

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

181st Legislative Day

12/16/2008

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PRESIDING OFFICER: (SENATOR MARTINEZ)

The regular Session of the 95th General Assembly will please come to order. Will the Members please be at their desk? Will guests in the galleries please rise? The invocation today will be given by Reverend Jeff Chitwood, South Side Christian Church, here in Springfield.

THE REVEREND JEFF CHITWOOD:

(Prayer by the Reverend Jeff Chitwood)

PRESIDING OFFICER: (SENATOR MARTINEZ)

Please remain standing for the Pledge Allegiance. Senator Maloney.

SENATOR MALONEY:

(Pledge of Allegiance, led by Senator Maloney)

PRESIDING OFFICER: (SENATOR MARTINEZ)

Madam Secretary, Reading and Approval of the Journal.

SECRETARY SHIPLEY:

Senate Journal of December 15th, 2008.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Hunter.

SENATOR HUNTER:

Madam President, I move that the Journal just read by the Secretary be approved, unless some Senators has additions or corrections to offer.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Hunter moves to approve the Journal just read by the Secretary. There being no objection, so ordered. Madam Secretary, Resolutions.

SECRETARY SHIPLEY:

Senate Resolution 957, offered by Senator Lauzen and all

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Members.

It's a death resolution, Madam President.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Consent Calendar. Madam Secretary, Communications.

SECRETARY SHIPLEY:

Have a letter dated November 18th, 2008.

To Secretary of the Senate Deborah Shipley, regarding appointments to the State Mandates Board of Review - Please be advised that I have nominated the following the named person to the State Mandates Board of Review as non-salaried members pursuant to the State Mandates -- Mandates Act to serve a term ending June 30, 2009. I respectfully ask concurrence in the confirmation of these appointments by your Body.

Sincerely, Dan W. Hynes, State Comptroller.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Madam Secretary, Introduction of Bills.

SECRETARY SHIPLEY:

Senate Bill 3079, offered by Senator Murphy.

(Secretary reads title of bill)

And Senate Bill 3080, offered by Senator Radogno and Watson.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Rules Committee will meet immediately in the Senate Antechamber Room. The Rules Committee will meet immediately. (Senate stands at ease) Madam Secretary, Committee Reports.

SECRETARY SHIPLEY:

Senator DeLeo, Chairman of the Committee on Rules, reports

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the following Legislative Measures have been assigned: Be -- Be Approved for Consideration - Floor Amendment No. 1 to House Bill 611.

Senator James DeLeo, Chairman. December 16th, 2008.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Link, for what purpose do you rise?

SENATOR LINK:

Thank you, Madam President. I would ask for a Democratic Caucus in the President's Office immediately, for no longer than thirty minutes - hopefully a lot shorter.

PRESIDING OFFICER: (SENATOR MARTINEZ)

The Democrats have called for a caucus, returning back to the Senate Floor by 11:02. Senator Risinger, for what purpose do you rise?

SENATOR RISINGER:

Thank you, Madam President. The Republicans would like a caucus also in our Leader's office, for no later than thirty minutes.

PRESIDING OFFICER: (SENATOR MARTINEZ)

That is always in order. The Republicans have also called for a caucus. We will return back to the Floor by 11:02. The Senate will stand in recess to the call of the Chair. After caucus, the Senate will reconvene for further Floor action. The Senate stands -- the Senate stands in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

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The Senate will come to order. Madam Secretary,
Resolutions.

SECRETARY SHIPLEY:

Senate Resolutions 958 through 965, offered by Senator
Demuzio and all Members.

There all death resolutions, Madam President.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Consent Calendar.

SECRETARY SHIPLEY:

And Senate Resolution 966, offered by Senators Cullerton,
Clayborne, Haine, Harmon and Silverstein.

It is substantive.

PRESIDING OFFICER: (SENATOR MARTINEZ)

The Illinois Channel, Illinois Information Service and WOVO
{sic} (WTVO) seek leave of the Body to videotape proceedings.
Seeing no objection, leave is granted. Would all Members at the
sound of my voice please return to the Senate Chamber for
further Floor action? Would all Members at the sound of my
voice please come back to the Senate Chambers? The Associated
Press seeks leave of the Body to videotape proceedings. Seeing
no objection, leave is granted. WICS seeks leave of the Body to
videotape. Seeing no objection, leave is granted. Senator
Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Yes, thank you, Madam President and Members of the General
Assembly. I rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Please state your point, please.

