



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-NINTH GENERAL ASSEMBLY

5TH LEGISLATIVE DAY

WEDNESDAY, FEBRUARY 4, 2015

11:05 O'CLOCK A.M.

SENATE
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5th Legislative Day

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The Senate met pursuant to adjournment.
 Senator James F. Clayborne, Belleville, Illinois, presiding.
 Prayer by Chance Newingham, Lifegate International Ministries, Athens, Illinois.
 Senator Bennett led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Tuesday, February 3, 2015, be postponed, pending arrival of the printed Journal.
 The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

Report Pursuant to Public Act 87-552 (Flex time), submitted by the Illinois Arts Council Agency.

Report pursuant to Public Act 097-0228, establishing a Target Market Program, submitted by the Department of Transportation.

2015 African American, Asian American and Hispanic American Employment Plans, submitted by the Illinois State Board of Education.

Fiscal Year 2014 Illinois African American, Asian American and Hispanic Employment Plan for Public Universities, submitted by the Illinois Board of Higher Education.

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

PRESENTATION OF RESOLUTIONS

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

SENATE RESOLUTION NO. 114

WHEREAS, The future of our nation's productivity and competitiveness in the global marketplace depends on the success of all men and women; and

WHEREAS, Women have been discriminated against in education, the workplace, and society as a whole; and

WHEREAS, Women continue to earn no more than 78 cents on the dollar compared to men; and

WHEREAS, The pay gap has been shown to start as soon as one year after college; this inequality affects not only women, but their families and society as a whole; and

WHEREAS, The pay gap between women and men has long-term effects on women's economic security; such a gap affects women's Social Security earnings, their ability to save for retirement, and their children's education; and

WHEREAS, Pay equity is closely linked to the eradication of poverty and is essential to having a highly-motivated workforce; and

WHEREAS, Equal Pay Day was originated by the National Committee on Pay Equity in 1996 as a public awareness event to illustrate the gap between men's and women's wages; the day, observed in April, symbolizes how far into the year a woman must work, on average, to earn as much as a man earned the previous year, with Tuesday being the day in which women's wages catch up to men's wages from the

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previous week; because women earn less on average than men, they must work longer for the same amount of pay; this wage gap is even greater for most women of color; and

WHEREAS, Equal pay is a priority for all women and for our society at large; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we designate April 14, 2015 as Pay Equity Day in the State of Illinois in order to raise awareness about this endemic inequity.

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

SENATE JOINT RESOLUTION NO. 7

WHEREAS, Guaranteeing equal employment opportunity in federal jobs has traditionally been at the forefront of the government's efforts to curtail nationwide racial discrimination; and

WHEREAS, Over the years, a series of executive orders have been propagated to promote these policies of ending racial discrimination; and

WHEREAS, On September 24, 1965, President Lyndon B. Johnson signed Executive Order 11246, which prohibits federal contractors and subcontractors and federally-assisted contractors and subcontractors that generally have contracts exceeding \$10,000 from discriminating in employment decisions based on race, color, religion, sex, or national origin; and

WHEREAS, Executive Order 11246 requires covered contractors to "take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to race, color, religion, sex or national origin"; and

WHEREAS, The United States Department of Labor's Office of Federal Contract Compliance Programs enforces Executive Order 11246 and other regulations banning discrimination; and

WHEREAS, A covered contractor in violation of Executive Order 11246 or associated regulations may have its contracts canceled, terminated, or suspended; the contractor may also be declared ineligible for future government contracts; and

WHEREAS, Section 201 of Executive Order 11246 requires that the Secretary of the Department of Labor shall adopt rules, regulations, and orders as he or she deems necessary to achieve the purposes of the Order; and

WHEREAS, Since October of 1980, the Code of Federal Regulations requires the Director of the United States Department of Labor to issue goals and timetable for minority and female utilization in the contracts covered under Executive Order 11246; and

WHEREAS, The Code of Federal Regulations requires these minority and female utilization goals to be published in the Federal Register; and

