

STATE OF ILLINOIS
96th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

17th Legislative Day

2/25/2009

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PRESIDING OFFICER: (SENATOR HARMON)

The regular Session of the 96th General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? The invocation today will be given by Bishop G.E. Livingston, Pastor of Life Changers Church in Decatur, Illinois. Bishop Livingston.

BISHOP G.E. LIVINGSTON:

(Prayer by Bishop G.E. Livingston)

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Bishop Livingston. Please remain standing for the Pledge of Allegiance. Senator Jacobs, to lead us in the Pledge.

SENATOR JACOBS:

(Pledge of Allegiance, led by Senator Jacobs)

PRESIDING OFFICER: (SENATOR HARMON)

Please be seated. Madam Secretary, Reading and Approval of the Journal.

SECRETARY SHIPLEY:

Senate Journal of February 20th, 2009.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hunter, for what purpose do you rise?

SENATOR HUNTER:

Mr. 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 HARMON)

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

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Secretary, Resolutions.

SECRETARY SHIPLEY:

Senate Resolution 100, offered by Senator Munoz.

Senate Resolution 101, offered by Senator Cullerton.

Senate Joint Resolution 34, offered by Senator Lauzen.

Senate Joint Resolution 35, offered by Senator Hutchinson.

Senate Joint Resolution 36, offered by Senator Steans.

Senate Joint Resolution, Constitutional Amendment, 37,
offered by Senator Lauzen.

Senate Joint Resolution, Constitutional Amendment, 38,
offered by Senator Raoul.

And Senate Joint Resolution, Constitutional Amendments, 39
through 41, offered by Senator Lauzen.

They're all substantive, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Madam Secretary, Messages.

SECRETARY SHIPLEY:

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 10.

We've received like Messages on House Bills 49, 50, 61,
164, 192, 211, 224, 282 and 347. All passed the House, February
20th, 2009. Mark Mahoney, Clerk of the House.

PRESIDING OFFICER: (SENATOR HARMON)

Madam Secretary, House Bills 1st Reading.

SECRETARY SHIPLEY:

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House Bill 49, offered by Senator Althoff.

(Secretary reads title of bill)

House Bill 59, offered by Senator Harmon.

(Secretary reads title of bill)

House Bill 192, offered by Senator Maloney.

(Secretary reads title of bill)

House Bill 204, offered by Senator Risinger.

(Secretary reads title of bill)

House Bill 211, offered by Senator Dahl.

(Secretary reads title of bill)

House Bill 228, offered by Senator John Jones.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR HARMON)

Madam Secretary, Communications.

SECRETARY SHIPLEY:

Yes, I have a letter dated February 25th, 2009.

Dear Ms. Shipley - The -- this office is forwarding herewith a copy of a Vacancy -- I'm sorry, Notice of Vacancy from the Legislative Committee of the Republican Party of the 51st Legislative District declaring the existence of a vacancy in the Office of Senator in the 96th General Assembly in the 51st District -- Legislative District, as a result of the resignation of Senator Frank Watson, effective February 16th, 2009. Also enclosed is the copy of the Legislative Committee's Certificate of Appointment for Kyle L. McCarter, Lebanon, Illinois, who was appointed to fill the vacancy in the Office of Senator, in the 96th General Assembly for the 51st Legislative District.

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Very truly yours, Jesse White, Secretary of State.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Madam Secretary. WICS Channel 20 Television seeks leave to videotape the proceedings. Is there any objection? Seeing no objection, leave is granted. Senator Bond, for what purpose do you seek recognition?

SENATOR BOND:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR HARMON)

Please state your point, Senator.

SENATOR BOND:

Hi, I would just like to welcome my family to the State Capitol today, and introduce my wife, Jennifer; my oldest son, Ethan Michael Bond; my middle daughter, Georgia Kate Bond; and finally, the youngest of the Bond family, Ethan {sic} (Elliott) Fisher Bond. Please ask everyone to offer them a warm Springfield welcome.

PRESIDING OFFICER: (SENATOR HARMON)

Let's welcome the Bond family to the Senate Chambers. Welcome, all. Senator Koehler, for what purpose are you seeking recognition?

SENATOR KOEHLER:

Thank you, Mr. President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR HARMON)

Please state your point.

