

STATE OF ILLINOIS
96th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

5/20/2009

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PRESIDING OFFICER: (SENATOR MUÑOZ)

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 Pastor Ed Ingram, Western Oaks Baptist Church, Springfield, Illinois. Pastor.

PASTOR ED INGRAM:

(Prayer by Pastor Ed Ingram)

PRESIDING OFFICER: (SENATOR MUÑOZ)

Please remain standing. Pledge of Allegiance. Senator Jacobs.

SENATOR JACOBS:

(Pledge of Allegiance, led by Senator Jacobs)

PRESIDING OFFICER: (SENATOR MUÑOZ)

Madam Secretary, Reading and Approval of the Journal.

SECRETARY ROCK:

Senate Journal of Tuesday, May 19th, 2009.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hunter.

SENATOR HUNTER:

Mr. President, I move to postpone the reading and approval of the Journal just read by the Secretary, pending approval -- pending arrival of the printed transcript.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hunter moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objection, so ordered. WICS-Channel 20 seeks leave to photograph or videotape the proceedings. Is there any objection? Seeing no objection, leave is granted. Madam

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Secretary, Resolutions.

SECRETARY ROCK:

Senate Resolution 293, offered by Senator Demuzio and all Members.

It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Resolutions Consent Calendar.

SECRETARY ROCK:

Senate Resolution 292, offered by Senator Bond.

It is substantive.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Madam Secretary, Messages from the House.

SECRETARY ROCK:

A Message from the House by Mr. Mahoney, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 206, together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment 1.

We have received like Messages on Senate Bill 13 {sic} (318), with House Amendment 1; Senate Bill 340, with House Amendment 1; Senate Bill 574, with House Amendment 1; Senate Bill 587, with House Amendment 1; Senate Bill -- 1390, with House Amendments 1 and 2; Senate Bill 1408, with House Amendment 1; Senate Bill 1448, with House Amendment 1; Senate Bill 1493, with House Amendment 1; and Senate Bill 1508, with House Amendment 1.

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All passed the House, as amended, May 19th, 2009. Mark Mahoney, Clerk of the House.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Ladies and Gentlemen of the Senate, we'll be going to 3rd Readings, final action. Legislative assistants, please advise your Senators to be on the Floor for final action. Senators, this is final action. We're going to be starting right now. There's a lot of Senators that are not at their desks. Please come to the Floor so we can move your bills. On page 55 of the Calendar is the Order of House Bill 3rd Reading. This is final action. House Bill 881. Senator Dillard. He wishes to proceed. Madam Secretary, read the bill.

SECRETARY ROCK:

House Bill 881.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Dillard.

SENATOR DILLARD:

Thank you. Just a point of parliamentary inquiry. I think maybe it needs to be recalled to 2nd for purpose of an amendment.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Dillard seeks leave of the Body to return House Bill 881 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is Senate -- House Bill 881. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

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Floor Amendment 2, offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Dillard.

SENATOR DILLARD:

...you, Mr. President and Madam Secretary and Members. This is a Floor amendment that was worked upon by the Cook County Circuit Clerk's Office. And it makes provisions, where restitution has been made by a -- a -- a drunken driver, where restitution's been made to the victims' families, and allows a judge to waive a filing fee for getting roadside memorial markers erected. And I would move its adoption.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Is there any discussion? Seeing none, all those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any Floor amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MUÑOZ)

3rd Reading. Now on the Order of 3rd Reading, House Bill 881. Senator Dillard. Madam Secretary, read the bill.

SECRETARY ROCK:

House Bill 881.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Members. I'll get us started

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off on what's hopefully a productive day here in the State Senate with a commonsense bill. And it is a trailer bill to a law we passed a couple of years ago that established roadside markers to memorialize victims and their families of drunk drivers. And Representative Mendoza, who happens to be here, was the House sponsor and really the creator of this idea, which we did copy from a couple of other states. But we will have, instead of makeshift markers, a real way to memorialize the victims of drunken drivers or driving under the impairment with a standardized set of road markers. And over the last year or so, people wrote Representative Mendoza and I and said, "Hey, why should the victims' families who have lost somebody to drunken driving have to pay for these markers for their lost loved one? Why don't we make the drunks who killed them pay for it?" And this allows a judge to stick the -- the -- the driver of the -- the vehicle that killed..

PRESIDING OFFICER: (SENATOR MUÑOZ)

Excuse me, Senator.

SENATOR DILLARD:

...the people...

PRESIDING OFFICER: (SENATOR MUÑOZ)

Excuse me. Ladies and Gentlemen of the Senate, can we have a little -- little quiet please?

SENATOR DILLARD:

It makes the perpetrator have to pay, rather than the indignity of the victims' families having to pay for the memorial. And that's what this does. And I'd be happy to answer any questions and would urge an Aye vote.

PRESIDING OFFICER: (SENATOR MUÑOZ)

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Is there any discussion? Senator Risinger.

SENATOR RISINGER:

Thank you, Mr. President. You know, in my years with the Department of Transportation, I've seen a lot of memorials stuck up along the roadside. Some of 'em were unsafe for traffic. All of 'em were highly sensitive issues. You had people along the roadside that were out there without proper safety and so forth, creating situations that were dangerous and yet they were very emotional about the subject. I am fully in support of this. I think it's a -- a great idea that has -- time has come. And we all need to support this.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Seeing no further discussion, Senator Dillard, to close.

SENATOR DILLARD:

Thank you, Mr. President. Thank you, Senator Risinger, our transportation official. As Dale said, this is a standardized road marker bill. IDOT picks the location so that it's for safety. But it is a way to remind the public that drinking and driving do not mix. And it is a way for families to, if they ever can, ease the pain and memorialize their lost loved one to a drunken driver. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR MUÑOZ)

The question is, shall House Bill 881 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, 0 voting Nay, and 0 voting Present. House Bill 881, having received the required constitutional majority, is declared passed. Senator Sullivan, for what reason you seek

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recognition?

SENATOR SULLIVAN:

Thank you, Mr. President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR MUÑOZ)

State your point.

SENATOR SULLIVAN:

Ladies and Gentlemen of the Senate, we have a group visiting us today. They are from River Grove, Illinois. It's the Bethlehem Lutheran School. They are up in the gallery on the opposite side, behind the Republican side over there. They've been traveling around the State over the last three days. They've been down to Cahokia and some other stops. And they're here in Springfield today. They're not from my district, but I do know one of the gentlemen with 'em very well. And I'd just like everybody to welcome them to Springfield here -- here today.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Will our guests in the gallery please rise? And welcome to the Senate. Senator Demuzio, for what purpose do you seek recognition?

SENATOR DEMUZIO:

Yes, thank you, Mr. President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR MUÑOZ)

State your point.

SENATOR DEMUZIO:

Yes, I have with me today Sarah Hall, who will be a senior at Staunton High School. Sarah has been involved with Youth and Government. And she's here today to be a part of our General

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Assembly. Let's give her a hand.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Will our guest please rise and the Senate welcome? Senator Collins, what reason do you seek recognition?

SENATOR COLLINS:

Thank you, Mr. President. For a point of personal privilege.

PRESIDING OFFICER: (SENATOR MUÑOZ)

State your point.

SENATOR COLLINS:

Ladies and Gentlemen of the Senate, I would like to wish one of our colleagues a very happy birthday today. It's one of our newest, youngest, enthusiastic and energetic Members. I'm pleased and proud to wish Senator Toi Hutchinson a very happy birthday. And this is a wonderful place to spend it, with all your friends here in Springfield. So, happy birthday, Senator Hutchinson.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Happy birthday, Senator. Senator Syverson, for what purpose do you seek recognition?

SENATOR SYVERSON:

Thank you, Mr. President. The Senate Republicans would like to have a caucus at 10:15, just a brief caucus before the 10:30 committees begin, if -- if you're planning on having committees starting at 10:30. So, fifteen minutes before committees if we could have a brief caucus, we'd appreciate that.

PRESIDING OFFICER: (SENATOR MUÑOZ)

That request is always in order. Senate Republicans will

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have a caucus at 10:15 for fifteen minutes in Leader Radogno's Office. Senator Sandoval, on House Bill 921. Do you wish to proceed? Madam Secretary, indicates he wishes to proceed. Please read the bill.

SECRETARY ROCK:

House Bill 921.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Mr. President. House Bill 921 is an initiative of the Illinois Dental Society, the Illinois Federation of Teachers, and the American Heart Association. As passed by the House, House Bill 921 requires each dental office statewide to devise and implement an emergency medical plan, which must include recognized training standards and {sic} (on) emergency procedures. Ask unanimous vote.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Is there any discussion? Seeing none, Senator Sandoval, to close. The question is, shall House Bill 921 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, 0 voting Nay, 0 voting Present. Having received the required constitutional majority, is declared passed. Senator Schoenberg, for what purpose do you seek recognition?

SENATOR SCHOENBERG:

I rise on a point of personal privilege, Mr. President.