WHEREAS, On October 3, 1980, the Minority Participation Goals were published in the Federal Register, declaring that until further notice, the goals for minority utilization shall be included in all federal or federally-assisted construction contracts and subcontracts in excess of \$10,000 to be performed in the respective geographical area; and

WHEREAS, The Minority Participation Goals published in 1980 were calculated using data from the 1970 United States Census and are set at the 1970 levels of minority representation in the experienced civilian work force; and

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WHEREAS, The United States workforce has seen a substantial increase in representation by women and minorities; however, the minority participation goals and timetables have not been updated since they were issued in 1980; and

WHEREAS, Since 2010, the United States Department of Labor has included Executive Order 11246 on its Annual Regulatory Agenda for retrospective analysis of the existing related rules; and

WHEREAS, The Regulatory Agenda declares that the guidance issued to Executive Order 11246 "is more than 30 years old and warrants a lookback"; and

WHEREAS, The Regulatory Agenda declares that the Office of Federal Contract Compliance Programs "will issue a Notice of Proposed Rulemaking to create sex discrimination regulations that reflect the current state of the law in this area"; and

WHEREAS, Neither a Notice of Proposed Rulemaking has been filed, nor has any other action been taken to update the regulations implementing Executive Order 11246, including the minority utilization goals; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we, as elected representatives of the people, respectfully but emphatically urge the President of the United States, the Secretary of the United States Department of Labor, the Office of Federal Contract Compliance Programs, and the members of Congress to update the regulations implementing Executive Order 11246, including the minority utilization goals; and be it further

RESOLVED, That we respectfully but emphatically urge the United States Department of Labor Office of Federal Contract Compliance Programs to issue a Notice of Proposed Rulemaking providing guidance and regulations for implementation of Executive Order 11246, which accurately reflect the current state of the United States workforce; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the President of the United States, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and Secretary of the United States Senate, the Secretary of the United States Department of Labor, and the members of the Illinois congressional delegation.

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

**SENATE JOINT RESOLUTION NO. 9
CONSTITUTIONAL AMENDMENT**

SC0009

RESOLVED, BY THE SENATE OF THE NINETY-NINTH 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 Sections 4, 5, and 6 of Article IV and Section 2 of Article V of the Illinois Constitution as follows:

ARTICLE IV
THE LEGISLATURE

SECTION 4. ELECTION

(a) Members of the General Assembly shall be elected at the general election in even-numbered years.

(b) The proclamation of results of each election of members of the General Assembly must take place as soon as practical after the general election, but in no case later than seven days prior to the date the General Assembly first convenes under subsection (b) of Section 6 of this Article.

(Source: Illinois Constitution.)

SECTION 5. SESSIONS

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(a) The General Assembly shall convene each year on the first day of December (excluding Saturday and Sunday) the second Wednesday of January.

The General Assembly shall be a continuous body during the term for which members of the House of Representatives are elected.

(b) The Governor may convene the General Assembly or the Senate alone in special session by a proclamation stating the purpose of the session; and only business encompassed by such purpose, together with any impeachments or confirmation of appointments shall be transacted. Special sessions of the General Assembly may also be convened by joint proclamation of the presiding officers of both houses, issued as provided by law.

(c) Sessions of each house of the General Assembly and meetings of committees, joint committees and legislative commissions shall be open to the public. Sessions and committee meetings of a house may be closed to the public if two-thirds of the members elected to that house determine that the public interest so requires; and meetings of joint committees and legislative commissions may be so closed if two-thirds of the members elected to each house so determine.

(d) Notwithstanding any other provision of this Section, the General Assembly may not be in session in any general election year from the date of the general election until the first day of December (excluding Saturday and Sunday), except to respond to an act of God, act of terrorism, or other imminent threat to the safety or security of the people of the State or the United States of America.

(Source: Illinois Constitution.)

SECTION 6. ORGANIZATION

(a) A majority of the members elected to each house constitutes a quorum.

