



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-SIXTH GENERAL ASSEMBLY**

**26TH LEGISLATIVE DAY**

**TUESDAY, MARCH 17, 2009**

**12:13 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**26th Legislative Day**

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The Senate met pursuant to adjournment.  
 Senator Jeffrey M. Schoenberg, Evanston, Illinois, presiding.  
 Prayer by Chaplain H. Scott Matheny, Elmhurst College, Elmhurst, Illinois.  
 Senator Jacobs led the Senate in the Pledge of Allegiance.

The Journal of Thursday, March 12, 2009, 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:

IHRC Report Pursuant to Public Act 87-522 (Flex time), submitted by the Illinois Human Rights Commission.

PRB Report Pursuant to Public Act 87-522 (Flex time), submitted by the Prisoner Review Board.

CMS Annual Report Summary 2008, submitted by the Department of Central Management Services.

DOT Calendar Year 2008 Cooperative Utilization of Equipment and Services Report, submitted by the Department of Transportation.

The Financial Condition of the Five State-Funded Retirement Systems, submitted by the Commission on Government Forecasting and Accountability.

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

### **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 Assignments:

Senate Floor Amendment No. 1 to Senate Joint Resolution 36

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

Senate Floor Amendment No. 1 to Senate Bill 42  
 Senate Floor Amendment No. 2 to Senate Bill 43  
 Senate Floor Amendment No. 2 to Senate Bill 44  
 Senate Floor Amendment No. 2 to Senate Bill 53  
 Senate Floor Amendment No. 1 to Senate Bill 133  
 Senate Floor Amendment No. 1 to Senate Bill 134  
 Senate Floor Amendment No. 1 to Senate Bill 177  
 Senate Floor Amendment No. 1 to Senate Bill 212  
 Senate Floor Amendment No. 1 to Senate Bill 239  
 Senate Floor Amendment No. 1 to Senate Bill 291  
 Senate Floor Amendment No. 1 to Senate Bill 292  
 Senate Floor Amendment No. 1 to Senate Bill 315  
 Senate Floor Amendment No. 1 to Senate Bill 450  
 Senate Floor Amendment No. 1 to Senate Bill 544  
 Senate Floor Amendment No. 3 to Senate Bill 600  
 Senate Floor Amendment No. 1 to Senate Bill 613

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Senate Floor Amendment No. 1 to Senate Bill 807  
Senate Floor Amendment No. 1 to Senate Bill 1269  
Senate Floor Amendment No. 1 to Senate Bill 1375  
Senate Floor Amendment No. 2 to Senate Bill 1408  
Senate Floor Amendment No. 1 to Senate Bill 1488  
Senate Floor Amendment No. 1 to Senate Bill 1538  
Senate Floor Amendment No. 1 to Senate Bill 1662  
Senate Floor Amendment No. 1 to Senate Bill 1723  
Senate Floor Amendment No. 1 to Senate Bill 1770  
Senate Floor Amendment No. 1 to Senate Bill 1860  
Senate Floor Amendment No. 1 to Senate Bill 1907  
Senate Floor Amendment No. 1 to Senate Bill 1925  
Senate Floor Amendment No. 1 to Senate Bill 1981  
Senate Floor Amendment No. 2 to Senate Bill 1995  
Senate Floor Amendment No. 3 to Senate Bill 2057  
Senate Floor Amendment No. 1 to Senate Bill 2155  
Senate Floor Amendment No. 1 to Senate Bill 2288

**MESSAGES FROM THE PRESIDENT**

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

JOHN J. CULLERTON  
SENATE PRESIDENT

327 STATE CAPITOL  
SPRINGFIELD, ILLINOIS 62706

March 13, 2009

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

Dear Madam Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish April 3, 2009 as the Committee deadline for Senate Bills 33, 61, 64, 66, 67, 68, 83, 189, 224, 281, 284, 305, 317, 385, 1258, 1266, 1299, 1344, 1345, 1354, 1365, 1380, 1381, 1406, 1420, 1428, 1454, 1470, 1480, 1513, 1519, 1528, 1532, 1533, 1534, 1535, 1536, 1548, 1562, 1584, 1604, 1633, 1645, 1650, 1656, 1663, 1664, 1673, 1681, 1726, 1727, 1728, 1730, 1734, 1739, 1749, 1768, 1797, 1823, 1826, 1927, 1941, 1945, 1960, 1961, 1983, 1986, 1987, 2002, 2005, 2006, 2015, 2029, 2036, 2063, 2065, 2067, 2075, 2076, 2077, 2079, 2080, 2084, 2085, 2086, 2088, 2125, 2126, 2135, 2137, 2144, 2153, 2160, 2216, 2240 and 2242.