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PRESIDING OFFICER: (SENATOR MUÑOZ)

State your point, Senator.

SENATOR SCHOENBERG:

Mr. President, I have the privilege today to be joined by John Vance as my Page. John is a student in fourth grade at the King Lab Magnet School in Evanston. His -- he's a two-time chess award winner. His other interests include soccer, science, Pokémon, reading, and perhaps most importantly for this time of the year, Taekwondo. So, some of the Members may not want to mess with him. Or if they do, it will be at their own peril. Anyway, John is here today as my Page. He's joined by his mother, Amy Mosser, who's in the gallery up on the Republican side. And if we could all give them a warm Senate greeting, I'd greatly appreciate it.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Will our guest in the gallery please rise? And welcome to the Senate. Senator Viverito, on House Bill 926. Indicates he wishes to proceed. Madam Secretary, please read the bill.

SECRETARY ROCK:

House Bill 926.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Viverito.

SENATOR VIVERITO:

Thank you, Mr. -- President. Amended, 926 is a retail food establishment agreement between the County of Cook and those individuals that need help in sanitation and sterilization, making certain that their -- their restaurants are clean and

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honorable. It's an intergovernmental agreement. It's only for Cook County suburban area with two million people or less {sic}. I appreciate a Yes vote.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Is there any discussion? Seeing none, the question is, shall House Bill 926 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, 55 voting Aye, 1 voting Nay, 0 voting Present. House Bill 926, having received the required constitutional majority, is declared passed. Senator Sandoval, 931. He indicates he wishes to proceed. Madam Secretary, read the bill.

SECRETARY ROCK:

House Bill 931.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Sandoval.

SENATOR SANDOVAL:

Thank you, Mr. President, Members of the Illinois Senate. House Bill 931 brings Illinois in compliance with federal regulation and it provides that no person may drive a commercial vehicle on a highway if that person's driving privilege, license or permit is subject to a driver or vehicle "out of service" order while operating a vehicle designed to transport sixteen or more passengers or while transporting hazardous materials. I ask a favorable vote.

PRESIDING OFFICER: (SENATOR MUÑOZ)

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Is there any discussion? Seeing none, the question is, shall House Bill 931 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, 0 voting Nay, 0 voting Present. House Bill 931, having received the required constitutional majority, is declared passed. Senator Murphy, on House Bill 935. Indicates he wishes to proceed. Madam Secretary, read the bill.

SECRETARY ROCK:

House Bill 935.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

House Bill 935 creates essentially the opportunity for us to use the 21st century fingerprint. It requires the collection of a DNA sample from all arrested for a felony. I would appreciate an Aye -- Aye vote. And I encourage questions, if any.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Is there any discussion? Senator Raoul, what purpose do you seek recognition?

SENATOR RAOUL:

Will -- will the sponsor yield?

PRESIDING OFFICER: (SENATOR MUÑOZ)

He indicates he will yield. Senator Raoul.

SENATOR RAOUL:

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Senator, is -- is the taking of DNA sample, in your opinion, a search and seizure?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

It is a search under the Fourth Amendment to the Constitution, but I believe a reasonable one and permissible under the Constitution.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Raoul.

SENATOR RAOUL:

What is -- at the federal level, they collect DNA, and at -
- at what point do they collect DNA?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

Under -- under President Obama's Justice Department, they are collecting DNA consistent with what this bill would do, upon arrest for federal -- federal crimes.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Raoul.

SENATOR RAOUL:

Isn't it true that federal law provides that DNA should be collected upon conviction and that DNA samples, if there's an appeal, shall be destroyed and expunged if that appeal is in favor of -- of the prior convicted felon?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

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...Bill -- House Bill 935 creates an opportunity under an expungement provision to remove the DNA sample in the -- in the circumstance you describe.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Raoul.

SENATOR RAOUL:

My question was as to federal law, which provides that DNA samples shall only be collected upon conviction, and when that conviction is overturned, because at that point the person would only be an arrestee, their DNA sample should be destroyed.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

I think there's a little confusion about what the federal government does under the President. What it currently does is collect DNA samples upon arrest. As part of the expungement process, it is ultimately removed. The DNA sample can ultimately be removed under the federal system, which is exactly consistent with what we would do under this law.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Raoul.

SENATOR RAOUL:

I'm going to try this one more time. I'm not asking you about what behavior that the federal government may be participating in that's violative of the federal law. I'm asking you a question from one attorney to another attorney of what the federal law is. Is the federal law that -- that DNA shall be collected upon conviction?

PRESIDING OFFICER: (SENATOR MUÑOZ)

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Senator Murphy.

SENATOR MURPHY:

Again -- I -- I guess there's a -- there's a -- I -- I'm not making myself clear on what the federal law allows. The federal law, the 109th Congress, gave the authority to the President and the Attorney General and -- and federal law enforcement to collect DNA samples upon arrest in federal crimes. Twenty other states do it. The Obama administration continues this effort. And there is an ability under federal law to expunge and remove the DNA sample upon an ultimate finding of conviction. And, again, this bill would track that. And I guess I'm -- I'm struggling to understand -- maybe I'm missing your question. And I apologize if I am.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Raoul.

SENATOR RAOUL:

Are -- are you aware of whether or not our State Constitution tracks lockstep the federal Constitution? Or with regards to search and seizure, does -- does our State Constitution heighten the protection against unreasonable search and seizures? Are you aware of whether -- what the case is there?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

The -- our State Constitution in spirit tracks with the Fourth Amendment. The letter of the law is slightly different. I don't think that it leads to a different constitutional result in this circumstance than the constitutional -- the

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constitutionality that I stated before under the Fourth Amendment.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Raoul.

SENATOR RAOUL:

I would -- I would -- I would possibly refer you to your staff and -- and maybe they can you refer you to Article I, Section 6 that -- that -- that makes it clear that we are a non-lockstep State. And our -- our -- our protection is -- is heightened in the State of Illinois. So you may want to consult with your staff as to whether or not that is, in fact, the case. Again, I ask you the question, are we a lockstep State with the United States Constitution or is there a heightened protection?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

We are -- we are generally, you know, if the -- if the letter of that says we're not lockstep, the Supreme Court decisions from our Supreme Court tend to be lockstep. I think it's a distinction without a difference. And I think the impact that it would have on -- on a constitutional challenge of this bill is negligible at best.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Raoul.

SENATOR RAOUL:

Since you mentioned the Supreme Court decisions from our State, I want to refer you to the People versus Garvin, which indicates that lawful incarceration brings about the necessary withdrawal or limitation of many privileged rights. And -- and

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that it's the fact that it's a convicted felon - a convicted felon - that makes -- that -- that lessens the reasonable expectation of privacy. That's the People versus Garvin from our State Supreme Court.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

They were assessing a law that was requiring a DNA sample from a convicted felon, so it would stand to reason that they would address the reasonableness of getting DNA from a convicted felon. I don't know that there's anything in that decision or that statement you just read that necessarily suggests that this statute, extending it to arrestees, for felony arrestees, would be found unconstitutional. And, in fact, the Virginia Supreme Court has weighed in on statute that does precisely what House Bill 935 does. And relying on federal court decisions from the Second, Fourth, and even Senator Harmon's beloved Ninth Circuit, found this to be reasonable. So we've got case law right here - nice big fat stack - that supports the concept of what we're trying to enact into law here today from a constitutional standpoint.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Raoul.

SENATOR RAOUL:

The Ninth Circuit said no. The -- the -- read the opinion. Read the opinion. The Ninth Circuit said no. The Fourth Circuit, it -- it was referring to a case with regards to a convicted felon. Right? Am I right or wrong about that? I know you handed around this sheet and told people it was about

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arrestees, but people read what you were handed. The Fourth Circuit says convicted felon. And I know that to try to deceive people, a bunch of states were listed so as to try to convince people that all of these states are doing -- are applying the law as we're trying to expand the law in the -- in the State of Illinois. But that is a lie as well. And I want to inquire into some other things. It -- it's been indicated that the DNA that would be collected would be junk DNA and you wouldn't be able to find out private information about individuals from the -- those strands of DNA. Is that part of the contention of both yourself and the House sponsor?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

I -- I wouldn't profess to speak in the Senate on behalf of the House sponsor. But -- are -- do you -- do you -- do you want -- you want to have -- set the precedent of a House sponsor speaking in a Senate debate? I -- I don't think you do. Our statute -- our current law, this statute, make it a criminal offense, a Class 3 felony, to misuse this information. HIPAA federal laws apply. We've got every protection imaginable. If somebody's going to break the law and commit a crime to misuse this information, that potential exists. But, again, you're counting on a government employee, a State Police officer, committing a Class 3 felony to have your doomsday scenario play out. I -- I -- I would respectfully submit that the benefits to be gained from passing this bill far outweigh the potential that a State Police employee is going to commit a Class 3 felony and share DNA -- privileged DNA information.

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PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Raoul, one more question, please, or to the bill.