SENATOR DEMUZIO:

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Thank you. Today, as we -- this will be probably our last opportunity maybe as we approach the New Year and I have the distinct privilege today to introduce to you Nancy Wedeking, and as we know her, we know her as Nurse Nancy. And Nurse Nancy, as all of us have served in the Illinois General Assembly know where her office is at. We know her as Nurse Nancy and we also know that Nancy has been here at the Capitol as our nurse since 2001. At the end of this year, on December the 31st, Nancy -- Nurse Nancy will be retiring. And she has served us, with the State of Illinois, and of course here in the Capitol, as our personal aspirin person, care, whatever. I think we've had some Senators already today that have had an opportunity or have -- has visited with Nurse Nancy. So it's my distinct privilege, as we enter into -- do -- the New Year here and at the end of this year -- why, for us to give a great big standing ovation to our Nurse Nancy as she enters her retirement.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Would all the Members please rise and wish her the very best retirement ever? Senator Wilhelmi, for what purpose do you rise?

SENATOR WILHELMI:

Thank you, Madam President, Ladies and Gentlemen of the Senate. If you'll allow me just a brief moment. I know the gentleman I'm about to recognize had no idea that he would be spending his sixtieth birthday with his colleagues in the Illinois Senate here in December. But it is my great pleasure to announce that today is the sixtieth birthday of our great friend and colleague from Peoria, Senator Dave Koehler.

PRESIDING OFFICER: (SENATOR MARTINEZ)

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Happy birthday. Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. I move to suspend the rules for the immediate consideration and adoption of Senate Resolution 966.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Cullerton moves to suspend the rules for the immediate consideration of Senate Resolution -- and adoption of Senate Resolution 966. All in favor will say Aye. Opposed, Nay. The Ayes have it, and the motion is adopted. Senator Cullerton, do you wish to proceed with your resolution? Madam Secretary, please read the resolution.

SECRETARY SHIPLEY:

Senate Resolution 966, offered by Senator Cullerton.
No committee -- no committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you, Madam President. I think this is important enough that I will just read this resolution and then ask for its adoption.

WHEREAS, The House of Representatives has -- has passed House Resolution 1650 to create a Special Investigative Committee and empower that committee to conduct legislative investigations to determine the existence of cause for impeachment of Governor Rod R. Blagojevich; and

WHEREAS, Article IV, Section 14 of the Illinois Constitution provides: "Impeachments shall be tried by the

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Senate.”; and

WHEREAS, Article IV, Section 14 also states that the Senate is required, quote, “to do justice according to the {sic} law”, close quote; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that a Special Committee on Impeachment Trial Procedures is created for the purpose of recommending rules in the event of the -- of the impeachment of the Governor; and be it further

RESOLVED, That the Committee shall consist of 9 members, 5 appointed by the Senate President, 4 appointed by the Senate Minority Leader; and that the Chair be elected by a majority of those members appointed.

I would move that we pass this resolution.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President, Ladies and Gentlemen of the Chamber. First, Madam President, inquiry of the Chair, if I might. Madam President, we don't have a Supplemental Calendar on our desk. Should we have one?

PRESIDING OFFICER: (SENATOR MARTINEZ)

No. Senator Cullerton moved to suspend the rules. Senator Righter.

SENATOR RIGHTER:

I'm sorry, Madam President, I wasn't clear. Not for purposes of Senate Resolution 966, but for purposes of the special election bill we -- that we know you are going to move here. We were brought here for special Session to enact a bill

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that the President-elect and Senator Durbin and just about every Democrat in the State, other than the ones who work in this building, are for. So we are assuming that we are going to get a Calendar to move forward on a special elections bill. That's my inquiry to the Chair, Madam President. We'll be getting -- will we be getting that Calendar and will we be having that vote today?

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Righter, we, right now, are on the order of this resolution. We will continue with this resolution and then we'll continue with further business as we proceed. Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. I look forward to you and I discussing this more after we're done with this resolution.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Absolutely.

SENATOR RIGHTER:

Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR MARTINEZ)

He indicates he will.

SENATOR RIGHTER:

Thank you. Senator Cullerton, from the -- the draft that I have of the resolution that is before us, it appears to set forth a partisan balance of five Democrats and four Republicans. My first inquiry for you is, in light of the fact that ten years or so ago this General Assembly undertook, but did not complete, an impeachment process of a Republican Supreme Court Justice and that committee was five Republicans and five Democrats, do you

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not think it's wise in the investigation or rule writing of a trial for a Democrat Governor to at least have a bipartisan balance of an even number of Republicans and Democrats on the committee?

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Cullerton.

SENATOR CULLERTON:

Well, Senator, the House, just yesterday, passed the resolution that's referenced in this -- in our resolution. Their -- their own committee is made up of twelve Democrats and nine Republicans, and that is an actual inquiry into an impeachment. This, sir, is a resolution that just calls upon us to begin to get help on drafting rules. And so, it's not meant to be partisan; it's meant to be nonpartisan and bipartisan. And it only reflects the fact that we're the majority party and we have representation of the Republicans on this committee.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Righter.

SENATOR RIGHTER:

Thank you, Senator Cullerton. And it does reflect the fact that the Democrats run the General Assembly and the Governor's Office, and I think that the Speaker's actions speak for themselves and we'll be hearing more about that in the coming days. So let's -- let's move on. What do you expect insofar as the commencement of the work of this committee and when it will be completed?

