



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-SEVENTH GENERAL ASSEMBLY**

**102ND LEGISLATIVE DAY**

**TUESDAY, APRIL 17, 2012**

**12:20 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**102nd Legislative Day**

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The Senate met pursuant to adjournment.  
 Senator M. Maggie Crotty, Oak Forest, Illinois, presiding.  
 Prayer by Reverend Jonathan Franklin, Mt. Zion Apostolic Church, Springfield, Illinois.  
 Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Maloney moved that reading and approval of the Journals of Friday, March 30, 2012 and Wednesday, April 11, 2012, be postponed, pending arrival of the printed Journals.  
 The motion prevailed.

### **REPORTS RECEIVED**

The Secretary placed before the Senate the following reports:

Illiana Expressway - Will, Kankakee (IL) and Lake (IN) Counties Legislative Report - April 1, 2012, submitted by the Department of Transportation.

Qualified Energy Conservation Bonds Allocations as of April 15, 2012, submitted by the Illinois Finance Authority.

Illinois Child Care Report, FY 2011, submitted by the Department of Human Services.

Used Tire Fund Status Report, January 2012, submitted by the Department of Public Health.

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

### **LEGISLATIVE MEASURES FILED**

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 2404  
 Senate Floor Amendment No. 1 to Senate Bill 2406  
 Senate Floor Amendment No. 1 to Senate Bill 2410  
 Senate Floor Amendment No. 1 to Senate Bill 2411  
 Senate Floor Amendment No. 1 to Senate Bill 2415  
 Senate Floor Amendment No. 1 to Senate Bill 2417  
 Senate Floor Amendment No. 1 to Senate Bill 2418  
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 Senate Floor Amendment No. 1 to Senate Bill 2422  
 Senate Floor Amendment No. 2 to Senate Bill 2422  
 Senate Floor Amendment No. 1 to Senate Bill 2423  
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 Senate Floor Amendment No. 1 to Senate Bill 2427  
 Senate Floor Amendment No. 1 to Senate Bill 2429  
 Senate Floor Amendment No. 1 to Senate Bill 2430  
 Senate Floor Amendment No. 1 to Senate Bill 2431  
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 Senate Floor Amendment No. 1 to Senate Bill 2434  
 Senate Floor Amendment No. 1 to Senate Bill 2435  
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Senate Floor Amendment No. 1 to Senate Bill 2441  
 Senate Floor Amendment No. 1 to Senate Bill 2444  
 Senate Floor Amendment No. 1 to Senate Bill 2445  
 Senate Floor Amendment No. 1 to Senate Bill 2446  
 Senate Floor Amendment No. 1 to Senate Bill 2447  
 Senate Floor Amendment No. 1 to Senate Bill 2448  
 Senate Floor Amendment No. 1 to Senate Bill 2451  
 Senate Floor Amendment No. 1 to Senate Bill 2452  
 Senate Floor Amendment No. 1 to Senate Bill 2455  
 Senate Floor Amendment No. 1 to Senate Bill 2459  
 Senate Floor Amendment No. 1 to Senate Bill 2460  
 Senate Floor Amendment No. 1 to Senate Bill 2461  
 Senate Floor Amendment No. 1 to Senate Bill 2463  
 Senate Floor Amendment No. 1 to Senate Bill 2464  
 Senate Floor Amendment No. 1 to Senate Bill 2465  
 Senate Floor Amendment No. 1 to Senate Bill 2466  
 Senate Floor Amendment No. 3 to Senate Bill 2885

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

Senate Committee Amendment No. 1 to Senate Resolution 690

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

Senate Committee Amendment No. 1 to House Bill 404  
 Senate Committee Amendment No. 1 to House Bill 3801  
 Senate Committee Amendment No. 1 to House Bill 3804  
 Senate Committee Amendment No. 1 to House Bill 4029  
 Senate Committee Amendment No. 1 to House Bill 4190  
 Senate Committee Amendment No. 1 to House Bill 4510  
 Senate Committee Amendment No. 1 to House Bill 4598  
 Senate Committee Amendment No. 1 to House Bill 4687  
 Senate Committee Amendment No. 1 to House Bill 4753  
 Senate Committee Amendment No. 1 to House Bill 5101  
 Senate Committee Amendment No. 1 to House Bill 5211  
 Senate Committee Amendment No. 1 to House Bill 5288  
 Senate Committee Amendment No. 1 to House Bill 5330  
 Senate Committee Amendment No. 1 to House Bill 5592  
 Senate Committee Amendment No. 1 to House Bill 5653

## **PRESENTATION OF RESOLUTIONS**

### **SENATE RESOLUTION NO. 703**

Offered by Senator Hutchinson and all Senators:  
 Mourns the death of Alvin J. Boutte, Sr.

