



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-SEVENTH GENERAL ASSEMBLY**

**84TH LEGISLATIVE DAY**

**THURSDAY, FEBRUARY 23, 2012**

**11:50 O'CLOCK A.M.**

**SENATE**  
**Daily Journal Index**  
**84th Legislative Day**

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HB 3802	First Reading .....	11
HB 3935	First Reading .....	11

The Senate met pursuant to adjournment.  
Senator John M. Sullivan, Rushville, Illinois, presiding.  
Prayer by Pastor Shaun Lewis, Capitol Commission, Springfield, Illinois.  
Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, February 22, 2012, be postponed, pending arrival of the printed Journal.  
The motion prevailed.

**REPORTS RECEIVED**

The Secretary placed before the Senate the following reports:

African-American Employment Plan 2012, submitted by the Illinois Tollway.

Hispanic Employment Plan 2012, submitted by the Illinois Tollway.

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 Assignments:

- Senate Committee Amendment No. 3 to Senate Bill 2488
- Senate Committee Amendment No. 4 to Senate Bill 2488
- Senate Committee Amendment No. 2 to Senate Bill 2520
- Senate Committee Amendment No. 2 to Senate Bill 2579
- Senate Committee Amendment No. 1 to Senate Bill 2886
- Senate Committee Amendment No. 1 to Senate Bill 2894
- Senate Committee Amendment No. 1 to Senate Bill 2948
- Senate Committee Amendment No. 1 to Senate Bill 3169
- Senate Committee Amendment No. 1 to Senate Bill 3218
- Senate Committee Amendment No. 1 to Senate Bill 3245
- Senate Committee Amendment No. 1 to Senate Bill 3287
- Senate Committee Amendment No. 1 to Senate Bill 3385
- Senate Committee Amendment No. 1 to Senate Bill 3456
- Senate Committee Amendment No. 1 to Senate Bill 3618

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

- Senate Floor Amendment No. 2 to House Bill 3636

**MESSAGES FROM THE PRESIDENT**

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

JOHN J. CULLERTON  
SENATE PRESIDENT

327 STATE CAPITOL  
SPRINGFIELD, IL 62706  
217-782-2728

February 23, 2012

[February 23, 2012]

Mr. Tim Anderson  
Secretary of the Senate  
Room 401 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Terry Link to temporarily replace Senator Kimberly Lightford as a member of the Senate Committee on Assignments. This appointment will automatically expire upon adjournment of the Senate Committee on Assignments.

Sincerely,  
s/John J. Cullerton  
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, IL 62706  
217-782-2728

February 23, 2012

Mr. Tim Anderson  
Secretary of the Senate  
Room 401 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Ed Maloney to temporarily replace Senator Annazette Collins as a member of the Senate Licensed Activities Committee. This appointment will automatically expire upon adjournment of the Senate Licensed Activities Committee.

Sincerely,  
s/John J. Cullerton  
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, IL 62706  
217-782-2728

February 23, 2012

Mr. Tim Anderson  
Secretary of the Senate  
Room 401 State House  
Springfield, IL 62706

[February 23, 2012]

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Mattie Hunter to temporarily replace Senator Annazette Collins as a member of the Senate State Government Committee. This appointment will automatically expire upon adjournment of the Senate State Government Committee.

Sincerely,  
s/John J. Cullerton  
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, IL 62706  
217-782-2728

February 23, 2012

Mr. Tim Anderson  
Secretary of the Senate  
Room 401 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Dave Koehler to temporarily replace Senator James Meeks as a member of the Senate Revenue Committee. This appointment will automatically expire upon adjournment of the Senate Revenue Committee.

Sincerely,  
s/John J. Cullerton  
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, IL 62706  
217-782-2728

February 23, 2012

Mr. Tim Anderson  
Secretary of the Senate  
Room 401 State House  
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator James Clayborne to temporarily replace Senator Emil Jones as a member of the Senate State Government Committee. This appointment will automatically expire upon adjournment of the Senate State Government Committee.

[February 23, 2012]

Sincerely,  
s/John J. Cullerton  
John J. Cullerton  
Senate President

cc: Senate Minority Leader Christine Radogno

**PRESENTATION OF RESOLUTIONS**

**SENATE RESOLUTION NO. 622**

Offered by Senator Duffy and all Senators:  
Mourns the death of Dalton William Hinkle of Buffalo Grove.

