



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-FIFTH GENERAL ASSEMBLY**

**152ND LEGISLATIVE DAY**

**THURSDAY, MAY 1, 2008**

**11:36 O'CLOCK A.M.**

**SENATE**  
**Daily Journal Index**  
**152nd Legislative Day**

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The Senate met pursuant to adjournment.  
Senator Rickey R. Hendon, Chicago, Illinois, presiding.  
Prayer by Pastor John Standard, Pastor of Springfield Bible Church, Springfield, Illinois.  
Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, April 30, 2008, was being read when on motion of Senator Clayborne, 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.

**REPORT RECEIVED**

The Secretary placed before the Senate the following report:

Women and Minorities in the Illinois Labor Force 2008 Progress Report, submitted by the Department of Employment Security.

The foregoing report was ordered received and placed on file in the Secretary's Office.

**COMMUNICATION FROM MINORITY LEADER**

ILLINOIS STATE SENATE  
**FRANK C. WATSON**  
STATE SENATOR  
51<sup>ST</sup> SENATE DISTRICT

March 7, 2008

Deborah Shipley  
Secretary of the Senate  
403 State House  
Springfield, Illinois 62706

Dear Secretary Shipley:

Pursuant to Rule 3-2, I hereby appoint Senator Brad Burzynski to resume his position as a member on the Senate Executive Committee. This appointment is effective immediately.

Sincerely,  
s/Frank Watson  
Senate Republican Leader

cc: Senate President Emil Jones  
Assistant Secretary of the Senate Scott Kaiser

**LEGISLATIVE MEASURES FILED**

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

Senate Floor Amendment No. 2 to Senate Joint Resolution 90

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

Senate Floor Amendment No. 5 to House Bill 824

[May 1, 2008]

Senate Floor Amendment No. 1 to House Bill 4255

### PRESENTATION OF RESOLUTIONS

#### SENATE RESOLUTION NO. 684

Offered by Senator Peterson and all Senators:  
Mourns the death of Norma Bernsohn, nee Raphael.

#### SENATE RESOLUTION NO. 685

Offered by Senator Lauzen and all Senators:  
Mourns the death of James G. "Jim" McNish of Sandwich.

#### SENATE RESOLUTION NO. 686

Offered by Senator Lauzen and all Senators:  
Mourns the death of Daniel J. Buckley of Aurora.

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

### REPORTS FROM STANDING COMMITTEES

Senator Forby, Chairperson of the Committee on Labor, to which was referred **House Bills Numbered 4583 and 5760**, reported the same back with the recommendation that the bills do pass.  
Under the rules, the bills were ordered to a second reading.

Senator Forby, Chairperson of the Committee on Labor, to which was referred **House Bill No. 773**, 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 Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **House Bills Numbered 2254, 4165 and 4527**, reported the same back with the recommendation that the bills do pass.  
Under the rules, the bills were ordered to a second reading.

Senator Haine, of the Committee on Insurance, to which was referred **House Bill No. 4255**, reported the same back with the recommendation that the bill do pass.  
Under the rules, the bill was ordered to a second reading.

Senator Lightford, Chairperson of the Committee on Education, to which was referred **House Bills Numbered 1054 and 4705**, reported the same back with the recommendation that the bills do pass.  
Under the rules, the bills were ordered to a second reading.

Senator Collins, Chairperson of the Committee on Financial Institutions, to which was referred **House Bills Numbered 1361 and 4191**, reported the same back with the recommendation that the bills do pass.  
Under the rules, the bills were ordered to a second reading.

### MESSAGES FROM THE HOUSE

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

[May 1, 2008]

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

HOUSE BILL NO. 1223  
A bill for AN ACT concerning public employee benefits.  
HOUSE BILL NO. 4289  
A bill for AN ACT concerning criminal law.  
HOUSE BILL NO. 4461  
A bill for AN ACT concerning regulation.  
HOUSE BILL NO. 4683  
A bill for AN ACT concerning fire safety.  
HOUSE BILL NO. 4771  
A bill for AN ACT concerning education.  
HOUSE BILL NO. 5231  
A bill for AN ACT concerning public aid.  
HOUSE BILL NO. 5701  
A bill for AN ACT concerning appropriations.  
Passed the House, April 30, 2008.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1223, 4289, 4461, 4683, 4771, 5231 and 5701** 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 a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 2769  
A bill for AN ACT concerning criminal law.  
HOUSE BILL NO. 4789  
A bill for AN ACT concerning safety.  
HOUSE BILL NO. 4807  
A bill for AN ACT making appropriations.  
HOUSE BILL NO. 4822  
A bill for AN ACT concerning education.  
HOUSE BILL NO. 5200  
A bill for AN ACT concerning regulation.  
HOUSE BILL NO. 5278  
A bill for AN ACT concerning election officials.  
Passed the House, April 30, 2008.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 2769, 4789, 4807, 4822, 5200 and 5278** 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 a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 2862  
A bill for AN ACT concerning criminal law.  
HOUSE BILL NO. 4401  
A bill for AN ACT concerning health.