### **SENATE RESOLUTION NO. 704**

Offered by Senator Link and all Senators:  
 Mourns the death of Milton C. "Milt" Jensen of Beach Park.

### **SENATE RESOLUTION NO. 705**

Offered by Senator Clayborne and all Senators:  
 Mourns the death of Ella Louise Ivy.

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

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

**SENATE RESOLUTION NO. 706**

WHEREAS, The State of Illinois welcomes all religious beliefs, traditions, and heritages, and has full confidence that the United States Constitution and the laws of Illinois protect all citizens from discrimination; and

WHEREAS, Many immigrants have come to our nation to escape government-sanctioned persecution of their faith; and

WHEREAS, The State of Illinois has a history of embracing individuals' right to practice the faith tradition of their choice within the boundaries of the law and free of government interference; and

WHEREAS, The Illinois General Assembly finds all forms of discrimination, including those forms of discrimination targeting religion or belief, to be abhorrent; and

WHEREAS, The religion of Islam is practiced by over 1.6 billion Muslims around the world; and

WHEREAS, In Illinois alone, there are more than 400,000 Muslims and 300 mosques, representing various racial and ethnic sects of Islam; and

WHEREAS, The Muslim community in Illinois has reported increased incidences of discrimination involving violations of civil rights; and

WHEREAS, Targeted discrimination of individuals in our communities, schools, and workplaces on the basis of religion, heritage, and beliefs cannot be tolerated and should not be accepted as a fundamental element of our society; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we reject all forms of discrimination; and be it further

RESOLVED, That we urge tolerance and acceptance of religious beliefs, traditions, and heritages in our communities to ensure all individuals residing in Illinois are protected from discrimination as enumerated in the United States Constitution and by the laws of Illinois.

**MESSAGES 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 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. 51**

WHEREAS, Gifted and talented students make up 5% to 10% of the prekindergarten to grade 12 student population in Illinois; and

WHEREAS, Students with gifts and talents, and high-ability students who have not been formally identified for gifted education services, require modifications to the general education curriculum to

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fully meet their educational needs; and

WHEREAS, There is a growing gap at the highest levels of achievement between the performance of subgroups of students, particularly those students who are African-American or Hispanic and those who are Caucasian, on statewide assessments of academic progress; and

WHEREAS, Effective assessment and instruction of students with gifts and talents require educators to have specialized knowledge and skills; and

WHEREAS, Interventions and strategies that have been demonstrated to be successful with gifted and talented students can be modified to improve the achievement of all students; and

WHEREAS, Illinois has not provided funding designated for the education of gifted and talented students directly to local school districts since 2003; and

WHEREAS, There are currently no accountability mechanisms in place in Illinois for education services for gifted and talented children; and

WHEREAS, Students who are both gifted and have a disability (twice-exceptional) present special challenges because their disability often masks their academic potential or their academic strengths may mask their disability, resulting in the lack of services and supports for this population; and

WHEREAS, Legislation creating the Talent Act, H.R. 1674 and S. 857, has been introduced in Congress by Representative Elton Gallegly (R-California) and by Senator Charles Grassley (R-Iowa), respectively; and

WHEREAS, The Talent Act would assist states and school districts in addressing the needs of gifted and talented students, including twice-exceptional students, and in improving the teaching of gifted and talented students; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we urge the United States Congress to pass the Talent Act either as a separate Act or as an amendment to the Elementary and Secondary Education Act or another Act of Congress; and be it further

RESOLVED, That we urge members of the Illinois congressional delegation to become co-sponsors of the Talent Act legislation; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Speaker and Minority Leader of the United States House of Representatives, the Majority and Minority Leaders of the United States Senate, and each member of the Illinois congressional delegation.

Adopted by the House, March 9, 2012.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 51 was referred to the Committee on Assignments.