**SENATE RESOLUTION NO. 623**

Offered by Senator Wilhelmi and all Senators:  
Mourns the death of Madonna M. Schoppe of the Lockport/Joliet area.

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

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

**SENATE RESOLUTION NO. 624**

WHEREAS, Obesity, physical inactivity, and poor nutrition are major risk factors for cancer, second only to tobacco use; approximately one third of U.S. (186,000) and Illinois (22,223) cancer deaths this year can be attributed to poor diet, physical inactivity, and overweight and obesity; and

WHEREAS, Overweight and obesity are associated with increased risk for several common cancers, including colorectal, esophageal, kidney, endometrial, pancreatic, and postmenopausal breast cancers; research also suggests that overweight and obesity may also be associated with increased risk of liver, cervical, ovarian, non-Hodgkin lymphoma, multiple myeloma, and aggressive prostate cancers; the biological link between overweight and obesity and cancer is believed to be related to multiple effects on fat and sugar metabolism, immune function, hormone levels and proteins that affect hormone levels, and other factors related to cell proliferation and growth; and

WHEREAS, National and Illinois adult overweight and obesity percentages are similar in that 2 out of 3 adults are overweight or obese; nationally, 31.6% of children ages 10 to 17 are considered to be overweight or obese; in Illinois, 34.9% of children ages 10 to 17 are overweight or obese; and

WHEREAS, Overweight and obese children and adolescents are at an increased risk of staying overweight or obese as they grow older; therefore, prevention of obesity is essential, beginning in childhood; and

WHEREAS, An American Cancer Society, Illinois Division mission priority is to reduce overweight and obesity rates in Illinois' youth by 25% by 2015; and

WHEREAS, The American Cancer Society recommends consuming a healthy diet, with an emphasis on plant foods, in order to reduce cancer risks; recommendations include choosing foods and beverages in amounts that achieve and maintain a healthy weight, limiting consumption of processed and red meats, and consuming fruits and vegetables and whole grains instead of refined grain products; and

WHEREAS, Regular and intentional physical activity helps maintain a healthy body weight; independent of body weight, physical activity may also reduce the risk of breast, colon, endometrium,

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and advanced prostate cancer, and possibly pancreatic cancer; and

WHEREAS, The American Cancer Society recommends that adults engage in at least 150 minutes of moderate intensity or 75 minutes of vigorous intensity activity each week and that children and adolescents engage in at least one hour of moderate or vigorous intensity activity each day; and

WHEREAS, Despite the evidence linking overweight and obesity, poor nutrition, and physical inactivity to increased cancer risk, the majority of Illinoisans are not meeting nutrition and physical activity recommendations; social, economic, environmental, and cultural factors strongly influence individual choices about diet and physical activity; and

WHEREAS, Reversing obesity trends and reducing the associated cancer risk will require a broad range of strategies that include policy and environmental changes that make it easier for individuals to regularly make healthy diet and physical activity choices; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we designate September 2012 as Childhood Obesity Awareness Month in Illinois and encourage that the following be supported:

- (1) policies aimed at increasing access to affordable healthy foods in communities, worksites, and schools, and decreasing access to and marketing of foods and beverages of low nutritional value, particularly to youth;
- (2) changing school environments to promote health through a coordinated strategy addressing key components such as physical education, health education, nutrition services, staff wellness, and family and community involvement;
- (3) daily, quality physical education for early childhood education programs and all students in grades K-12; physical education can be supplemented with additional school-based physical activity opportunities, such as recess, physical activity in the classroom, classroom breaks, intramural sports, and walk-to-school programs; and
- (4) ensuring all users-pedestrians, bicyclists, motorists, and transit riders of all ages and abilities have safe access to a community's streets.

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

#### **SENATE JOINT RESOLUTION NO. 57**

WHEREAS, Nursys ([www.nursys.com](http://www.nursys.com)) is the national nurse licensure database operated by the National Council of State Boards of Nursing (NCSBN), located in Chicago; and

WHEREAS, Boards of nursing in 48 states and territories presently participate in Nursys and 3 additional jurisdictions have signed agreements to fully participate in Nursys; and

WHEREAS, Nursys is a vital tool for boards of nursing to protect the public; and

WHEREAS, Full-participating boards of nursing contribute licensure and discipline data to Nursys; and

WHEREAS, Participation in Nursys is a no-cost benefit to members of NCSBN and allows member boards of nursing to share licensure and discipline data with other boards of nursing; and