SENATOR RAOUL:

One -- one more question and then to the bill. I've heard this compared to taking of fingerprints. Are -- are -- are you comparing this same process -- you think it's the same level of intrusion as -- as -- as taking of fingerprints?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

I think -- I think it's a -- I, personally, think it is a comparable level of intrusion. Beyond that, not just me, but courts all over the country have indicated that this is DNA of the 21st century. And it is really no different than the fingerprint. So, from that standpoint, several jurisdictions, whether a State or federal, consider this to be the -- the 21st century equivalent of a fingerprint.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Raoul, to the bill.

SENATOR RAOUL:

To the bill: This gentleman has just told you that the Fourth Circuit and the Ninth Circuit is consistent with what this bill attempts to do. That is incorrect. The Ninth Circuit found this unconstitutional. And the Fourth Circuit dealt with a case with regards to a convicted felon. This gentleman just told you it's the same as taking a fingerprint. This is what you do when you take a fingerprint. This is what happens when you take DNA. Somebody is sticking this in your mouth, both sides. Is that the same level of intrusion as taking a

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fingerprint? This gentleman has just told you, and it's been -- it's been bandied around the Capitol, that -- that this is just junk DNA. Well, the State Police - the State Police, the people in charge of our forensic lab - tells you that is not the case. They can find out a whole lot more about you from this DNA. Why do we have HIPAA laws? To protect our private information. That's why we have HIPAA. This bill flies in the face of everything that our troops are fighting in -- as Senator Jacobs pointed out yesterday. We have a Constitution that our founding fathers put in place. We have a Constitution that we put in place in the State of Illinois, which has a heightened protection to our right to privacy. This bill flies in the face of the -- protection -- protection from unreasonable search and seizures. It flies in the face of the presumption of innocence. These are people who are arrested. Many people who are arrested are later found to not -- that -- that these cases had no probable cause for the arrest. There's not even a probable cause provision in this bill. So a law enforcement officer can -- can -- can effect an arrest with no probable cause and they start sticking this swab in your mouth. I -- I get uncomfortable when I get -- go to the dentist, but, you know, I have a relationship with my dentist enough that I feel confident enough that, you know, I'm not being intruded upon. But to have some officer come up to me with no probable cause, arrest me, and start sticking a swab in my mouth is just an unreasonable violation of our constitutional rights. This is against due process, equal protection, the principle of -- of -- of being free from self-incrimination. You know, we might as well just throw out our Constitution, tear it up, if we're just going to

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be passing laws that just ignore the protections that our -- people, I know you -- you -- you were...

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator, please bring it to close. I've given you fifteen -- sixteen minutes already. I'm not being disrespectful, but we have many other speakers. Senator Raoul.

SENATOR RAOUL:

...understand, Mr. President. I appreciate the time that you -- you -- you have given me. But I know that a lot of effort has been put around; people have felt pressured to find -- sign cosponsorship forms. But this is blatantly unconstitutional. And if we're going to be responsible lawmakers, we shouldn't just vote Yes for something because we signed a cosponsorship form. We're supposed to be responsible lawmakers. And the Constitution -- the Constitution of our United States of America and the Constitution of the State of Illinois is supposed to guide us. And we're not supposed to ignore it. I know that doing this can help solve crimes, but allowing police officers to go and enter any one of our homes whenever they want to can help solve crimes. It's twenty-five years later, but we're approaching George Orwell's Nineteen Eighty Four right now. Throw away your rights. Ignore the Constitution. That's what you'll be doing if you vote Yes on this bill. I sponsored a bill a couple of years ago to try to get more funding for the State Police because they have a backlog right now. Right now they collect four thousand samples and they can't handle it. If we pass this law, they'll be collecting a hundred and twenty thousand samples - thirty times the amount. How are they going to handle that? Vote No. Respect our Constitution.

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PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Trotter, for what purpose do you seek recognition?

SENATOR TROTTER:

Mr. President, I would like to move to previous question.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Trotter seeks to move the previous question. There will be no additional speakers recognized. Right now we currently have one -- twelve speakers yet. Senator Hendon, for what purpose do you seek recognition?

SENATOR HENDON:

Will the sponsor yield for a few questions?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Sponsor indicates he will yield.

SENATOR HENDON:

Senator Murphy, is this the United States of America?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

This -- this is still the -- the United States of America, the land of the free, where people are free to loudly demagogue as much as they would like.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hendon.

SENATOR HENDON:

Are you sure this is the United States of America?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

I -- I'm still sure, Senator.

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PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hendon.

SENATOR HENDON:

Senator Murphy, I'm not so sure when you have a bill such as this. Senator Murphy, what happens if the felony -- I mean, let me ask you a couple of questions about categories of felony. Are there moving traffic violations that end up being felonies?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

Moving violations are not felonies.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hendon.

SENATOR HENDON:

Are there any traffic offenses that could end up -- that are felonies? Any traffic offenses, whatsoever?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

Under certain aggravated conditions and one example would be DUI.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hendon.

SENATOR HENDON:

So, under your bill, if you get a traffic violation, you could end up having to give up your DNA. Is that correct?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

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No.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hendon.

SENATOR HENDON:

Senator Murphy, you just -- now, you talked about demagoguery. You know, you just did a little bit of it yourself. I asked you a question. You said, yes, certain traffic violations are felonies. Your bill says if you're arrested, not convicted, but if you're just arrested of a felony, you have to give up your DNA. Is that correct or incorrect?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

Reckless homicide by DUI is not a traffic violation. It's a felony, just like -- just like the other bills we're covering here in an effort to try and save people's lives.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hendon.

SENATOR HENDON:

What if you were a contractor and you got accused of home repair fraud? Is that a felony?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

I don't know whether home repair fraud is a felony, but if it is a felony, then you would be giving a swab under this bill.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hendon.

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SENATOR HENDON:

Well, Senator Murphy, let me educate you, my dear friend. That is a felony. Now, many of these people who are charged with that really didn't commit any fraud, they've never been convicted, but your bill says you have to give up your DNA. I read in a very esteemed paper that some health care companies want everyone's DNA so they can deny health care coverage for people based on DNA. Do you have any concerns that this DNA information could end up in the hands of people who would use it to deny health care for people?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

That remains illegal under this bill, a Class 3 felony. So, no, I don't have any concern in that regard. I think it's also important to note, when we're talking about who these felony arrests are of, eight percent -- eight percent of the population gets arrested for a felony. Those eight percent commit seventy percent of the crimes. The Chicago Police Department did a study of just eight offenders and found, if this bill had been law, sixty violent crimes would have been prevented - thirty rapes and twenty-two murders - by passing this. We can talk all you want, Senator, about whether this is America or not, but I can assure you, for those twenty-two dead women, it isn't America anymore.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hendon.

SENATOR HENDON:

Senator Murphy, we could have kept those eight convicts

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that you're talking about in prison for longer lengths of time with -- with the convictions that they had. So, your logic does not suffice, sir. And to try to inject that in there, as if I'm not sensitive to some woman who's been -- had her body tragically destroyed by some man, is outrageous. And I take it personally offensive. What I am saying to you, sir, is that DNA -- I asked you about health care for -- and -- and that -- the fact that there are many who would like people's DNA for a lot of reasons. I'm not saying some officer would intentionally give it up, but can't someone break into wherever the facility is storing the DNA and get that information and use it for unscrupulous reasons?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

That's a fair question, Senator, but it doesn't identify the person. So if somebody broke in and stole it, they still wouldn't know whose DNA it is. And to the point about we could have just kept this person in jail longer, that doesn't apply, because those people were free after arrests, not convictions. If we had gotten their DNA after that arrest, we would have known and been able to match them up before they committed the next serial rapes and murders. That's why this bill is necessary.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hendon.

SENATOR HENDON:

...Murphy, if the State Police know how to match the DNA with -- with the sample and the record -- there has to be some file

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or some -- some computer disk that -- that matches them up. So you can't say they don't match up. So a criminal or a criminal enterprise would have to be intelligent enough to know that they need the sample and they need the corresponding data. So, I just ask you, could it be stolen and used by people who are not trying to do the right thing?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

I really don't see a realistic or even a remote extreme scenario where that could happen, given the safeguards in place and the -- and the fact that there is no identification with the actual sample. I -- you've got to reach to such an extreme that you're just trying to create a scenario to -- to vote against the bill to do that. I mean, there's just -- it's -- there are realistic concerns raised in this bill, that I grant, some of which were -- were well said by Senator Raoul. I think they're outweighed by the benefit of it. This is not an example of one of those legitimate concerns in my view.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hendon, to the bill.