A message from the House by  
Mr. Mapes, 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. 73**

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WHEREAS, From the 19th century to the present, the Rock Island Arsenal has been a part of the economic and government service history of the Quad Cities; and

WHEREAS, From an employment peak of 18,467 during the height of World War II, the arsenal's workforce has shrunk to less than half that number; and

WHEREAS, The arsenal remains a major economic engine in the region, with more than 8,500 employees and more than 70 federal and commercial tenants; the arsenal also adds some \$1 billion to the local economy and impacts 14,000 community jobs; and

WHEREAS, The Joint Manufacturing and Technology Center at the arsenal is one of the world's largest weapons manufacturing facilities; the arsenal and its employees have repeatedly proven that, for small-quantity orders and specialty jobs, it has the expertise, equipment, and dedication to the defense of the United States that cannot be equaled in private industry; and

WHEREAS, A reduction at the Rock Island Arsenal would not only threaten the local economy, but would also jeopardize the readiness of United States forces to quickly respond in the war on terror or in any future conflict; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we urge the President of the United States, the United States Congress, and the Secretary of the Department of Defense to protect the Rock Island Arsenal from any future reductions or other budget cuts; and be it further

RESOLVED, That suitable copies of this Resolution be delivered to the President of the United States, the Secretary of the United States Department of Defense, and the members of the Illinois congressional delegation.

Adopted by the House, March 30, 2012.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 73 was referred to the Committee on Assignments.

#### ANNOUNCEMENT ON ATTENDANCE

Senator Murphy announced for the record that Senator Millner was absent due to family illness.

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

**House Bill No. 4081**, sponsored by Senator Haine, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 4136**, sponsored by Senator Cullerton, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 4242**, sponsored by Senator Forby, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 4541**, sponsored by Senator Bivins, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 4757**, sponsored by Senator Maloney, was taken up, read by title a first time and referred to the Committee on Assignments.

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**House Bill No. 5009**, sponsored by Senator Jacobs, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 5033**, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 5111**, sponsored by Senator Hutchinson, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 5450**, sponsored by Senator Delgado, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 5641**, sponsored by Senator Righter, was taken up, read by title a first time and referred to the Committee on Assignments.

**House Bill No. 5771**, sponsored by Senator Hunter, was taken up, read by title a first time and referred to the Committee on Assignments.

At the hour of 12:32 o'clock p.m., the Chair announced that the Senate stand at ease.

#### AT EASE

At the hour of 12:46 o'clock p.m. the Senate resumed consideration of business.  
Senator Crotty, presiding.

#### REPORTS FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 17, 2012 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Criminal Law: **HOUSE BILLS 4636, 4637, 5090, 5235, 5250, 5280 and 5289.**

Energy: **HOUSE BILL 5814.**

Executive: **HOUSE BILL 1907.**

Local Government: **HOUSE BILL 4500.**

Pensions and Investments: **HOUSE BILL 4513.**

Revenue: **HOUSE BILLS 1299 and 5789.**

Transportation: **HOUSE BILL 4577.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 17, 2012 meeting, reported that the Committee recommends that **Senate Resolution No. 661** be re-referred from the Committee on Public Health to the Committee on Assignments.

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 17, 2012 meeting, reported that the Committee recommends that **Senate Resolution No. 638** be re-referred from the Committee on Executive to the Committee on Assignments.



Senator Clayborne, Chairperson of the Committee on Assignments, during its April 17, 2012 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

**Agriculture and Conservation: Senate Committee Amendment No. 1 to House Bill 404; Senate Committee Amendment No. 3 to Senate Bill 3271.**