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HOUSE BILL NO. 4470  
A bill for AN ACT concerning State government.  
HOUSE BILL NO. 4686  
A bill for AN ACT concerning local government.  
HOUSE BILL NO. 4767  
A bill for AN ACT concerning State government.  
HOUSE BILL NO. 4836  
A bill for AN ACT concerning regulation.  
HOUSE BILL NO. 4900  
A bill for AN ACT concerning education.  
Passed the House, April 30, 2008.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 2862, 4401, 4470, 4686, 4767, 4836 and 4900** 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 a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 5191  
A bill for AN ACT concerning firearms.  
HOUSE BILL NO. 5503  
A bill for AN ACT concerning civil law.  
HOUSE BILL NO. 5521  
A bill for AN ACT concerning public employee benefits.  
HOUSE BILL NO. 5618  
A bill for AN ACT concerning State government.  
Passed the House, April 30, 2008.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 5191, 5503, 5521 and 5618** were taken up, ordered printed and placed on first reading.

#### INTRODUCTION OF BILL

**SENATE BILL NO. 3038.** Introduced by Senator Noland, 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.

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

**House Bill No. 2769**, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 2862**, sponsored by Senator Garrett, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4215**, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Rules.

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**House Bill No. 4461**, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4470**, sponsored by Senator Kotowski, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4683**, sponsored by Senator Noland, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4767**, sponsored by Senator Garrett, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4766**, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4807**, sponsored by Senator Dahl, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 4900**, sponsored by Senator DeLeo, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 5108**, sponsored by Senator Kotowski, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 5191**, sponsored by Senator Steans, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 5231**, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 5278**, sponsored by Senator Link, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 5503**, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 5521**, sponsored by Senator Forby, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 5543**, sponsored by Senator Dahl, was taken up, read by title a first time and referred to the Committee on Rules.

**House Bill No. 5701**, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Rules.

#### **REPORT FROM RULES COMMITTEE**

Senator Halvorson, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

#### **Senate Floor Amendment No. 2 to Senate Joint Resolution 90**

The foregoing floor amendment was placed on the Secretary's Desk.

#### **EXCUSED FROM ATTENDANCE**

[May 1, 2008]

On motion of Senator Risinger, Senator Lauzen was excused from attendance due to state business.

Senator Risinger asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

The Chair asked that the caucus wait until after the next order of business.

### CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Lightford moved that **Senate Joint Resolution No. 90**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Lightford offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2 TO SENATE JOINT RESOLUTION 90

AMENDMENT NO. 2. Amend Senate Joint Resolution 90 by replacing lines 7 through 12 with the following:

"RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that each of the school district waiver requests identified below by school district name and by the identifying number and subject area of the waiver request, as summarized in the report filed by the State Board of Education, is disapproved:

- (1) Zion-Benton THSD 126 - Lake, WM100-4630, physical education; and
- (2) Knoxville CUSD 202 - Knox, WM100-4639, physical education; and be it further

RESOLVED, That each of the school district waiver requests identified below by school district name and by the identifying number and subject area of the waiver request, as summarized in the report filed by the State Board of Education, is approved for only one year and disapproved for the remaining 4 years:

- (1) Naperville CUSD 203 - DuPage, WM100-4575, driver education - behind-the-wheel instruction;
- (2) Crystal Lake CHSD 155 - McHenry, WM100-4589, driver education - behind-the-wheel instruction;
- (3) St. Charles CUSD 303 - Kane, WM100-4591, driver education - behind-the-wheel instruction;
- (4) West Chicago CHSD 94 - DuPage, WM100-4600-2, driver education - behind-the-wheel instruction;
- (5) Lyons THSD 204 - Cook, WM100-4601, driver education - behind-the-wheel instruction;
- (6) Oak Park - River Forest HSD 200 - Cook, WM100-4608-2, driver education - behind-the-wheel instruction;
- (7) Lake Park CHSD 108 - DuPage, WM100-4611, driver education - behind-the-wheel instruction;
- (8) Glenbard THSD 87 - DuPage, WM100-4625, driver education - behind-the-wheel instruction;
- (9) Aurora West USD 129 - Kane, WM100-4634, driver education - behind-the-wheel instruction; and
- (10) Niles TCHSD 219 - Cook, WM100-4648-2, driver education - behind-the-wheel instruction; and be it further

