public Health: **Senate Resolutions Numbered 546 and 565; Senate Joint Resolution No. 76.**

State Government and Veterans Affairs: **Senate Resolutions Numbered 484, 550 and 554; House Joint Resolutions Numbered 21, 49 and 82; Senate Joint Resolutions Numbered 77, 78 and 82.**

Senator Halvorson, Chairperson of the Committee on Rules, during its March 5, 2008 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Appropriations I: **Motion to Accept Specific Recommendation for Change to House Bill 4144.**

Public Health: **Motion to Accept Specific Recommendation for Change to House Bill 1279**

Senator Halvorson, Chairperson of the Committee on Rules, during its March 5, 2008 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: **Senate Bills Numbered 2562, 2570 and 2750.**

Education: **Senate Committee Amendment No. 1 to Senate Bill 2091; SENATE BILLS 2013, 2071, 2084, 2170, 2182, 2293, 2412, 2481 and 2738.**

Environment and Energy: **Senate Committee Amendment No. 1 to Senate Bill 2547; Senate Committee Amendment No. 1 to Senate Bill 2783; SENATE BILLS 2017, 2018, 2079, 2110, 2157, 2166, 2369, 2395, 2456 and 2514.**

Executive: **Senate Committee Amendment No. 1 to Senate Bill 2006; Senate Committee Amendment No. 1 to Senate Bill 2825; SENATE BILLS 1999, 2113, 2207, 2210, 2231, 2256, 2322, 2374, 2400, 2432, 2501, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729 and 2730.**

Financial Institutions: **Senate Committee Amendment No. 1 to Senate Bill 2513; SENATE BILLS 1996, 2786 and 2828.**

Higher Education: **SENATE BILLS 2043, 2087 and 2413.**

[March 5, 2008]

Housing and Community Affairs: **Senate Committee Amendment No. 1 to Senate Bill 2434; Senate Committee Amendment No. 1 to Senate Bill 2566; SENATE BILLS 2416 and 2770.**

Human Services: **SENATE BILLS 2112, 2218, 2394, 2403 and 2877.**

Insurance: **Senate Committee Amendment No. 1 to Senate Bill 2002; Senate Committee Amendment No. 1 to Senate Bill 2534; Senate Committee Amendment No. 2 to Senate Bill 2534; SENATE BILLS 2008, 2134, 2201, 2237, 2263, 2296, 2323, 2358, 2380, 2499 and 2502.**

Judiciary Civil Law: **Senate Committee Amendment No. 1 to Senate Bill 2124; Senate Committee Amendment No. 2 to Senate Bill 2124; SENATE BILLS 1941, 2080, 2085, 2111, 2128, 2139, 2140, 2161, 2232, 2287, 2428, 2435, 2458, 2489, 2527, 2594 and 2909.**

Judiciary Criminal Law: **Senate Committee Amendment No. 1 to House Bill 230; Senate Amendment No. 1 to Senate Bill 2452; Senate Committee Amendment No. 1 to Senate Bill 2488; Senate Committee Amendment No. 1 to Senate Bill 2596; SENATE BILLS 1972, 2047, 2051, 2102, 2137, 2159, 2198, 2294, 2295, 2305, 2340, 2355, 2365 and 2476.**

Labor: **Senate Committee Amendment No. 1 to Senate Bill 2397; Senate Committee Amendment No. 1 to Senate Bill 2460.**

Licensed Activities: **SENATE BILLS 2028, 2100, 2838 and 2893.**

Local Government: **Senate Floor Amendment No. 1 to Senate Bill 1992; Senate Committee Amendment No. 2 to Senate Bill 2005; Senate Committee Amendment No. 1 to Senate Bill 2190; Senate Committee Amendment No. 1 to Senate Bill 2297; Senate Committee Amendment No. 1 to Senate Bill 2536; SENATE BILLS 2004, 2031, 2034, 2077, 2158, 2162, 2175, 2181, 2191, 2214, 2304, 2356, 2532, 2580, 2586, 2588, 2733, 2744 and 2747.**

Pensions and Investments: **SENATE BILLS 1959, 1960, 1985, 2003, 2066, 2067, 2090, 2362, 2448, 2479, 2530, 2558 and 2778.**

Public Health: **Senate Committee Amendment No. 1 to Senate Bill 2444; Senate Committee Amendment No. 1 to Senate Bill 2865; SENATE BILLS 1965, 2012, 2155, 2252 and 2506.**

Revenue: **Senate Committee Amendment No. 1 to Senate Bill 1981; Senate Committee Amendment No. 1 to Senate Bill 2584; Senate Committee Amendment No. 1 to Senate Bill 2882; SENATE BILLS 1983, 1995, 2007, 2072, 2099, 2148, 2227, 2282, 2329, 2589, 2874, 2875 and 2912.**

State Government and Veterans Affairs: **Senate Committee Amendment No. 1 to Senate Bill 2009; Senate Committee Amendment No. 1 to Senate Bill 2074; Senate Committee Amendment No. 1 to Senate Bill 2564; SENATE BILLS 2063, 2092, 2174, 2178, 2203, 2302, 2312, 2326, 2344, 2364, 2391, 2415, 2431, 2615, 2626, 2632 and 2801.**

#### **COMMITTEE MEETING ANNOUNCEMENT**

The Chair announced that committees scheduled for 1:00 o'clock p.m. will begin immediately upon adjournment.

At the hour of 1:42 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, March 6, 2008, at 2:00 o'clock p.m.

[March 5, 2008]