SENATOR HENDON:

To the bill -- to the bill, Mr. President: Senator Murphy, I don't have to raise any scenario to vote against this bill. I was going to vote against the bill from the very beginning. I was going to vote against the bill before the Republican -- the Democratic State Rep, who should have been Republican, walked over there to lobby you all about the bill. Every time something comes up with her name on it, I am cautious, I am

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concerned, because it's always lock 'em up, throw away the key, let nobody out, give nobody any opportunity, imprison folks. That -- that's what she does. And I'm not criticizing her for that. That's just what she does. So I don't have to paint no scenario in order to vote against this bill. I was going to vote against this bill, just like I voted against the unconstitutional, un-American bills yesterday that -- that just want to take away all of our rights. This is dangerous. When people have your DNA, they could do whatever they want with it. They can plant it. It's not like a fingerprint, where you need the entire fingerprint to frame someone. In your neighborhood maybe that doesn't happen, but in my neighborhood and in the sponsor's neighborhood in the House, there's certain people who will just round up people just to get the DNA. They will just round up people just to get them in that databank to do all kinds of things. You have a lot of lists - don't -- don't tell, don't call - that -- not supposed to be released to the public, ends up in the public domain. I urge a -- a No vote.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Righter, for what purpose do you seek recognition?

SENATOR RIGHTER:

Thank you, Mr. President. To the bill, please.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Righter, to the bill.

SENATOR RIGHTER:

Thank you, Mr. President, Ladies and Gentlemen of the Chamber. This obviously is a contentious issue, but it's no more contentious than it is important to everybody in this Chamber and everyone that we serve.

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PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Righter.

SENATOR RIGHTER:

Thank you. There have been several issues raised on this Floor that are important to us. And I rise in reluctant opposition, not just as someone who represents my Senate district, like all we do, but as a former prosecutor who appreciates the value and the importance of effective law enforcement techniques. It should be noted, Mr. President, that there have been at least three sponsors or cosponsors who, while this bill has been pending in the Senate, have pulled their names off the bill. And sometimes, as bills move forward, as you know, in this process, people get to learn a little bit more about these bills and become a little less comfortable what they were -- with what they're -- the provisions may be and they change their mind. And that has happened in this bill. And I think there's good reasons why that's the case, Mr. President. First of all, I want to talk about the notion of -- of whether or not this is constitutional. You know, I don't know that. No one in here knows that. The courts are on both sides of this issue across the nation. I don't know whether an Illinois court has ruled on this or not. I think it's just as likely that they -- they rule this is constitutional if it becomes law, as it is unconstitutional. For right now, this is a policy decision that this Body needs to make. But along those lines, yesterday the Director of the Illinois State Police testified before the Audit Commission. The subject of the audit was the backlog of cases within the Division of Forensic Science in the State Police. And we heard a lot of interesting and very troubling things

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during that audit, but particularly with regards to this bill. And I asked the Director specifically about this bill. The State Police say they are in favor of this. When I asked the Director whether or not that support was contingent upon the construction of a new lab in Springfield to handle these DNA cases, he said "yes". In other words, they are not prepared to deal with this now. As we stand here, the State Police labs get about forty-five hundred DNA samples in their door a year - forty-five hundred. If this bill becomes law, the Director says that number will increase not "to", but "by" -- will increase by a hundred and twenty thousand. That is a twenty-five-fold increase in the number of DNA samples that will be coming through the door. Now, to be fair, they're not going to be doing the same process with those hundred and twenty thousand additional than they are the forty-five hundred. But, regardless, the Director, himself, says they are not prepared to handle this right now. I would note the effective date of this legislation is 2013. So we're going to pass something now in 2009 that will not become effective until 2013. Why? The sponsors, themselves, have said, because we need to give the State Police time to get ready. Okay, why don't we give them a little time to get ready? We get closer. 2011, 2012 - we'll have a much clearer view of whether or not the State Police can handle this or not. There is no need to pass this bill right now. It's not going to become effective for four years. The last issue I want to talk about is more of a philosophical issue, and that is the difference between a DNA sample and a mug shot or a fingerprint. There is a difference, Ladies and Gentlemen. Now we've heard -- we've heard people say that the

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particular DNA sample that we're talking about here is no more elaborating as far as identifying an individual as a fingerprint and a mug shot. But, again, I'll refer you to the State Police Director's testimony yesterday. He says that's not true. He says there is more information than just identifier information in the DNA sample that will be taken under this law than will be available through a fingerprint or a mug shot. Now he says, "Now we won't use it for anything else." Well, I'm sure the Director is sincere in his comments, Mr. President. I'm sure he is. But we need to recognize the fact that that DNA sample is far more telling about an individual than a fingerprint or a mug shot. And do we -- knowing that, knowing that, do we still want to collect this from every person who's arrested, regardless of whether they've been charged, regardless of whether probable cause has been found that they did commit a crime, and regardless of whether they're convicted. There's a line -- there's a line, Ladies and Gentlemen, that we all look for in whether or not it's appropriate for law enforcement or the State generally to say we're going to intrude, we're going to do this, we're going to know this about you. With all the considerations that are before us, Mr. President, it's my view that this crosses the line, particularly when we don't know yet, four years out, whether the State Police can possibly handle this kind of caseload. With that, I would urge a No vote on House Bill 935. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Schoenberg, for what purpose do you seek recognition?

SENATOR SCHOENBERG:

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Have questions for the -- couple questions for the sponsor and then I'd like to speak to the bill, Mr. President.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Sponsor indicates he will yield.

SENATOR SCHOENBERG:

Senator Murphy, could you -- could you summarize why the Illinois State Bar Association weighed in in opposition to this?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

The -- the State Bar raised constitutional concerns.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Schoenberg.

SENATOR SCHOENBERG:

Senator Murphy, in layperson's terms, I think we all know that in our points of reference, there's a distinction between the American Civil Liberties Union's opposition and the Illinois State Bar Association's opposition. From a philosophical standpoint in terms of how they approach constitutional issues, I think, arguably, we'd all agree that the Illinois State Bar Association has less -- far less of an ideological bent to it. So, it would be helpful to me if you could elaborate on what those constitutional concerns they raised were.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

Their concern is that it is -- they feel it's an unreasonable search, I suspect. I -- I don't know for sure. I haven't spoken directly to 'em. But, my understanding -- if you

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-- if you feel that this doesn't comport with the Fourth Amendment, you feel it's an unreasonable search. Again, I don't think it is. The Virginia Supreme Court didn't think it is. The U.S. Supreme Court did not reverse the Virginia Supreme Court. And I think that's an important note for those who are concerned about constitutionality. If this violated the Fourth Amendment to the U.S. Constitution, the U.S. Supreme Court would have taken the Virginia Supreme Court case on appeal and would have reversed. They did not do that, which supports the argument further that the highest court in the land does not view this to be violative of the Fourth Amendment, irrespective of what the Illinois State Bar Association might submit.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Schoenberg.

SENATOR SCHOENBERG:

And I missed this earlier, you had -- you had made some allusions and I didn't quite focus in on 'em, didn't quite hear them. Has Attorney General Holder or anyone on behalf of the Obama administration indicated how they view these constitutional questions thus far?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

...we -- as we all know, actions speak louder than words, and Attorney General Holder is -- is -- is overseeing a Justice Department that actually does exactly what this bill does. So President Obama's Attorney General is having the FBI, under his control, take DNA samples upon arrest in federal crimes. That's going on in the federal system right now. My -- my -- my -- my

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sense is, is that President Obama and Attorney General Holder are not generally considered to be the type who would trample on civil liberties or conduct a Justice Department that would violate anybody's civil liberties or -- or -- or, frankly, implement Gestapo tactics. I suspect most of us in this Chamber would agree with that assessment.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Schoenberg.

SENATOR SCHOENBERG:

The reason I asked if -- if they had made any statements, because I think we all know it's been about a hundred and twenty-five/hundred and thirty days since President Obama took office, that there are a number of policies which they have inherited. For example, on the -- later today or tomorrow, we may consider the issue of therapeutic cannabis, and the Attorney General has made some public statements that what their intended change in policy is going to be relative to the policies that they've inherited, as far as prosecution on the use of medical marijuana. So I was asking -- I'm not assuming, and I think perhaps it's a leap of faith to assume, that every policy within a hundred and some odd days that the administration inherits is the policy that they're going to adhere to in perpetuity, which is why I asked if there have been any indicators, publicly, on this issue that they were going to evaluate or revisit this issue. Are you aware of any?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

The only thing I'm aware of is that that continues to be

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done at the federal level. There's been some coverage of this issue in the last few weeks, you know, well into a hundred days plus in the administration, without any -- without any negative comment from the administration or any indication that they intend to repeal and stop using the authority the 109th Congress gave 'em.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Schoenberg, to the bill.