WHEREAS, Participating boards of nursing retain complete control of their data and are thus responsible and accountable for their data in Nursys; and

WHEREAS, Nursys contains personal, licensure, education, verification, and discipline information supplied as regular updates by boards of nursing in the U.S. and its territories; and

WHEREAS, Nursys provides centralized license information to boards of nursing, which in turn, use

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this data to verify applicant license information, enter and review disciplinary actions, and send electronic communications between boards of nursing for information requests; and

WHEREAS, Employers and the public have free online access to information about nurses who hold a license in a Nursys fully-participating jurisdiction, including past disciplinary history via the "Licensure Quick Confirm" feature on www.nursys.com; and

WHEREAS, The Illinois Board of Nursing's current online licensure lookup service will only display Illinois licenses and does not display additional licenses held by Illinois licensees in other jurisdictions; and

WHEREAS, The Illinois Board of Nursing is a dues-paying member of NCSBN, but does not fully participate in the Nursys database; and

WHEREAS, The Illinois Board of Nursing will not incur any revenue loss by full participation in Nursys in view of participation in the license verification service being optional; and

WHEREAS, As a public protection function of Nursys, a board of nursing that fully participates in Nursys receives immediate notification whenever one of its state licensees is disciplined in another jurisdiction, while, as a non-participant in Nursys, Illinois does not benefit from such instant notifications; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we urge the Illinois Board of Nursing of the Illinois Department of Financial and Professional Regulation to take the necessary steps to become a full participant of the Nursys national nurse licensure database; and be it further

RESOLVED, That we further urge the Illinois Board of Nursing to sign the Nursys participation agreement in 2012; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Illinois Board of Nursing of the Illinois Department of Financial and Professional Regulation.

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

#### **SENATE JOINT RESOLUTION NO. 58**

WHEREAS, The Hiring Our Heroes Program was launched in March of 2011 by the U.S. Chamber of Commerce as a year-long, nationwide effort to provide valuable resources and assistance for veterans and military spouses to aid them in their quests to find meaningful employment; and

WHEREAS, The Hiring Our Heroes Program committed itself to conducting 100 hiring fairs in 100 cities in 2011 to connect military members and spouses with employers; the Hiring our Heroes Program expects to have hundreds more in 2012; and

WHEREAS, The Hiring Our Heroes Program has partnered with the U.S. Department of Labor, the Illinois Comptroller's Office, and the Illinois Department of Employment Security to conduct the "HIRING OUR HEROES" Job Fair which will take place on March 28, 2012 at the Hilton Chicago; and

WHEREAS, The Hiring Our Heroes Job Fair will assist veterans in securing employment in Illinois while simultaneously educating the potential employers and the public on the importance of hiring America's veterans upon their return home; and

WHEREAS, The Hiring Our Heroes Program recognizes Illinois' commitment towards reintegrating our military service members back into the workforce after their service to our country; and

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WHEREAS, The Hiring Our Heroes Program aims to improve public-private sector coordination in local communities to address the issue of military and spouse unemployment; and

WHEREAS, The Hiring Our Heroes Program recognizes that military members possess valuable leadership skills that may prove beneficial to private sector employers; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we designate the date of March 28, 2012 as "Hiring Our Heroes Day" in the State of Illinois, and encourage the people of the Land of Lincoln to join us in recognizing the valuable service of our military members and commend them for their optimism and perseverance in acquiring meaningful employment.

### REPORTS FROM STANDING COMMITTEES

Senator Wilhelmi, Chairperson of the Committee on Judiciary, to which was referred **Senate Bills Numbered 2536 and 3210**, reported the same back with the recommendation that the bills do pass.

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

Senator Koehler, Chairperson of the Committee on Local Government, to which was referred **Senate Bills Numbered 2946, 3167, 3253, 3406, 3437 and 3438**, reported the same back with the recommendation that the bills do pass.

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

Senator Koehler, Chairperson of the Committee on Local Government, to which was referred **House Bill No. 3129**, reported the same back with the recommendation that the bill do pass.

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

Senator Noland, Chairperson of the Committee on Criminal Law, to which was referred **Senate Bills Numbered 2869, 2944, 3258, 3349, 3423 and 3489**, reported the same back with the recommendation that the bills do pass.

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

### MESSAGE FROM THE HOUSE

A message from the House by

Mr. Mapes, 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. 3802

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 3819

A bill for AN ACT concerning education.

HOUSE BILL NO. 3935

A bill for AN ACT concerning regulation.