SENATOR KOEHLER:

Thank you. I'd like to introduce to you -- to the Senate my wife, Nora Sullivan. She is an instructor at the Methodist College of Nursing. She also is the majority owner of the

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Peoria Bread Company, which we own together. But please welcome Nora Sullivan, my wife of thirty-three years.

PRESIDING OFFICER: (SENATOR HARMON)

Welcome, Nora, to Springfield. Senator Delgado, for what purpose do you seek recognition?

SENATOR DELGADO:

Thank you, Mr. President. Personal privilege. I just...

PRESIDING OFFICER: (SENATOR HARMON)

State your point.

SENATOR DELGADO:

Thank you, Mr. President. Members of the Senate, I just want to bring to your attention that we do have a birthday here in the Senate today and -- one of our colleagues -- our colleagues and my dear Senator to the north of my district. Senator Iris "Iris" Martinez is twenty-one years old again today. Let's all wish her a happy birthday.

PRESIDING OFFICER: (SENATOR HARMON)

Happy birthday, Senator Martinez. Senator Hutchinson, for what purpose do you seek... Senator Viverito, for what purpose do you seek recognition?

SENATOR VIVERITO:

Point of special privilege, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Please state your point.

SENATOR VIVERITO:

We have a lovely young lady here. Artesha is one of our Pages today. And it's her eighteenth birthday. Let's give her a nice round of applause. Artesha.

PRESIDING OFFICER: (SENATOR HARMON)

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Happy birthday, Artesha. The Senate will stand at ease for a few minutes to allow the Committee on Assignments to meet. Will the members of the Committee on Assignments please come to the President's Anteroom immediately? Senator Lightford in the Chair.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The Senate will stand at ease.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Harmon in the Chair.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Bomke, for what purpose do you rise? Ladies and Gentlemen, if we could have your attention, please.

SENATOR BOMKE:

Thank -- thank you, Mr. President. It's my pleasure to introduce the newest Member of the Illinois State Senate, from the 51st District, Senator Kyle McCarter. Kyle.

PRESIDING OFFICER: (SENATOR HARMON)

Senator McCarter, welcome to the Senate. For what purpose do you rise?

SENATOR McCARTER:

Just want to say thank you and I'm excited about the opportunity of serving with you.

PRESIDING OFFICER: (SENATOR HARMON)

Welcome to the Senate, Senator. Senator Noland, for what purpose do you seek recognition?

SENATOR NOLAND:

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Thank you, Mr. President. A point of personal privilege if -- privilege if I may. With me, as many folks here today, have a person that's very important in my life, my significant other, a person who puts up with me professionally and personally. I -- I love her for all the things that she does and, perhaps, mostly for the things she doesn't do, such as divorce me for all the time that I spend away from the -- from the family and so on. So, I'd like to introduce, if I may, my lovely wife of twelve years now, Veronica.

PRESIDING OFFICER: (SENATOR HARMON)

Mrs. Noland, we admire your patience and welcome you to Springfield. Senator Hutchinson, for what purpose do you seek recognition?

SENATOR HUTCHINSON:

Thank you, Mr. President. I rise on a matter of personal privilege. I just wanted to let the Members of the Senate know that for Senator Iris Martinez's birthday, there is cake in the office. So for those of us who are not concerned with keeping our schoolgirl figure, there's cake.

PRESIDING OFFICER: (SENATOR HARMON)

Madam Secretary. Madam Secretary, Committee Reports.

SECRETARY SHIPLEY:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to Agriculture and Conservation Committee - Senate Bills 1443 and 1526; refer to Appropriations I Committee - House Bill 1027, Senate Bills 1468, 1495, 1525, 1622, 1634, 1637, 1639, 1640, 1644, and Senate Resolution 101; refer to Appropriations II Committee - Senate Bills 1452 and