(b) On the first day of December (excluding Saturday and Sunday) following a general election ~~the January session of the General Assembly in odd-numbered years,~~ the Secretary of State shall convene the House of Representatives to elect from its membership a Speaker of the House of Representatives as presiding officer, and the Governor shall convene the Senate to elect from its membership a President of the Senate as presiding officer.

(c) For purposes of powers of appointment conferred by this Constitution, the Minority Leader of either house is a member of the numerically strongest political party other than the party to which the Speaker or the President belongs, as the case may be.

(d) Each house shall determine the rules of its proceedings, judge the elections, returns and qualifications of its members and choose its officers. No member shall be expelled by either house, except by a vote of two-thirds of the members elected to that house. A member may be expelled only once for the same offense. Each house may punish by imprisonment any person, not a member, guilty of disrespect to the house by disorderly or contemptuous behavior in its presence. Imprisonment shall not extend beyond twenty-four hours at one time unless the person persists in disorderly or contemptuous behavior.

(Source: Illinois Constitution.)

ARTICLE V THE EXECUTIVE

SECTION 2. TERMS

~~(a) The Attorney General, the Secretary of State, the Comptroller, and the Treasurer These elected officers of the Executive Branch shall hold office for four years beginning on the second Monday of January after their election and, except in the case of the Lieutenant Governor, until their successors are qualified. The Governor shall hold office for four years beginning on first day of December (excluding Saturday and Sunday) after his or her election and until his or her successor is qualified. The Lieutenant Governor shall hold office for four years beginning on the first day of December (excluding Saturday and Sunday) after his or her election.~~

All of the elected officers of the executive branch They shall be elected at the general election in 1978 and every four years thereafter.

(b) The proclamation of results of each election of the Governor and Lieutenant Governor must take place as soon as practical after the general election, but in no case later than seven days prior to the date the General Assembly first convenes under subsection (b) of Section 6 of Article IV.

(Source: Illinois Constitution.)

SCHEDULE

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

REPORT FROM STANDING COMMITTEE

Senator Harmon, Chairperson of the Committee on Executive, to which was referred **Senate Bill No. 11**, reported the same back with the recommendation that the bill do pass.

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

APPOINTMENT MESSAGE

Appointment Message No. 990040

To the Honorable Members of the Senate, Ninety-Ninth General Assembly:

I, Bruce Rauner, Governor, am nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: Trustee

Agency or Other Body: State Universities Retirement System Board of Trustees

Start Date: February 2, 2015

End Date: June 29, 2015

Name: Dennis Cullen

Residence: 811 Turnberry Ln., Northbrook, IL 60062

Annual Compensation: Expenses

Per diem: Not Applicable

Nominee's Senator: Senator Daniel Biss

Most Recent Holder of Office: Peter Newell

Superseded Appointment Message: 990036

Under the rules, the foregoing Appointment Message was referred to the Committee on Assignments.

INTRODUCTION OF BILLS

SENATE BILL NO. 760. Introduced by Senator Clayborne, a bill for AN ACT concerning education.

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

SENATE BILL NO. 761. Introduced by Senator Clayborne, a bill for AN ACT concerning criminal law.

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

SENATE BILL NO. 762. Introduced by Senator Sandoval, a bill for AN ACT concerning civil law.

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

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SENATE BILL NO. 763. Introduced by Senator Sandoval, a bill for AN ACT concerning public employee benefits.

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

SENATE BILL NO. 764. Introduced by Senator Mulroe, a bill for AN ACT concerning health.

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

SENATE BILL NO. 765. Introduced by Senator McCarter, a bill for AN ACT concerning employment.

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

SENATE BILL NO. 766. Introduced by Senator McCarter, a bill for AN ACT concerning employment.

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

SENATE BILL NO. 767. Introduced by Senator McCarter, a bill for AN ACT concerning employment.

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

SENATE BILL NO. 768. Introduced by Senator McCarter, a bill for AN ACT concerning employment.