Sincerely,  
s/John J. Cullerton  
Senate President

cc: Senate Minority Leader Christine Radogno

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

JOHN J. CULLERTON  
SENATE PRESIDENT

327 STATE CAPITOL  
SPRINGFIELD, ILLINOIS 62706

March 16, 2009

[March 17, 2009]

Mr. Scott Kaiser  
Assistant Secretary of the Senate  
Room 403 State house  
Springfield, IL 62706

Dear Mr. Assistant Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish April 3, 2009 as the Committee deadline for Senate Bills 57, 58, 59, 183, 1344, 1362, 1418, 1519, 1525, 1532, 1535, 1550, 1551, 1554, 1664, 1754, 1772, 1775, 1884, 1963, 1965, 2084, 2094, 2130, 2244, 2262, 2281 and 2296.

Sincerely,  
s/John J. Cullerton  
Senate President

cc: Senate Minority Leader Christine Radogno

### **PRESENTATION OF RESOLUTIONS**

#### **SENATE RESOLUTION NO. 153**

Offered by Senator Haine and all Senators:  
Mourns the death of Pastor Fred Winters of Maryville.

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

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

#### **SENATE RESOLUTION NO. 154**

WHEREAS, Every hour of every school day, 16 students become dropouts in the City of Chicago; the majority of these students are African American and Latino; and

WHEREAS, Youth Connection Charter School is a not-for-profit charter school association that caters to drop out students, allowing them a second chance to earn a degree and providing them with professional skills to achieve rewarding careers; and

WHEREAS, The average dropout rate for Chicago Public Schools for the past five years was 41%; alarmingly, the average age of a student who drops out is 18 or 19, and the average reading comprehension is at the 7th grade level; 40% of these dropouts read below a 6th grade level; and

WHEREAS, 75% of America's state prison inmates are high school dropouts; additionally, young adults who become dropouts are over three times more likely than high school graduates to be arrested in their lifetime; and

WHEREAS, It is tragically clear that a high number of high school dropouts do not achieve at the same level that people with high school degrees, are more frequently incarcerated, and are predominately African American or Latino; and

WHEREAS, Chicago Public Schools has been battling the problem of high drop out rates, but, sadly, the number has not been able to drop below 40%; and

WHEREAS, Youth Connection Charter School re-enrolls high school dropouts and achieves a higher graduation rate than Chicago Public Schools with this already marginalized population; and

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WHEREAS, Youth Connection Charter School has a current waiting list of 1,200 students; sadly, these students who are unable to enroll face the same challenges and negative consequences that other dropouts face, despite the fact that they are trying to obtain a degree; and

WHEREAS, It is our obligation as a society to ensure that all students regardless of race or socioeconomic status have the right to achieve a high quality secondary education; Youth Connection Charter School has the ability and the capacity to help more young adults reach the achievement of obtaining a high school diploma; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we request that the Chicago Public Schools allocate 2,100 seats to Youth Connection Charter School over a seven-year period in order to address the immediate and urgent need to help as many young adults as possible achieve an education; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Chicago Public Schools CEO Ron Huberman.

Senators Steans - Althoff offered the following Senate Joint Resolution, which was referred to the Committee on Assignments:

#### **SENATE JOINT RESOLUTION NO. 51**

WHEREAS, Women Construction Owners and Executives (WCOE) is a national organization with a chapter in Illinois; and

WHEREAS, WCOE promotes opportunities and business for women-owned firms in the construction industry; and

WHEREAS, WCOE monitors and provides input on legislation affecting women construction owners and executives; and

WHEREAS, WCOE is celebrating its 25th anniversary on March 23, 2009 in Washington, D.C.; and

WHEREAS, WCOE has at the top of its national legislative agenda improvements to the United States Department of Transportation's Disadvantaged Business Enterprise (DBE) program; and

WHEREAS, These changes will enable recipients of federal stimulus moneys to be prepared with a strong pool of qualified DBE firms to perform the work that is being funded; and

WHEREAS, The present DBE program imposes a \$750,000 personal net worth limitation on any qualifying owners seeking DBE certification and this limit has never been increased; and

WHEREAS, The present DBE program in 49 C.F.R. § 26.65 imposes the U.S. Small Business Administration's (SBA) size standards on the gross revenues of any firm seeking DBE certification, but also imposes an absolute limit, currently \$20.1 million, even if the SBA standard is higher; and

WHEREAS, Bonding capacity and ability to secure lines of credit are directly tied to both a DBE owner's personal net worth as well as the DBE firm's gross revenues; and

WHEREAS, These artificially low limits on personal net worth and gross revenues are particularly challenging for DBE firms in Illinois due to a higher cost of living and higher construction costs; and