**Appropriations II: Senate Floor Amendment No. 1 to Senate Bill 2404; Senate Floor Amendment No. 1 to Senate Bill 2406; Senate Floor Amendment No. 1 to Senate Bill 2410; Senate Floor Amendment No. 1 to Senate Bill 2411; Senate Floor Amendment No. 1 to Senate Bill 2415; Senate Floor Amendment No. 1 to Senate Bill 2417; Senate Floor Amendment No. 1 to Senate Bill 2418; Senate Floor Amendment No. 1 to Senate Bill 2420; Senate Floor Amendment No. 1 to Senate Bill 2421; Senate Floor Amendment No. 1 to Senate Bill 2422; Senate Floor Amendment No. 1 to Senate Bill 2423; Senate Floor Amendment No. 1 to Senate Bill 2425; Senate Floor Amendment No. 1 to Senate Bill 2426; Senate Floor Amendment No. 1 to Senate Bill 2427; Senate Floor Amendment No. 1 to Senate Bill 2429; Senate Floor Amendment No. 1 to Senate Bill 2430; Senate Floor Amendment No. 1 to Senate Bill 2431; Senate Floor Amendment No. 1 to Senate Bill 2432; Senate Floor Amendment No. 1 to Senate Bill 2433; Senate Floor Amendment No. 1 to Senate Bill 2434; Senate Floor Amendment No. 1 to Senate Bill 2435; Senate Floor Amendment No. 1 to Senate Bill 2436; Senate Floor Amendment No. 1 to Senate Bill 2438; Senate Floor Amendment No. 1 to Senate Bill 2439; Senate Floor Amendment No. 1 to Senate Bill 2440; Senate Floor Amendment No. 1 to Senate Bill 2441; Senate Floor Amendment No. 1 to Senate Bill 2444; Senate Floor Amendment No. 1 to Senate Bill 2445; Senate Floor Amendment No. 1 to Senate Bill 2446; Senate Floor Amendment No. 1 to Senate Bill 2447; Senate Floor Amendment No. 1 to Senate Bill 2448; Senate Floor Amendment No. 1 to Senate Bill 2451; Senate Floor Amendment No. 1 to Senate Bill 2452; Senate Floor Amendment No. 1 to Senate Bill 2453; Senate Floor Amendment No. 1 to Senate Bill 2455; Senate Floor Amendment No. 1 to Senate Bill 2459; Senate Floor Amendment No. 1 to Senate Bill 2460; Senate Floor Amendment No. 1 to Senate Bill 2461; Senate Floor Amendment No. 1 to Senate Bill 2463; Senate Floor Amendment No. 1 to Senate Bill 2464; Senate Floor Amendment No. 1 to Senate Bill 2465; Senate Floor Amendment No. 1 to Senate Bill 2466.**

**Commerce: Senate Committee Amendment No. 1 to House Bill 5211.**

**Criminal Law: Senate Floor Amendment No. 1 to Senate Bill 2621; Senate Committee Amendment No. 1 to House Bill 3804; Senate Committee Amendment No. 1 to House Bill 5330; Senate Committee Amendment No. 1 to House Bill 5653.**

**Education: Senate Committee Amendment No. 1 to House Bill 4029.**

**Energy: Senate Floor Amendment No. 2 to Senate Bill 553.**

**Executive: Senate Floor Amendment No. 1 to House Bill 735; Senate Floor Amendment No. 1 to Senate Bill 2988; Senate Floor Amendment No. 4 to Senate Bill 3280; Senate Committee Amendment No. 1 to House Bill 5288.**

**Human Services: Senate Committee Amendment No. 1 to House Bill 5592.**

**Insurance: Senate Floor Amendment No. 3 to Senate Bill 2885.**

**Local Government: Senate Committee Amendment No. 1 to House Bill 4753.**

**State Government and Veterans Affairs: Senate Committee Amendment No. 1 to House Bill 4510.**

**Transportation: Senate Committee Amendment No. 1 to Senate Resolution 690; Senate Committee Amendment No. 1 to House Bill 4598.**

Senator Clayborne, Chairperson of the Committee on Assignments, during its April 17, 2012 meeting, reported that the following Legislative Measures have been approved for consideration:

**Senate Resolutions 638 and 661**

The foregoing resolutions were placed on the Secretary's Desk.

**COMMITTEE MEETING ANNOUNCEMENTS FOR APRIL 18, 2012**

The Chair announced the following committee to meet at 9:01 o'clock a.m.:

Criminal Law in Room 212

The Chair announced the following committee to meet at 2:01 o'clock p.m.:

Executive in Room 212

The Chair announced the following committees to meet at 4:01 o'clock p.m.:

Appropriations II in Room 212

Insurance in Room 400

**COMMITTEE MEETING ANNOUNCEMENT FOR APRIL 19, 2012**

The Chair announced the following committee to meet at 9:01 o'clock a.m.:

Energy in Room 212

Senator Trotter asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

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

At the hour of 12:55 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

**AFTER RECESS**

At the hour of 3:22 o'clock p.m., the Senate resumed consideration of business.  
Senator Sullivan, presiding.

The Chair announced that committees will begin immediately upon adjournment.

**MESSAGE 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

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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 Michael Noland to temporarily replace Senator James Meeks as a member of the Senate Education Committee. This appointment will automatically expire, upon adjournment of the Senate Education Committee.

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

cc: Senate Minority Leader Christine Radogno

At the hour of 3:23 o'clock p.m., the Chair announced the Senate stand adjourned until Wednesday, April 18, 2012, at 12:00 o'clock noon.

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