SENATOR SCHOENBERG:

To the bill, Mr. President and Ladies and Gentlemen of the Senate: If I can paraphrase from former United States Senator Lloyd Bentsen, I know -- I know President Obama. President Obama is my friend. But this is not something that I could see that President Obama and his administration would stand behind. Now, speaking the -- speaking of -- you know, I think that from a layperson's perspective, I think that the combined remarks of Senator Raoul and Senator Righter, both of whom I have a great deal of respect for - their legal capabilities and their respective experience in the criminal justice system - I think they came at it from a different -- from different directions, but I think they've raised some very significant points. And -- and my concern about doing this now, as Senator Righter alluded to, in the timing, is that we could well be reversing the trend of moving forward that we had in recognizing that there are certain structural repairs that need to be made in the criminal justice system and its infrastructure of supports in order to ensure that everybody's rights are protected. And in the case for -- and -- and using the -- and in the -- using the illustration of how we administer the most severe penalty of

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all, the death penalty, I think that we may be, speaking of President Obama, reversing the progress that he and Senator Petka, now Judge Petka, and others made in ensuring that how -- in backing up from the penalty, to ensure that the infrastructure that we have for the administration of justice is fair. Before -- I want to call to the attention of the Members that before there was a backlog in the State Police's DNA base -- before there was that backlog, did you know, Ladies and Gentlemen of the Senate, that the State Police - speaking of the State of Virginia - actually canceled a contract with the country's largest private firm that did DNA management because the State in -- in 2005, the State Police broke a seven-million-dollar contract with a Virginia DNA testing firm, alleging that it committed serious errors? What I'm suggesting, following up on what Senator Righter said, is that the combination of the backlog in DNA, the problems that existed before that, when we outsourced the management of our DNA to a Virginia firm, and the overall questions of administration of the State Police suggest that the time is not ripe for this bill. We all want to catch the bad guys. We all want to ensure that severe harm and fatalities can be avoided. And we can do that if we have an -- a law enforcement infrastructure and a criminal justice system that operates without the level of errors that we've seen and need to correct and remedy thus far. And with all due respect to the sponsor, it's for that reason, the opposition of the -- of the State Bar Association, as well as the others, and the -- and the incapability -- the fundamental incapability of the Illinois State Police to make sure that this is done right, the fact that they need to cleanup their house so significantly,

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that's why I'm going to vote No. Thank you.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Millner, for what purpose do you seek recognition?

SENATOR MILLNER:

Thank you, Mr. President and Members of the Chamber. And, you know, this debate is -- is very emotional and tends to be, and there's a lot of good comments made on both sides of this issue. But one thing that we're forgetting here - and I think this is important for all of us to note - is that this is about protecting one's rights. As the last speaker talked about, he was worried about that. This protects that. This protects victims and this bill protects innocents. Imagine, you're taking the DNA sample from somebody, and the person now, at the front end, is the person who may have been considered the guilty person on the front end, can be exonerated. That's protecting that person's rights. Additionally, we now have a method to identify people that's very clear and concise and, frankly, it is not something that is as painful as my former colleague indicated. When you get fingerprinted, they take each one of your fingers, they roll it in the ink or they roll it on the -- the glass, whatever it may be - each one of your fingers. This simply is a swab in your mouth. Rub it here, rub it here, out, put it in a tube and it's gone. It's not painful. Doesn't hurt. And doesn't do anything that's going to infringe on this person's rights. Another issue that was raised today is about false arrest, the issue of you don't have to have probable cause. Yes, you do. Any law enforcement officer will tell you, before you arrest anybody, you have to have probable cause. If you don't have probable cause, you're subject to lawsuit for

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false arrest. The bellwether of a false arrest lawsuit is no probable cause, a 1983 civil rights action, which is typically a lawsuit of millions of dollars, because a police officer refused or didn't know any better and arrested somebody without probable cause. So that's already in the law. We have to have probable cause. The other issue, you can take this DNA. Someone mentioned it could be used for other things; they could find out about your medical history and things like that. No, they can't. This bill is clear, if you do that, you will be subject to criminal arrest. You'll be arrested and have to give your DNA. You can't do that. It is illegal for you to use this information for anything other than identification purposes. Ladies and Gentlemen, this bill has protections built into this law. This bill is something that really makes sense for today, because for years we've been fingerprinting people. This is the new fingerprint of the day. It's not an onerous process. It's a process that protects rights. It's a process that exonerates the innocent. It's a process that protects the victims. This is something we all should really embrace. And I ask you humbly for a -- for an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Haine, for what purpose do you seek recognition?

SENATOR HAINE:

To -- to the bill.

PRESIDING OFFICER: (SENATOR MUÑOZ)

To the bill.

SENATOR HAINE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of the bill. I fully understand the

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constitutional questions. And there are -- there is a division of authority. I agree with former Chief, now Senator John Millner and -- and -- and -- and others that this is a question that's -- that is a law enforcement question, as well as a matter of liberty. There are numerous cases that I'm familiar with in my years as State's attorney that have turned on DNA that was obtained not through the regular course of investigation. One of them recently involved a man who was -- he had his rape and murder conviction overturned - incorrectly I might add, in my view - by an Appellate Court and a Circuit Court. He was released from prison. But he had given, mistakenly, some of his blood to bolster that case. It turned out, when it was put into a DNA bank, he was charged with a similar rape and murder some twenty-five years ago -- that occurred twenty-five years ago in Missouri. Turns out he may be a serial killer. There are many other cases of that type. And there may be cases -- there are cases where the innocent have been freed from death row because of DNA obtained and will be so in the future, as Senator Millner accurately stated. There are provisions in this bill for expungement. This is a tightly crafted bill. There are -- there are some years hence before this takes effect, giving everyone time to assure that there are safeguards surrounding the storage and use of the -- the DNA. There's also time for these cases to work through the United States Courts of Appeal {sic} (Appeals) to see where the -- the justices will draw the line. So, I -- I'm -- I intend to vote Yes. Although, I do recognize the opposite, the -- the -- the views of Senator Raoul, my distinguished fellow counsel. I do give his views great weight. And they are certainly arguable.

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But the -- the -- but this -- this matter should work its way through the courts after we implement this law. Thank you.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Althoff, for what purpose do you seek recognition?

SENATOR ALTHOFF:

Thank you, Mr. President and Members of the Chamber. I, too, rise in strong support of this legislation. I think, again, as stated, the innocent have nothing to fear from this legislation. In fact, the innocent have been saved by this legislation in being released from being incarcerated incorrectly. And let me tell you that from a woman's perspective, from a female's perspective, this is monumental legislation that will ensure that crimes where women are victims and where saliva and semen are left behind, this legislation will ensure that these criminals are kept behind bars and not let out on the streets again to repeat these crimes. This is wonderful legislation. And I would urge a strong Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Jacobs, for what purpose do you seek recognition?

SENATOR JACOBS:

Thank you, Mr. President. I would like to point out that I am not a constitutional lawyer. I am not a learned man of the bar. I am just a citizen. And I -- I am a cosponsor of this bill. Though I got to tell you, as I'm hearing the discussion, I'm just not sure where I'm at right now. But since I'm here from the government and we have nothing to fear because you're innocent, I'd like everybody to line up. I'd like to begin with you, Senator and Representative, take your swab, so I can see

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your DNA. My question becomes easy: Is fingerprinting infallible?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Sponsor indicates he'll yield. Senator Murphy.

SENATOR MURPHY:

I -- fingerprinting probably is not infallible, which is one of the reasons why, in the 21st century, we utilize the more -- more reliable, scientifically reliable, DNA and why they call DNA the 21st century fingerprint. We're taking advantage of the advances in technology so that we can actually get it right more often in our criminal justice system, which is what this bill is aimed at doing.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Jacobs.

SENATOR JACOBS:

So, in your mind, Senator, there is people that have duplicate fingerprints in America?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

I -- I don't believe there are people with duplicate fingerprints, but mistakes can be made in the -- in the implementation or the gathering of the -- the information, whereas -- or the analyzing of the information. The reason people are moving to DNA is 'cause it supplements and even surpasses fingerprinting in -- in the reliability department.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Jacobs, to the bill.

SENATOR JACOBS:

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Given that fingerprinting is nearly infallible, what -- what's the infallibility of DNA? Is it infallible?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

If correct, it's about one to a billion. And I think the difference - and I think Senator Althoff was very eloquent on this point - you may not have a -- a fingerprint in a semen sample or a saliva sample -- you may not have a -- a fingerprint at a crime scene or in a rape, but you can have and often do have a semen sample that'll have DNA that doesn't give you the same opportunity to find the -- the wrongdoer, the rapist, that the fingerprint-only approach to law -- law enforcement does.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Jacobs.

SENATOR JACOBS:

If you are falsely arrested, or I am falsely arrested, and they take -- we lineup and they swab our mouth and take our DNA, what happens then? Can we get that DNA back? Or once it's in the system, even if we weren't supposed to be arrested, it's in the system?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

It's -- it's treated just like fingerprints are now, where it stays in the system unless you go through the expungement process that the bill provides for. But I would -- I would point out, too, that if you're arrested -- again, eight percent of people get arrested for a felony. Seventy percent of them --

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or, they commit seventy percent of the crimes. So the value of getting those eight percent is the enhanced ability to solve the seventy percent of the crimes that they commit.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Jacobs, to close -- I mean, just to the bill, Senator. I've given you enough time.

SENATOR JACOBS:

To the bill: Given the -- the parameters and the importance of this issue, I have a couple of quick questions. If someone does break the law -- you know, in Illinois, we've had Governors even break the law. If someone collects my DNA and breaks the law and sells it to an insurance company and the insurance company says that they won't cover me because I have an undiagnosed disease in the future, who do I go to to get that taken care of?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Jacobs, you know, we've -- I've let you ask several questions. Please, this is the last one, because I will cut you off after that. Senator Murphy.