WHEREAS, The City of Chicago and Cook County have established personal net worth limitations of \$2 million for their Minority and Women Business Enterprise (M/WBE) programs; and

WHEREAS, The current SBA gross revenue size standard for construction firms is \$33.5 million; and

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WHEREAS, Governmental agencies that provide DBE construction opportunities must develop statistical and anecdotal evidence to show the extent of discrimination against women and minorities in the construction industry; and

WHEREAS, The DBE program presently provides no guidelines for the methodology that should be used for these disparity studies; and

WHEREAS, The Transportation Research Board of the National Academy of Sciences is in the process of developing a model disparity study methodology; and

WHEREAS, Such a model disparity study methodology would greatly benefit the DBE program; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we urge President Obama, the Illinois congressional delegation, and the Secretary of the United States Department of Transportation to take immediate action to increase the personal net worth limitation in the DBE program to \$2 million; and be it further

RESOLVED, That we urge President Obama, the Illinois congressional delegation, and the Secretary of the United States Department of Transportation to take immediate action to remove the cap on DBE gross receipts to reflect the applicable SBA size standards; and be it further

RESOLVED, That we urge President Obama, the Illinois congressional delegation, and the Secretary of the United States Department of Transportation to take immediate action to adopt the Transportation Research Board of the National Academy of Sciences' model disparity study methodology; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to President Obama, the Illinois congressional delegation, and the Secretary of the United States Department of Transportation.

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

#### **SENATE JOINT RESOLUTION NO. 52**

WHEREAS, The State Board of Education has filed its Report on Waiver of School Code Mandates, dated February 27, 2009, with the Senate, the House of Representatives, and the Secretary of State of Illinois as required by Section 2-3.25g of the School Code; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the General Assembly is encouraged to promptly review and evaluate the Report and determine whether to disapprove, in whole or in part, the Report or any waiver request or appealed request outlined in the Report.

#### **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 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. 605

A bill for AN ACT concerning education.

HOUSE BILL NO. 606

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A bill for AN ACT concerning State government.  
HOUSE BILL NO. 607  
A bill for AN ACT concerning State government.  
HOUSE BILL NO. 610  
A bill for AN ACT concerning criminal law.  
Passed the House, March 12, 2009.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 605, 606, 607 and 610** 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. 612  
A bill for AN ACT concerning appropriations.  
Passed the House, March 12, 2009.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 612** was 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 concurred with the Senate in the adoption of the following joint resolution, to-wit:

**SENATE JOINT RESOLUTION NO. 50**  
Concurred in by the House, March 12, 2009.

MARK MAHONEY, Clerk of the House

#### INTRODUCTION OF BILL

**SENATE BILL NO. 2367.** Introduced by Senator Sullivan, a bill for AN ACT making appropriations.

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

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

**House Bill No. 10**, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 488**, sponsored by Senator Holmes, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 490**, sponsored by Senator Bomke, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 543**, sponsored by Senator Sullivan, was taken up, read by title a first time and referred to the Committee on Assignments.

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**House Bill No. 564**, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 585**, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 612**, sponsored by Senator Harmon, was taken up, read by title a first time and referred to the Committee on Assignments.

### REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its March 17, 2009 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

Higher Education: **Senate Floor Amendment No. 1 to Senate Bill 325.**

### COMMITTEE MEETING ANNOUNCEMENTS

Senator Maloney, Chairperson of the Committee on Higher Education, announced that the Higher Education Committee will meet today in Room 409, at 1:40 o'clock p.m.

The Chair announced that the Committee on Agriculture and Conservation will meet at 1:00 o'clock p.m., in Room 409, as previously sheduled.

### READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Clayborne, **Senate Bill No. 1293**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

YEAS 59; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Kotowski	Raoul
Bivins	Forby	Lauzen	Righter
Bomke	Frerichs	Lightford	Risinger
Bond	Garrett	Link	Rutherford
Brady	Haine	Luechtefeld	Sandoval
Burzynski	Harmon	Maloney	Schoenberg
Clayborne	Hendon	Martinez	Silverstein
Collins	Holmes	McCarter	Steans
Cronin	Hultgren	Meeks	Sullivan
Crotty	Hunter	Millner	Syverson
Dahl	Hutchinson	Munoz	Trotter
DeLeo	Jacobs	Murphy	Viverito
Delgado	Jones, E.	Noland	Wilhelmi
Demuzio	Jones, J.	Pankau	Mr. President
Dillard	Koehler	Radogno	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

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

[March 17, 2009]

At the hour of 12:46 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, March 18, 2009, at 11:00 o'clock a.m.

[March 17, 2009]