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Cullerton.

SENATOR CULLERTON:

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If this resolution is to pass today, I would suggest that we have the appointments made immediately and that we meet this afternoon.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Righter.

SENATOR RIGHTER:

Last inquiry, Senator Cullerton - thank you - is, if the work of this committee is delayed or stretches beyond what your expectations are - and I don't think that that would happen, but if it does - is this the type of resolution we see in the General Assembly, typically resolutions, that if they cross over into a new General Assembly - and obviously, we're on the doorstep of a new General Assembly now - that the new General Assembly can simply pass -- or, new Senate can pass a resolution reauthorizing this committee? Is that your expectation under Senate Resolution 966?

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Cullerton.

SENATOR CULLERTON:

Perhaps we can finish the work of this committee and have recommendations by the next time we come back into Session during this General Assembly. If for some reason we have not completed our work -- this committee has not made those recommendations for rules, then we can have a bridge resolution to take the work in this committee into the next General Assembly.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Any further discussion? Seeing none, Senator Cullerton, to close.

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SENATOR CULLERTON:

I would just ask for a favorable vote - a roll call vote.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator -- Senator... Senator Cullerton, you're requesting a roll call? At the request of Senator Cullerton, we will be having a roll call on this resolution. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. There are 56 voting Aye, 0 voting Nay, 0 voting Present. The resolution is adopted. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those resolutions read in today will be added to the Consent Calendar. Madam Secretary, has there been any objections filed to any resolution on the Consent Calendar?

SECRETARY SHIPLEY:

No objections filed, Madam President.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Is there any discussion? ...you have, Senator Righter, discussion on the Consent Calendar?

SENATOR RIGHTER:

I don't have the -- well, I don't have a copy of the Consent Calendar, Madam President. Maybe we should hold until we have a copy of the -- of the Calendar.

PRESIDING OFFICER: (SENATOR MARTINEZ)

It was distributed this morning to the Members. Senator Dillard.

SENATOR DILLARD:

Thank you, Madam President. Normally the custom of this Body is when we go to Resolutions Consent Calendar that the

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gavel swiftly comes down and we go on our merry way out there on our sleighs to go home wherever we're going. Is this our last order of business? Or when are we going to get to the special election of the United States Senator, which I think is why we're here and why we were called back into Session? This our last order of business or are we going to go to the special election of Senator Obama's seat?

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Dillard, we are going to continue on with the Consent Calendar and we will get to that business in -- as soon as I can conclude this business. Is there any discussion? If not, the question -- Senator Brady.

SENATOR BRADY:

Thank you, Madam President. First point is, I would like to request a roll call on any motion to adjourn.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Brady, we are on the Order of Resolution Consent Calendar. Can I -- I will proceed with this. Senator Brady.

SENATOR BRADY:

Madam President, I made a motion that we have a roll call on any motion to adjourn and I -- I think that's in order and I'd ask for you to give a response to that. And if your response isn't favorable, I'd ask for a roll call on that motion.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Okay. I -- I have stated a few seconds ago that I am on the Order of Consent Calendar. And I want to continue that order of business. Senator Brady.

SENATOR BRADY:

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Madam President, that would be fine as long as you're ... (microphone cutoff) ... to me before we adjourn, on that motion.

PRESIDING OFFICER: (SENATOR MARTINEZ)

We're going to proceed with this Order of Consent Calendar.

SENATOR BRADY:

Will -- will you come back to me then on my motion after that? I...

PRESIDING OFFICER: (SENATOR MARTINEZ)

We are going to proceed with the order of business at hand right now. Okay. Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries. And the resolutions are adopted. President Jones, for what purpose do you rise?

SENATOR E. JONES:

Thank you, Madam President. For the second time, I wish everyone have a joyous holiday and I trust that we will not have to be here again. But in the event we have to come again and we want to get certain matters resolved, so let's not go through all the political games, the dilatory tactics. But we are attempting to take care of the business of the people of the State of Illinois, get this Body in position to adopt these rules and procedures in the event we receive from the House any articles of impeachment. And I hear all the questions talking about the vacant seat, but I haven't seen any legislation from either of you on the other side of the aisle with any said recommendations. So with that, Madam Chairperson, I move that the Senate stands adjourned.

PRESIDING OFFICER: (SENATOR MARTINEZ)

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There being no further business to come before the Senate, the Senate -- the Senate stands adjourned until... There's been a motion for adjournment on the roll call -- a roll call for adjournment. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. There are 35 voting Aye, 20 voting No, 0 voting Present. And the motion carries. There being no further business to come before the Senate, the Senate stands adjourned until such time as the Senate assembles in regular, Veto or other Session pursuant to schedule established and published by the Senate President and in accordance with House Joint Resolution 145, as adopted on November 20th, 2008. The Senate stands adjourned.