SENATOR MURPHY:

First, the -- the -- the -- it's criminal to -- to release it, number one. Number two -- that which would subject the law enforcement officer to felony punishment. Number two, you'd have a civil action -- a civil -- a right of civil action for any damages you incurred. And number three, it's against the law for the insurance company to use that information in that way, anyway. So, I mean, you've got three different avenues to address what is an extreme, extreme long-shot possibility.

PRESIDING OFFICER: (SENATOR MUÑOZ)

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Senator Jacobs.

SENATOR JACOBS:

I'll just close with this, sir. Nothing to hide, nothing to fear is a blueprint for dictatorship in this country. And if you're going to give away the most inner core of your substance, why don't you do it at birth? Why are we waiting to falsely arrest someone and then hoping the government takes care of the problem? But in the end it seems to me that there's been one falsehood that's been spread here. Most people who are raped or murdered are raped or murdered by someone they know. And the notion that people who are raped and murdered are generally raped and murdered by people they don't know is -- is a fallacy. And the statistics bear this out. The statistics prove it. And so, I think in the end, it's a propaganda item to say this is going to solve crime when it's probably just not true.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Lauzen, for what purpose do you seek recognition?

SENATOR LAUZEN:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Lauzen.

SENATOR LAUZEN:

You know, if this proposal were limited to just a -- a conviction or even to probable cause, I believe that I'd be a Yes vote. I think a conviction or even with the protections of probable cause, most likely I -- I would certainly be in favor, because that's -- goes to trying to solve crimes. However, because it's a search and a seizure of individual genetic material on an arrest or on an accusation alone, I'm a firm No

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vote on this bill. I'd like to ask any of us in this Chamber or anybody in the audience, any of the constituents that we serve, if we've ever been falsely accused. I mean, on a lighter side, I mean, that -- look at political campaigns. But on a more serious side, we have a constitutional system in the United States, where it's true that the majority rules, that our collective interests and security are -- are paramount, are fundamentally prioritized. But an integral part of that constitutional law are the protections of individuals in the Bill of Rights for all people, both those in the majority and all of us in the minority. We also have a justice -- a justice tradition in the United States, where we are innocent until proven guilty. I think that this whole debate is a struggle between our desire to prevent crime, the collective welfare, and violating or intruding upon personal liberty or personal freedoms. I think that it is true - I -- I'm -- I'm certainly, as I think that all of us are, very -- are moved by one of our colleagues' testimony - life is tragically messy. And what we try to do is -- is to construct limits and policies so that we can live together in peace and prosperity. A print, a fingerprint, ties back evidence to an individual crime scene. But then you say, why is there a basic fear of the cameras that we talked about yesterday, or Big Brother, or all-seeing eyes? It's because we fear a totalitarian kind of government. You know, you go back to what's been suggested. Why is it that we don't take a sample? If this bill is going to prevent crime and all crimes, why not do this thoroughly? Why not take a sample of all of us? Senator Jacobs mentioned it - why not at birth take a sample and put it into a library? Then for sure we could

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be -- we could be certain that there was going to be no uncertainty to one in a billion. But I don't think that that's the system of both Constitution and justice in the United States. So I -- I ask you to vote No.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Sandoval, for what purpose do you seek recognition?

SENATOR SANDOVAL:

Thank you, Mr. President, Members of the Illinois Senate. I rise in support of this bill this morning. I'd like to commend the sponsor of the bill, Senator Murphy, and the House sponsor, Senator -- Representative Mendoza, for a valiant and courageous effort in purporting this piece of legislation. I, like Senator Jacobs -- I, like Senator Jacobs, like my friend from Hyde Park, Senator Raoul, I'm not a constitutional lawyer. I'm not an academic. I'm a -- I'm a simple guy from the southwest side of Chicago who kind of looks at -- who kind of looks at life from a very simple perspective. I kind of look at life sometimes, unfortunately -- unfortunately, in America, have to look at life from a very minority perspective. Since I was elected a State Senator, there isn't a month that goes by that I get a -- a family visiting my office in Cicero, crying - crying because their child, their husband, their boyfriend has been incarcerated and has been incarcerated always -- many times, maybe for wrongful identity, because of racial profiling by rogue police officers, by rogue law enforcement officials. You know, it aches me, as I sit in my office and meet with crying moms and parents and siblings, to see the pain that they are going through, to know that their loved ones have been incarcerated wrongfully - wrongfully because they -- their

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rights have abridged, wrongfully because they don't have the resources to finance an attorney, wrongfully because they just simply don't have protection in this great State -- in this great State of Illinois nor in this great country we call America. Today, this -- DNA legislation is part of life in almost twenty states in America, and in fact, even the United States government, under our former colleague's leadership, President Barack Obama, who is a constitutional lawyer. And I know better, that if President Obama -- that if President Obama thought or felt that DNA testing and sampling was the wrong, unethical thing to do, he would not allow the United States government to collect DNA samples. I know that. You know that. And I believe in President Obama and his policies as it relates to trying to protect -- trying to protect America. Five years ago -- five years ago, the Illinois House passed this legislation. Just recently, once again, this legislation has passed over in the House of Representatives. There's no doubt in anyone's mind -- there is no doubt in anyone's mind that this bill saves lives and prevents crimes. And it's very simple, as stated not too long ago in the Chicago Tribune, the more powerful arguments -- the more powerful arguments and points of this piece of legislation is that the innocent have nothing to fear. That's right, the innocent have nothing to fear. The only people who stand to lose are the guilty ones. I rise in support of this piece of legislation. And I ask all Members, women, minorities, white ethnics to support this bill. Thank you.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Raoul, for what purpose do you seek recognition?

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SENATOR RAOUL:

My name was used during the debate and I just have a few brief points. I -- I -- I spoke to one of the...

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator, I know your name was used in debate and that's in order, but you've already spoke at great length. But I'll -- please make it brief, sir.

SENATOR RAOUL:

Yeah, and I -- I appreciate the Chair's -- Mr. President. I spoke to a proponent who spoke earlier about this and I asked that proponent, if this law were to -- to take DNA samples at the -- at the Secretary of State's Office when you got your driver's license, would they like to submit to it. And that person, who spoke in favor of this bill, said no. This -- the -- don't fall for the hokie doke. A lot has been talked about exonerating the innocent. Well, guess what? If somebody's innocent and they want to have their DNA used to exonerate them, they can voluntarily submit to -- their DNA. They have the choice. So don't fall for that. The threshold for arrest - a speaker spoke earlier said it's probable cause. That is an inaccuracy. The threshold is reasonable suspicion. You go to a probable cause hearing afterwards before a judge. So a lot of inaccuracies, might I say lies, have been told in support of this bill. Why do you have to lie? And I'd just like to quickly close, in case anybody hasn't taken the time to do so, by reading Article I, Section 6 of our Illinois Constitution. "The people shall have the right to be secure in their persons, houses, papers and other possessions against unreasonable search, seizures, invasions of privacy or" - for my friends in

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the gallery - "interceptions of communications by eavesdropping devices or other means." That's for future bills that we will be -- be hearing. "No warrant shall issue without probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized." There's more language in that than in our United States Constitution. That's because, in the State of Illinois, we have chosen to have a heightened protection against unreasonable search and seizure.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy, his name was used in debate and that's why I let him speak again. You will have your chance to close, Senator. Senator Hendon, for what purpose do you seek recognition?

SENATOR HENDON:

Thank you, Mr. President. I apologize for rising a second time. I have one question for the sponsor. What...

PRESIDING OFFICER: (SENATOR MUÑOZ)

Your name wasn't used in a debate, Senator. Senator Hendon. Senator Hendon.

SENATOR HENDON:

I figured I'd play that card and you might give me some play today. I'll do it for you.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hendon, just be -- please be brief on your remarks.

SENATOR HENDON:

...Murphy, is immigration violation a felony?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hendon.

SENATOR HENDON:

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...immigration violation a felony, which would mean that Senator Mendoza and -- I mean, Representative Mendoza and Senator Sandoval's constituents, if they were in this country illegally, would -- and get caught by police, would they have to give up their DNA? So, is immigration violation a felony?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

That's prescribed under federal law, which, again, as we've said a number of times, currently President Obama's Justice Department is using the exact same law enforcement tools as in here. There's no State immigration violation felony that this would address.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hendon, no more questions. You want to say a quick close and that's it.

SENATOR HENDON:

...didn't answer my question. And I'm just sick and tired of people who -- who -- who -- who -- who hate Barack Obama, who always on TV against Barack Obama, acting like as if they had a text message from him while driving this morning on the way to the Capitol telling him about this bill. This is outrageous. You didn't -- wasn't with Obama. Quit quoting his name. Immigration violation's a felony, so, yes, Susana Mendoza's constituents and Senator Sandoval's constituents, or who I fight for all the time, would be arrested and sent back and their DNA swabbed under this bill.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy, to close.