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1599; refer to Consumer Protection Committee - Senate Bill -- Senate Bills 1483, 1484, 1507, 1558, 1589, 1597, 1629 and 1631; refer to Criminal Law Committee - Senate Bills 1425, 1429, 1528, 1628, 1655 and 1657; refer to Education Committee - Senate Bills 1508, 1521, 1557, 1616, 1645, 1658, and Senate Joint Resolution 20; refer to Elections Committee - Senate Bills 1466, 1473, 1475, 1591 and 1614; refer to Energy Committee - Senate Bill 1357; refer to Environment Committee - Senate Bills 1269, 1489, 1601, 1603, 1607, and Senate Joint Resolution 21; refer to Executive Committee - Senate Bills 1258, 1344, 1448, 1454, 1460, 1470, 1477, 1532, 1533, 1534, 1548, 1587, 1604, 1633, 1650 and 1656; refer to Financial Institutions Committee - Senate Bills 1563, 1620 and 1647; refer to Gaming Committee - Senate Bills 1431, 1432, 1595, 1606, 1623 and 1654; refer to Higher Education Committee - Senate Bills 15 -- I'm sorry, 1358, 1453, 1485, 1524, 1580 and 1624; refer to Human Services Committee - Senate Bills 1372, 1404, 1449, 1497, 1583, 1643, Senate Joint Resolution 32, and Senate Resolution 94; refer to Insurance Committee - Senate Bills 1506 and 1632; refer to Judiciary Committee - Senate Bill -- Senate Bills 1274, 1430, 1433, 1487, 1493, 1529, 1556, 1578, 1579, 1582, 1590, 1596, 1610 and 1621; refer to Labor Committee - Senate Bills 1547, 1612 and 1618; refer to Licensed Activities Committee - Senate Bills 1383, 1444, 1486 and 1600; refer to Local Government Committee - Senate Bills 1352, 1398, 1446, 1451, 1511 and 1527; refer to Pensions and Investments Committee - Senate Bills 294, 1463, 1479, 1510, 1530, 1531, 1542, 1561, 1581, 1585, 1611, 1625, 1642, 1648, 1651, 1652, 1653, and Senate Resolution 75; refer to Public Health Committee - Senate Bills 95, 1455, 1494, 1496,

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1516, 1535, 1617, and Senate Joint Resolution 31; refer to Revenue Committee - Senate Bills 1434, 1445, 1480, 1490, 1513, 1522, 1544, 1550, 1551, 1553, 1554, 1562, 1630 and 1638; refer to State Government and Veterans Affairs Committee - Senate Bills 300, 1471, 1472, 1474, 1481, 1482, 1549, 1592, 1602, 1609, 1627, House Joint Resolution 4, Senate Joint Resolution 29, 30, Senate Resolutions 87, 93 and 99; refer to Transportation Committee - Senate Bills 297, 1450, 1467, 1491, 1512, 1520, 1541, 1586, 1598 and 1659; and re-referred from the Commerce Committee to the Transportation Committee - Senate Bill 1417.

Senator James Clayborne, Chairman. February 25th, 2009.

And a second committee report.

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to Agriculture and Conservation Committee - Committee Amendment No. 1 to Senate Bill 1413; refer to Appropriations I Committee - Committee Amendment No. 1 to -- House Bill 1027; refer to Criminal Law Committee - Committee Amendment No. 1 to Senate Bill 62 {sic}, Committee Amendment No. 1 to Senate Bill 64, Committee Amendment No. 1 to Senate Bill 104 and Committee Amendment No. 1 to Senate Bill 298; refer to Education Committee - Committee Amendment No. 1 to Senate Bill 235, Committee Amendment No. 1 to Senate Bill 261 and Committee Amendment No. 1 to Senate Bill 1293; refer to Elections Committee - Committee Amendment No. 1 to Senate Bill 80 and Committee Amendment No. 1 to Senate Bill 283; refer to Energy Committee - Committee Amendment No. 1 to Senate Bill 82; refer to Environment Committee - Committee Amendment No. 1 to Senate Bill 125; refer to Executive Committee - Committee Amendment No.

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1 to Senate Bill 285, Committee Amendment No. 1 to Senate Bill 324, Committee Amendment No. 1 to Senate Bill 1346; refer to Higher Education Committee - Committee Amendment No. 1 to Senate Bill 263; refer to Human Services Committee - Committee Amendment No. 1 to Senate Bill 231 and Committee Amendment No. 1 to Senate Bill 1283; refer to Judiciary Committee - Committee Amendment No. 1 to Senate Bill 154 and Committee Amendment No. 1 to Senate Bill 188; refer to Licensed Activities Committee - Committee Amendment No. 1 to Senate Bill 32, Committee Amendment No. 1 to Senate Bill 69 and Committee Amendment No. 1 to Senate Bill 122; refer to Pensions and Investments Committee - Committee Amendment No. 1 to Senate Bill 214; refer to Public Health Committee - Committee Amendment No. 1 to Senate Bill 178, Committee -- Committee -- I'm sorry, Committee Amendment No. 2 to Senate Bill 178, Committee Amendment No. 1 to Senate Bill 1351 and Committee Amendment No. 1 to Senate Bill 1393; refer to Revenue Committee - Committee Amendment No. 1 to Senate Bill 86, Committee Amendment No. 1 to Senate Bill 88 and Committee Amendment No. 3 to Senate Bill 317; and refer to Transportation Committee - Committee Amendment No. 1 to Senate Bill 1341.