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

SENATE BILL NO. 769. Introduced by Senator McCarter, a bill for AN ACT concerning employment.

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

SENATE BILL NO. 770. Introduced by Senator McCarter, a bill for AN ACT concerning employment.

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

SENATE BILL NO. 771. Introduced by Senator McCarter, a bill for AN ACT concerning employment.

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

SENATE BILL NO. 772. Introduced by Senator McCarter, a bill for AN ACT concerning employment.

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

SENATE BILL NO. 773. Introduced by Senator Connelly, a bill for AN ACT concerning State government.

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

SENATE BILL NO. 774. Introduced by Senator Manar, a bill for AN ACT concerning revenue.

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

SENATE BILL NO. 775. Introduced by Senator Connelly, a bill for AN ACT concerning education.

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

SENATE BILL NO. 776. Introduced by Senator Connelly, a bill for AN ACT concerning education.

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

SENATE BILL NO. 777. Introduced by Senator Biss, a bill for AN ACT concerning public employee benefits.

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

SENATE BILL NO. 778. Introduced by Senator Silverstein, a bill for AN ACT concerning education.

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

SENATE BILL NO. 779. Introduced by Senator Silverstein, a bill for AN ACT concerning criminal law.

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

SENATE BILL NO. 780. Introduced by Senator E. Jones III, a bill for AN ACT concerning revenue.

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

SENATE BILL NO. 781. Introduced by Senator Clayborne, a bill for AN ACT concerning local government.

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

SENATE BILL NO. 782. Introduced by Senator Clayborne, a bill for AN ACT concerning criminal law.

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

SENATE BILL NO. 783. Introduced by Senator Hastings, a bill for AN ACT concerning public employee benefits.

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

READING BILL OF THE SENATE A SECOND TIME

On motion of Senator Lightford, **Senate Bill No. 11** having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 11:15 o'clock a.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 11:34 o'clock a.m., the Senate resumed consideration of business.
Senator Link, presiding.

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REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its February 4, 2015 meeting, reported the following Appointment Messages have been assigned to the indicated Standing Committee of the Senate:

Executive Appointments: **Appointment Messages Numbered 980422, 980423, 980610, 9890615, 980624, 980626, 980642, 980643, 980644, 980645, 980646, 980647, 980648, 980649, 980652, 980683, 980684, 980685, 980686, 990001, 990002, 990003, 990004, 990005, 990006, 990007, 990008, 990009, 990010, 990011, 990012, 990013, 990014, 990015, 990016, 990017, 990019, 990020, 990021, 990022, 990023, 990024, 990026, 990027, 990028, 990029, 990030, 990031, 990032, 990033, 990034, 990035, 990037, 990038 and 990039.**

At the hour of 11:36 o'clock a.m., Senator Clayborne, presiding.

READING BILL OF THE SENATE A SECOND TIME

On motion of Senator J. Cullerton, **Senate Bill No. 273** having been printed, was taken up, read by title a second time and ordered to a third 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 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. 7

BE IT RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the two Houses shall convene in Joint Session on Wednesday, February 04, 2015 at the hour of 12:00 o'clock noon for the purpose of hearing Governor Bruce Rauner present to the General Assembly his Report on the Condition of the State, as required by Article V Section 13 of the Constitution of the State of Illinois.

Adopted by the House, January 28, 2015.

TIMOTHY D. MAPES, Clerk of the House

By unanimous consent, on motion of Senator Link, the foregoing message reporting House Joint Resolution No. 7 was taken up for immediate consideration.

Senator Link moved that the Senate concur with the House in the adoption of the resolution.

The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.

Ordered that the Secretary inform the House of Representatives thereof.

COMMITTEE OF ESCORT

The Chair appointed the following members to the committee of escort to wait upon the Governor: Senators Hastings, Sullivan, Van Pelt, Nybo and McCarter.

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At the hour of 11:42 o'clock a.m., the Chair announced the Senate stand adjourned until Thursday, February 5, 2015, at 11:00 o'clock a.m., or until the call of the President.