RESOLVED, That the waiver request made by Rockford SD 205 - Winnebago with respect to general State aid and average daily attendance calculations, identified in the report filed by the State Board of Education as request WM100-4640-1, is approved for only one year and disapproved for the remaining 4 years; and be it further

RESOLVED, That the waiver request made by Midlothian SD 143 - Cook with respect to substitute teachers, identified in the report filed by the State Board of Education as request WM100-4598, is

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approved for only one year and disapproved for the remaining 4 years; and be it further

RESOLVED, That each of the school district waiver requests identified below by school district name and by the identifying number of the waiver request with respect to driver education - fee limits, as summarized in the report filed by the State Board of Education, is approved for only up to \$250 and is disapproved for the remaining amount:

- (1) Chadwick - Milledgeville CUSD 399 - Carroll, Whiteside, WM100-4495;
- (2) Elmhurst SD 205 - DuPage, WM100-4536;
- (3) Orland Park CHSD 230 - Cook, WM100-4590;
- (4) West Chicago CHSD 94 - DuPage, WM100-4600-1;
- (5) Jacksonville SD 117 - Morgan, WM100-4621-2; and
- (6) Rockford SD 205 - Winnebago, WM100-4640-3; and be it further

RESOLVED, That the waiver request made by Niles TCHSD 219 - Cook with respect to driver education - fee limits, identified in the report filed by the State Board of Education as request WM100-4648-1, is approved for only up to \$350 and is disapproved for the remaining amount."

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Lightford moved that Senate Joint Resolution No. 90, as amended, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 48; Nays 1.

The following voted in the affirmative:

Althoff	Dillard	Lightford	Rutherford
Bivins	Frerichs	Link	Schoenberg
Bomke	Garrett	Luechtefeld	Silverstein
Bond	Haine	Maloney	Steans
Burzynski	Halvorson	Martinez	Sullivan
Clayborne	Harmon	Meeks	Trotter
Collins	Hendon	Munoz	Watson
Cronin	Holmes	Murphy	Wilhelmi
Crotty	Hultgren	Noland	Mr. President
Cullerton	Jacobs	Pankau	
DeLeo	Jones, J.	Peterson	
Delgado	Koehler	Raoul	
Demuzio	Kotowski	Righter	

The following voted in the negative:

Risinger

The motion prevailed.

And the resolution, as amended, was adopted.

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

Senator Millner asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **Senate Joint Resolution No. 90**.

At the hour of 11:55 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 12:10 o'clock p.m., the Senate resumed consideration of business.

Senator Hendon, presiding.

[May 1, 2008]

**EXCUSED FROM ATTENDANCE**

On motion of Senator Link, Senator Forby was excused from attendance due to family business and Senator Sandoval was excused from attendance due to district business.

**RESOLUTIONS CONSENT CALENDAR**

**SENATE RESOLUTION NO. 660**

Offered by Senator Haine and all Senators:  
Mourns the death of Diana Wiesemann of Worden.

**SENATE RESOLUTION NO. 661**

Offered by Senator Haine and all Senators:  
Mourns the death of Roy Williams of Alton.

**SENATE RESOLUTION NO. 662**

Offered by Senator Haine and all Senators:  
Mourns the death of William "Pat" Tierney III of Wood River.

**SENATE RESOLUTION NO. 663**

Offered by Senator Haine and all Senators:  
Mourns the death of Dorothy R. (McConnell) Harris of Alton.

**SENATE RESOLUTION NO. 664**

Offered by Senator Haine and all Senators:  
Mourns the death of Rita Gonzales of Alton.

**SENATE RESOLUTION NO. 665**

Offered by Senator Haine and all Senators:  
Mourns the death of Rick Shoger of Edwardsville.

**SENATE RESOLUTION NO. 666**

Offered by Senator Raoul and all Senators:  
Mourns the death of Leon Finney, Sr., of Chicago.