Senator James Clayborne, Chairman. February 25th, 2009.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Clayborne, for what purpose do you seek recognition?

SENATOR CLAYBORNE:

Mr. President, for a point of an announcement.

PRESIDING OFFICER: (SENATOR HARMON)

Please state your point.

SENATOR CLAYBORNE:

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Thank you, Mr. President. President Cullerton has canceled next Tuesday, March 3rd, and scheduled next Friday -- next Friday, March 6th, as a regular Session day. Again, we've canceled Tuesday and scheduled Friday, March 6th, as a regular Session day.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. Senator Schoenberg, for what purpose do you seek recognition?

SENATOR SCHOENBERG:

Mr. President, Ladies and Gentlemen of the Senate, I move to waive all posting requirements so that House Bill 1027 and Committee Amendment No. 1 can be heard in the Senate Committee on Appropriations I on February 25th, 2009.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Schoenberg moves to waive all posting requirements so that House Bill 1027 and Committee Amendment No. 1 can be heard in the Senate Committee on Appropriations I on February 25th, 2009. Senator Righter, for what purpose do you seek recognition.

SENATOR RIGHTER:

Thank you, Mr. President, Ladies and Gentlemen of the Chamber. I wonder, Mr. President -- thank you very much. Senator Schoenberg, can you tell us a little bit about the nature of the bill for which you're requesting a waiving of the posting requirements, please?

PRESIDING OFFICER: (SENATOR HARMON)

Ladies and Gentlemen, if we could have your attention. Senator Schoenberg, for a response to Senator Righter.

SENATOR SCHOENBERG:

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Thank you. Senator Righter, the amendment would become the bill. The bill was sent as a vehicle from the House over to this Chamber. And it's very time-sensitive. Specifically, it allows the State to borrow from two special State funds for a very finite period of time in order to start the payment process on the hospital assessment plan, which we passed into law last year and which has been approved by the federal government. That hospital assessment plan is 4.5 billion dollars over a five-year period. And by doing this, we would begin the flow of money - approximately eight months' worth of payments - to all the two hundred hospitals throughout this State within a three-day period.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Senator Schoenberg, it's my understanding that the bill contains two very important provisions. And I think, particularly for Members on our side of the aisle, one, there is a definite payback date of April 14th, and second, that the payments will be made back with interest to the funds from which the borrowing occurred. Is -- are -- is that accurate?

PRESIDING OFFICER: (SENATOR HARMON)

Senator Schoenberg.

SENATOR SCHOENBERG:

That is indeed accurate, and that's precisely why all four caucuses and the Governor's Office are in support of this. There's no opposition to it.

PRESIDING OFFICER: (SENATOR HARMON)

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Senator Righter.

SENATOR RIGHTER:

Very briefly, Mr. President. I rise to support the gentleman's motion. I want to express my appreciation on behalf of the Members on this side of the aisle for the fact that all four caucuses' staffs and Members were part of this negotiation. There is a comfort level here. I know Senator Schoenberg was a big part of that. And appreciate the time, Mr. President. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

Seeing no further discussion, Senator Schoenberg has moved to waive all posting requirements so that House Bill 1027 and Committee Amendment No. 1 can be heard in the Senate Committee on Appropriations I on February 25th, 2009. All in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion is adopted. Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

Thank you, Mr. President. I would move to -- thank you, Mr. President and Ladies and Gentlemen of the Senate. I would move to waive the posting requirements so that Senate Resolution 101 can be heard in the Senate Committee on Appropriations I today.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator Cullerton. Senator Cullerton moves to waive all posting requirements so that Senate Resolution 101 can be heard in the Senate Committee on Appropriations I on February 25th, 2009. All in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion is adopted. Senator Frerichs, for what purpose do you seek recognition?

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SENATOR FRERICHHS:

For a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Please state your point.

SENATOR FRERICHHS:

We are joined here today, in the gallery, by students from the AVID class at Danville High School in Danville, Illinois. And wanted to ask my colleagues to join me in welcoming the Danville Vikings here to Springfield.