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SENATOR MURPHY:

Glad -- glad to be here, Mr. President. It -- this is obviously an extremely emotional issue. Led a friend of mine to insinuate I lied twice on the Floor today. It led another one of our colleagues to somewhat harshly attack the Representative sponsoring the bill. And I understand that and I don't want to ratchet up the rhetoric. This is a significant issue. That's why this Senate takes it seriously. This does warrant serious debate. That's why we've done so. There are legitimate concerns to be raised, and they have been. But, there's more to this story and it's been touched on a little bit. There's a reason why I feel these potential downfalls are more than outweighed by the benefits of this legislation. And I think they're best illustrated in a couple of stories. And I'm going to tell you two. And I'm going to take my time. Andre Crawford - charged with eleven murders and one attempted murder/aggravated criminal sexual assault. On March 6th, 1993, Andre Crawford was arrested for the first time for felony theft, not a violent crime. There was no DNA sample gathered on that March 6th, 1993 arrest. On September 21st, 1993, thirty-seven-year-old woman was found murdered. Her body discovered in a vacant factory lot. She had blunt trauma to her head. DNA evidence was recovered from the body. Thereafter, ten more women were raped and murdered by Andre Crawford because we didn't have the sample from the March 6th, '93 arrest to match to the September 21, '93 murder. If we had the law -- House Bill 935 in law then and we took a DNA sample from Andre Crawford on March 6th, 1993, when he was arrested for a nonviolent felony theft, we would have caught him and convicted

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him on the September 21, '93 murder of the thirty-seven-year-old woman who was found. But since we didn't have that bill, ten more women were killed. December 21st, 1994, twenty-four-year-old woman found murdered, 800 block of West 50th Place. April 3rd, 1995, thirty-six-year-old woman found murdered, 5000 block of South Carpenter. May 3rd, we got him again. Andre Crawford's arrested again for attempted criminal sexual abuse. Didn't get -- didn't get DNA on the arrest so we have more women die, because we didn't have this law in place. July 23rd, 1997, a twenty-seven-year-old woman found murdered. Her body discovered in a closet of an abandoned house on the 900 block of West 51st Street. DNA evidence was discovered at the scene. December 27th, 1997, a forty-two-year-old woman was raped. As she walked, an offender approached her from behind, placed a knife to her head, dragged her into an abandoned building in the 5100 block of South Peoria, beat her and raped her. DNA evidence was found. January, 1998, we get another chance to get Mr. Crawford. He's arrested again, possession of a controlled substance, a nonviolent felony. We don't get DNA, so more women die. June 1998, a thirty-year-old woman -- thirty-one-year-old woman found murdered, 500 {sic} (5000) block of South May Street. August 13, 1998, a forty-four-year-old woman found murdered, 900 block of West 52nd Street, clothes found in the alley, DNA evidence on the body. August 13, '98, forty-four-year-old woman found murdered, 900 block, West 52nd Street. August 13, a thirty-two-year-old woman found murdered, 5200 block of South Marshfield. DNA evidence found at the scene. December 8, 1998, a thirty-five-year-old woman found murdered, 1200 block of West 52nd Street. DNA -- DNA evidence found at

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the scene. February 2nd, 1999, a thirty-five-year-old woman murdered, 1300 block of West 51st Street. DNA evidence recovered from the scene. June 20th, 1999, a forty-one-year-old woman found murdered. DNA discovered. We get another chance at Mr. Crawford in November 1999, possession of a controlled substance, nonviolent felony. We don't get DNA. We don't get Andre Crawford. One more woman has to die. January 2000, Andre Crawford's charged with eleven murders and one aggravated criminal sexual assault. None -- ten of 'em are alive today if Andre Crawford has to submit to a DNA sample with his first arrest in 1993. Ten murders and one rape don't happen if this law is on the books. We've got another example. We've got another example. I'll get to your backlog. We got another example. Chester Turner, out of California, same situation. California, by the way, has the law now. One of the twenty states that does, because of this example of Chester Turner. Same situation - had the chance to get the DNA, didn't get it. Twelve women died. Three of 'em - three of 'em -- David Jones was convicted and sent to prison for eleven years for the murder of three of the women murdered by Chester Turner. They used DNA evidence to exonerate Mr. David Jones. Do you think David Jones would like to see this law here in Illinois? Do you think he appreciates the opportunity to have had DNA evidence used to exonerate him and get him off of -- get him out of his life convictions and get back on with his life? You're damn right he does.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy, please bring it to close. I've given you a lot of time.

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SENATOR MURPHY:

We have -- that's three. We have -- again, I made reference to the Chicago Police Department's study. Chicago Police Department and the State Police both support this bill. Chicago Police studied eight offenders and found that if this bill were in effect, sixty violent crimes would have been prevented. I made reference on the constitutional concern. The Virginia Supreme Court found this exact law to be constitutional. Again, the highest court in the land, the United -- States Supreme Court, didn't overturn that. We've got some fine constitutional scholars here, but the United States Supreme Court is the supreme law of the land. Also, one of the preeminent law minds in the country, Wayne LaFave. He wrote my law school books, he wrote Senator Raoul's law school books, he wrote Senator Righter's law school books, he wrote everybody in here's law school books. Wayne LaFave. "Similarly, the taking of a DNA sample by minimally intrusive means", which courts have called this, "'is justified by the legitimate interest of the government in knowing for an absolute certainty the identity of the person arrested, in knowing whether he is wanted anywhere else {sic} (elsewhere), and in ensuring his identification in the event he flees prosecution.'" That's Wayne LaFave's treatise on search and seizure law.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy, I've been more than fair, sir. You got thirty seconds, then I'm going to cut the mike off. Well...

SENATOR MURPHY:

Thirty seconds. Well, I'm just...

PRESIDING OFFICER: (SENATOR MUÑOZ)

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...I'm just letting you know. I've been fair. Go ahead.
I'm letting you close. Go ahead.

SENATOR MURPHY:

...bill. There was a question raised - why not just get this at birth? Why not just get everybody's DNA at birth? Well, there's a reason. Only eight percent of us actually get arrested for a felony, but those eight percent commit seventy percent of the felonies. This is an effort -- this is a recognition of the fact that you're balancing competing interests here, people's liberty interest and the prevention of crimes, the law enforcement side. So that's why it's more narrowly tailored, instead of subjecting everybody to this. Potential for misuse of data was an issue that was raised. Again, it's a Class 3 felony to misuse it. The cost and the feasibility of this has been raised. First of all, this bill is subject to appropriation. Second of all, the State Police supports it. The State Police is going to have to implement it. It isn't a given that this goes to 2013. If there's a capital bill with an expansion of the crime lab and the forensics lab, this can be done more quickly, at a time when there's the feasibility to do so. So it's not a given that's going to be till 2013. But if we're not ready in 2013, it's still subject to appropriation. The point is, are we prepared to take -- to join twenty other states and make a statement that we want to begin to use cutting-edge technology to save lives, that we want to begin to use cutting-edge technology to -- to close cold cases and give comfort and closure to survivors? And, do we want -- do we want to pass legislation right now that tells the David Jones' out there and the two hundred people around the

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country who have been exonerated by DNA evidence that we understand the importance of it and we -- we understand their plight? Ladies and Gentlemen, I understand this is a contentious bill. It's the right thing to do. It's the appropriate balance of the law enforcement component against the civil liberties component. And I urge an Aye vote.

PRESIDING OFFICER: (SENATOR MUÑOZ)

The question is, shall House Bill 935 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 28 voting Aye, 25 voting Nay, 3 voting Present. Failing to receive the required constitutional majority, is declared failed. Senator Murphy.

SENATOR MURPHY:

Thank you, Mr. President. I ask that House Bill 935 be put on Postponed Consideration.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy requests House Bill 935 be placed on Postponed Consideration. Senator Haine, for what purpose do you seek recognition?

SENATOR HAINE:

Mr. President and Ladies and Gentlemen of the Senate, we have here -- I have here three guests from my district. They are -- they are very involved in the delivery of health care through Saint Anthony's Hospital, a disproportionate provider to the poor and the uninsured: Mother Regina Pacis, who's the Mother Superior of the Sisters of St. Francis of the Martyr St. George; Sister Mikela, who's Chairman of the Board of Saint

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Anthony's Hospital; and Mrs. Diane Schuette, who's an executive with the hospital. I would ask the Senate -- and they're here with Representative Dan Beiser, my colleague from the City of Alton. I would ask the Senate give these -- these women a strong welcome and a thank you for what they do for the poor of our community.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Sisters, welcome to the Senate. Please give 'em a warm welcome. Senator Millner, for what purpose do you seek recognition?