**SENATE RESOLUTION NO. 667**

Offered by Senator Haine and all Senators:  
Mourns the death of Carl Felix Saale of Alton.

**SENATE RESOLUTION NO. 668**

Offered by Senator Haine and all Senators:  
Mourns the death of Esther Caroline Ford Rapp of Wood River.

**SENATE RESOLUTION NO. 669**

Offered by Senator Haine and all Senators:  
Mourns the death of Clarence Hays of Bethalto.

**SENATE RESOLUTION NO. 670**

Offered by Senator Haine and all Senators:  
Mourns the death of Donald Donohoo of East Alton.

**SENATE RESOLUTION NO. 671**

Offered by Senators Link – Koehler – Bomke and all Senators:  
Mourns the death of William "Bill" J. Anderson of Springfield.

**SENATE RESOLUTION NO. 672**

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Offered by Senator Clayborne and all Senators:  
Mourns the death of Doris V. Jefferson of Mascoutah.

**SENATE RESOLUTION NO. 673**

Offered by Senator Lightford and all Senators:  
Mourns the death of Eugene Beauchamp.

**SENATE RESOLUTION NO. 674**

Offered by Senator Dillard and all Senators:  
Mourns the death of Robert Burke Hilsabeck of Hinsdale.

**SENATE RESOLUTION NO. 675**

Offered by Senator Dillard and all Senators:  
Mourns the death of Mary Jean Roush of Downers Grove.

**SENATE RESOLUTION NO. 676**

Offered by Senator Dillard and all Senators:  
Mourns the death of John Lies of Naperville.

**SENATE RESOLUTION NO. 677**

Offered by Senator Althoff and all Senators:  
Mourns the death of former McHenry County College President Robert C. Bartlett.

**SENATE RESOLUTION NO. 682**

Offered by Senator Wilhelmi and all Senators:  
Mourns the death of Beverly J. Wheeler of Joliet.

**SENATE RESOLUTION NO. 684**

Offered by Senator Peterson and all Senators:  
Mourns the death of Norma Bernsohn, nee Raphael.

**SENATE RESOLUTION NO. 685**

Offered by Senator Lauzen and all Senators:  
Mourns the death of James G. "Jim" McNish of Sandwich.

**SENATE RESOLUTION NO. 686**

Offered by Senator Lauzen and all Senators:  
Mourns the death of Daniel J. Buckley of Aurora.

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

**READING CONSTITUTIONAL AMENDMENT A THIRD TIME**

On motion of Senator Cronin, Senate Joint Resolution Constitutional Amendment No. 70, as amended, having been printed, was taken up, read in full a third time.

Senator Cronin moved that Senate Joint Resolution Constitutional Amendment No. 70, as amended, be adopted.

And on that motion, a call of the roll was had resulting as follows:

Yeas 33; Nays 19; Present 2.

The following voted in the affirmative:

Althoff	Dillard	Kotowski	Risinger
Bivins	Frerichs	Luechtefeld	Rutherford
Bomke	Garrett	Maloney	Schoenberg
Brady	Halvorson	Millner	Silverstein

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Burzynski	Hendon	Murphy	Syverson
Cronin	Holmes	Pankau	Watson
Crotty	Hultgren	Peterson	
Dahl	Jones, J.	Radogno	
Delgado	Koehler	Righter	

The following voted in the negative:

Bond	Demuzio	Link	Stears
Clayborne	Haine	Martinez	Sullivan
Collins	Harmon	Meeks	Trotter
Cullerton	Jacobs	Noland	Mr. President
DeLeo	Lightford	Raoul	

The following voted present:

Munoz  
Wilhelmi

Having failed to receive a vote of three-fifths of the members elected, the resolution was declared lost.

Senator Righter moved that pursuant to Senate Rule 7-9, HJRCA 28 be discharged from the Executive Committee and that HJRCA 28 be placed immediately on the Senate Calendar on the Order of Constitutional Amendments First Reading.

The Chair stated it would take the matter under consideration.

#### 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. 99

**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, May 01, 2008, the Senate stands adjourned until Wednesday, May 07, 2008 at 12:30 o'clock p.m.; and the House of Representatives stands adjourned until Monday, May 05, 2008, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, May 06, 2008.

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 1:10 o'clock p.m., pursuant to **Senate Joint Resolution No. 99**, the Chair announced the Senate stand adjourned until Wednesday, May 7, 2008, at 12:30 o'clock p.m.

[May 1, 2008]