PRESIDING OFFICER: (SENATOR HARMON)

Our guests please rise to be welcomed to Springfield. With leave of the Body, Ladies and Gentlemen, I've been asked to make the committee announcements for today in the interest of economy. The Agriculture and Conservation Committee will meet today at 1 p.m. in Room 409. The Elections Committee will meet today at 1 p.m. in Room 400. The Committee on Public Health will meet today at 1 p.m. in Room 212. The Committee on Higher Education will meet today at 2:30 p.m. in Room 409. The Committee on Human Services will meet today at 2:30 p.m. in Room 212. And the Senate Judiciary Committee will meet today at 2:30 p.m. in Room 400. The Appropriations I Committee will meet today at 4 p.m. in Room 212. The Education Committee will meet today at 4 p.m. in Room 409. And the Transportation Committee will meet today at 4 p.m. in Room 400. Ladies and Gentlemen, the Senate will reconvene briefly after committees meet this evening for committee reports and to move one bill from 3rd Reading -- to 3rd Reading. We will adjourn then until tomorrow to enjoy our meal at the Mansion. The Senate will stand in recess.

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(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HARMON)

The Senate will come to order. Madam Secretary, Committee Reports.

SECRETARY SHIPLEY:

Senator Crotty, Chairperson of the Committee on Elections, reports Senate Bill 1370 Do Pass and Senate Bill 80 Do Pass, as Amended.

Senator Frerichs, Chairperson of the Committee on Agriculture and Conservation, reports Senate Bills 38 and 1413 Do Pass, as Amended.

Senator Delgado, Chairperson of the Committee on Public Health, reports Senate Bills 321 and 1335 Do Pass; and Senate Bills 178 and 1393 Do Pass, as Amended.

Senator Hunter, Chairperson of the Committee on Human Services, reports Senate Bills 275 and 326 Do Pass; and Senate Bills 231 and 1283 Do Pass, as Amended.

Senator Maloney, Chairperson of the Committee on Higher Education, reports Senate Bill 325 Do Pass and Senate Bill 3 -- I'm sorry, Senate Bill 263 Do Pass, as Amended.

Senator Wilhelmi, Chairperson of the Committee on Judiciary, reports Senate Bill 1389 Do Pass; and Senate Bills 154 and 188 Do Pass, as Amended.

Senator Trotter, Chairperson of the Committee on Appropriations I, reports Senate Bills 1221 and 1252 Do Pass; House Bill 1027 Do Pass, as Amended; and Senate Resolution 101 Be Adopted.

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Senator Meeks, Chairperson of the Committee on Education, reports Senate Bills 187, 226, 1276 and 1412 Do Pass; and Senate Bills 123, 235 and 1293 Do Pass, as Amended.

And Senator Sandoval, Chairperson of the Committee on Transportation, reports Senate Bills 75, 1268 and 1297 Do Pass; Senate Bill 148 Do Pass, as Amended; and Senate Joint Resolutions 2 and 12 Be Adopted.

PRESIDING OFFICER: (SENATOR HARMON)

Madam Secretary, Resolutions.

SECRETARY SHIPLEY:

Senate Resolution 102, offered by Senator Demuzio and all Members.

And Senate Resolution 103, offered by Senator Murphy and all Members.

They're both death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Resolutions Consent Calendar, Madam Secretary.

SECRETARY SHIPLEY:

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 5.

We've received like Messages on House Bills 22, 36, 43, 78, 80, 84, 88, 150, 153, 168 and 210. All passed the House, February 25th, 2009. Mark Mahoney, Clerk of the House.

PRESIDING OFFICER: (SENATOR HARMON)

Supplemental Calendar No. 1 has been distributed to the

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Members. On Supplemental Calendar No. 1 is House Bills 2nd Reading. First and only bill on the Calendar is House Bill 1027. Senator Schoenberg, do you wish to proceed? He indicates he wishes to proceed. Madam Secretary, please read the bill.

SECRETARY SHIPLEY:

House Bill 1027.

(Secretary reads title of bill)

2nd Reading of the bill. The -- the Committee on Appropriations I adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR HARMON)

Have there been any Floor amendments approved for consideration?

SECRETARY SHIPLEY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. There being no further business to come before the Senate, the Senate stands adjourned until the hour of 10:15 a.m. on Thursday, February 26th, 2009. The Senate stands adjourned.