HOUSE BILL NO. 4076

A bill for AN ACT concerning regulation.

Passed the House, February 22, 2012.

TIMOTHY D. MAPES, Clerk of the House

The foregoing **House Bills Numbered 3802, 3819, 3935 and 4076** were taken up, ordered printed and placed on first reading.

[February 23, 2012]

At the hour of 11:54 o'clock a.m., the Chair announced that the Senate stand at ease.

**AT EASE**

At the hour of 12:10 o'clock p.m. the Senate resumed consideration of business.  
Senator Sullivan, presiding.

**REPORT FROM COMMITTEE ON ASSIGNMENTS**

Senator Clayborne, Chairperson of the Committee on Assignments, during its February 23, 2012 meeting, reported the following Senate Bills have been assigned to the indicated Standing Committees of the Senate:

Criminal Law: **Senate Bills Numbered 3359, 3636, 3637 and 3638.**

Executive: **Senate Bill No. 3262.**

Human Services: **Senate Bill No. 3544.**

Judiciary: **Senate Bills Numbered 3592, 3593 and 3594.**

Public Health: **Senate Bills Numbered 2961 and 3527.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its February 23, 2012 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Education: **Senate Committee Amendment No. 1 to Senate Bill 3239.**

Executive: **Senate Committee Amendment No. 1 to Senate Bill 3146.**

Licensed Activities: **Senate Committee Amendment No. 1 to Senate Bill 3315; Senate Committee Amendment No. 1 to Senate Bill 3385.**

Pensions and Investments: **Senate Committee Amendment No. 1 to Senate Bill 3357; Senate Committee Amendment No. 1 to House Bill 3474.**

Public Health: **Senate Committee Amendment No. 1 to Senate Bill 2945; Senate Committee Amendment No. 1 to Senate Bill 3261.**

Revenue: **Senate Committee Amendment No. 1 to Senate Bill 2514; Senate Committee Amendment No. 1 to Senate Bill 2522.**

State Government and Veterans Affairs: **Senate Committee Amendment No. 1 to Senate Bill 3245.**

Transportation: **Senate Committee Amendment No. 1 to Senate Bill 2493; Senate Floor Amendment No. 2 to Senate Bill 2527; Senate Committee Amendment No. 2 to Senate Bill 2579; Senate Committee Amendment No. 1 to Senate Bill 3214; Senate Committee Amendment No. 1 to Senate Bill 3358.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its February 23, 2012 meeting, reported that the Committee recommends that **Senate Bill No. 3348** be re-referred from the Committee on Revenue to the Committee on Public Health.

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Senator Clayborne, Chairperson of the Committee on Assignments, during its February 23, 2012 meeting, reported that the Committee recommends that **House Bill No. 2557** be re-referred from the Committee on Local Government to the Committee on Assignments.

Senator Clayborne, Chairperson of the Committee on Assignments, during its February 23, 2012 meeting, to which was referred **Senate Bills Numbered 350, 408 and 546** on July 23, 2011, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **Senate Bills Numbered 350, 408 and 546** were returned to the order of third reading.

### COMMITTEE MEETING ANNOUNCEMENT

The Chair announced the following committee to meet at 9:30 o'clock a.m., on February 24, 2012:

Transportation in Room 400

### ANNOUNCEMENT ON ATTENDANCE

Senator Murphy announced for the record that Senator Millner was absent due to family illness and will be absent for the remainder of the week.

### INTRODUCTION OF BILLS

**SENATE BILL NO. 3828.** Introduced by Senator Radogno, 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.

**SENATE BILL NO. 3829.** Introduced by Senator Lightford, 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 Assignments.

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

**House Bill No. 3802**, sponsored by Senator Koehler, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 3935**, sponsored by Senator Muñoz, was taken up, read by title a first time and referred to the Committee on Assignments.

### COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced the following committees to meet at 12:30 o'clock p.m.:

Labor in Room 212  
Pensions and Investments in Room 400

The Chair announced the following committees to meet at 2:00 o'clock p.m.:

Executive in Room 212

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Revenue in Room 400  
Licensed Activities in Room 409

The Chair announced the following committees to meet at 4:00 o'clock p.m.:

Insurance in Room 400  
State Government and Veterans Affairs in Room 409

At the hour of 12:28 o'clock p.m., the Chair announced the Senate stand adjourned until Friday, February 24, 2012, at 11:00 o'clock a.m.