SENATOR MILLNER:

Thank you, Mr. President and Members of the Chamber. I would like to welcome St. Patrick's Catholic School eighth grade graduating class in St. Charles, Illinois. And the administrators here today are Mrs. Mary Carol Mignin and Mrs. Jennifer Leibforth. And also a special recognition to Stephanie Zito and our Member -- Senator Greg Zito and their daughter, Dylan Maria Zito. And Senator Zito's up there on the Democratic side of the balcony.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Our guests in the gallery please rise. Welcome, Senator Zito and your family. Senator Hunter, for what purpose do you seek recognition?

SENATOR HUNTER:

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

PRESIDING OFFICER: (SENATOR MUÑOZ)

State your point.

SENATOR HUNTER:

Today one of our newest Members is celebrating her thirty-

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something birthday today. And I'd like for us to -- to recognize Senator Toi Hutchinson, my sorority sister, as well.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Happy... Senator -- happy birthday, Senator. House Bill 944. Senator Harmon. Senator Righter, on House Bill 944. Do you wish to proceed? Indicates he wishes to proceed. Madam Secretary -- Senator Righter seeks leave of the Body to return House Bill 944 to the Order of 2nd Reading. Leave is granted. On the Order of 2nd Reading is House Bill 944. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor -- Floor Amendment 1, offered by Senator Righter.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Floor Amendment No. 1 to House Bill 944 simply inserts language to make sure that it is clear that the legislation will apply to Fiscal Year 2009 and thereafter.

PRESIDING OFFICER: (SENATOR MUÑOZ)

There any discussion? Seeing none, all those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any other Floor amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MUÑOZ)

3rd Reading. We're going back to the Order of 3rd Reading. Senator Righter, on 944. Madam Secretary, read the bill.

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SECRETARY ROCK:

House Bill 944.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President, Ladies and Gentlemen of the Chamber. House Bill 944 simply makes it clear that the Illinois State Board of Education will not certify any of our school districts as being in financial difficulty if the reason that they are in financial difficulty is solely because the State is late on either general State aid payments or payments with regards to mandated categoricals. I'll be happy to answer any questions the Body might have, Mr. President. And would urge an Aye vote, please.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Is there any discussion? Seeing none, the question is, shall House Bill 944 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, 0 voting Nay, and 0 voting Present. House Bill 944, having received the required constitutional majority, is declared passed. Senator Koehler, for what purpose do you seek recognition?

SENATOR KOEHLER:

Thank you, Mr. President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR MUÑOZ)

State your point.

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SENATOR KOEHLER:

Yes, I have with me today, from East Peoria High School, three honorary Pages. They're Marissa Reber, Kari Hoffman and Jessica Ennis. And I'd like to ask the Senate to give them a warm welcome.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Our guests please rise. Welcome to the Senate. Senator Maloney, for what purpose do you seek recognition?

SENATOR MALONEY:

For the purpose of an announcement, Mr. President.

PRESIDING OFFICER: (SENATOR MUÑOZ)

State your announcement.

SENATOR MALONEY:

Thank you. I would just like to remind all Members that Christine Belle, from the Comptroller's Office, is available in the President's conference room right now, behind the Senate Chambers, to assist Members with any health or life insurance benefit changes. She's available in the conference room right behind the Chambers. Thank you.

PRESIDING OFFICER: (SENATOR MUÑOZ)

House Bill 976. Senator Althoff. Indicates she wishes to proceed. Madam Secretary, please read the bill.

SECRETARY ROCK:

House Bill 976.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Althoff.

SENATOR ALTHOFF:

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Thank you, Mr. President, Members of the Chamber. House Bill 976 ends the pilot project that created postsurgical recovery care centers in the mid 1990s, as well as now capping the number of existing centers -- of the surgery centers. And it also provides that a postsurgical recovery care center meeting specified requirements, as laid out in this legislation, may apply within three years after the effective date of these provisions to operate as a hospital. Be happy to take any questions.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Is there any discussion? Seeing none, the question is, shall House Bill 976 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, 1 voting Nay, 0 voting Present. House Bill 976, having received the required constitutional majority, is declared passed. House Bill 1033. Senator Clayborne. Senator Clayborne. Out of the record. House Bill 1057. Senator Hutchinson. Senator Hutchinson. Indicates she wishes to proceed. Madam Secretary, please read the bill.

SECRETARY ROCK:

House Bill 1057.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hutchinson.

SENATOR HUTCHINSON:

Thank you, Mr. President, Members of the Senate. House

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Bill 1057 expands -- or actually -- do we need to do the amendment, Mr. President? Do we need to do the amendment? We're done. Okay. House Bill 1057...

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hutchinson.

SENATOR HUTCHINSON:

I'm sorry, just one second. I'm sorry, please excuse that. House Bill 1057 expands the eavesdropping exemption for simultaneous audio and video recordings by identified officers, requiring the audio recording to be made together with an in-car video camera, in the presence of the police officer whenever the officer reasonably believes recordings may assist with prosecution and enhance safety. I'd be happy to take any questions.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Is there any discussion? Seeing none, the question is, shall House Bill 1057 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, 0 voting Nay, 0 voting Present. House Bill 1057, having received the required constitutional majority, is declared passed. Terry Martin seeks leave to videotape - Illinois Channel. Leave is granted. House Bill 1060. Senator Radogno. Indicates she wishes to proceed. Madam {sic} Secretary, read the bill.

ACTING SECRETARY KAISER:

House Bill 1060.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. House Bill 1060 expands the Lobbyist Registration Act to include people who lobby members of a State board or commission that's been created by the Illinois Constitution, the State Senate, or the -- by an executive order of the Governor. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Is there any discussion? Seeing none, the question is, shall House Bill 1060 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Aye, 0 voting Nay, and 0 voting Present. On that -- stand corrected. House Bill 1060, having received the required constitutional majority, is declared passed. House Bill 1087. Senator Sullivan. Indicates he wishes to proceed. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

House Bill 1087.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President. 1087 reestablishes the Illinois Forestry Development Council, which had a sunset date of December 31 of '08. The -- the Act also makes several other changes with regard to the Act. It reestablishes the Forestry

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Development Council and increases the diversity of the Council, changes the forestry management plan, and makes changes regarding cost share amounts.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Is there any discussion? Seeing none, the question is, shall House Bill 1087 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Aye, 0 voting Nay, 0 voting Present. House Bill 1087, having received the required constitutional majority, is declared passed. House Bill 1098. Senator Raoul. Indicates he wishes to proceed. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

House Bill 1098.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Raoul.

SENATOR RAOUL:

Thank you, Mr. President. House Bill 1098 prohibits the premium charged to a TRS retiree of at -- at least sixty-five years of age, who is not Medicaid primary and who has been a -- a legal resident of Illinois since at least July 1, 2008, from exceeding ninety percent of the premium charged in Fiscal Year '09, when the PPO is -- when the PPO is selected.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Is there any discussion? Seeing none, the question is, shall House Bill 1098 pass. All those in favor will vote Aye.

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Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, 1 voting Nay, 0 voting Present. House Bill 1098, having received the required constitutional majority, is declared passed. Senator Syverson, what purpose do you seek recognition?

SENATOR SYVERSON:

Thank you, Mr. President. Would like to announce that the Senate Republicans will not caucus at this point upon adjournment. So we'll just proceed with whatever your schedule is of going to committees. So no caucus at this point.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Okay, Senator. The -- Senator Syverson stated no Republican Caucus at this time. Senator Koehler, for what purpose do you seek recognition?

SENATOR KOEHLER:

Thank you, Mr. President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR MUÑOZ)

State your point.

SENATOR KOEHLER:

I have with me today Cheryl Austin, who is a recent graduate, just a few days ago, from Bradley University with a degree in social work. She worked for me in my office as an intern, did an excellent job. She's now on her way to Case Western Reserve in Cleveland, Ohio, to complete her graduate work in social work. She's going to be interning with Congressman Dennis Kucinich. And I'd like to have the Senate give a very warm welcome to Cheryl Austin.

PRESIDING OFFICER: (SENATOR MUÑOZ)

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Will our guest please rise? Congratulations. And welcome to the Senate. House Bill 1105. Senator Murphy. Indicates he wishes to proceed. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

House Bill 1105.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

House Bill -- or, House Bill 1105 raises the penalty for unreasonably disturbing or alarming another to provoke a breach of the peace, particularly at a school, to a Class 4 felony. Be willing to answer any questions. And appreciate a sympathy vote.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Is there any discussion? Seeing none, Senator Murphy, to close. Chair stands corrected. Senator Hendon, for what purpose do you seek recognition?

SENATOR HENDON:

Thank you, Mr. President. Just a couple of brief questions for my friend. If a -- one child at a school - and we have some young people here in the audience - if one child at a school says to another child, "I'm going to beat you up", and that's all they do - they never hit the child -- the other student; they just say, "I'm going to beat you up" - can they be charged with a felony under this law if it passes?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

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SENATOR MURPHY:

It -- it would have to be significant threat and obviously there's going to have to be some -- some latitude there. But I don't think a schoolyard fight is really what this is geared at. It's geared at people calling in threats to a school that there's going to be a bomb threat there, and trying to put some real teeth in so that we don't have these sort of scare tactic school shutdowns. That's really what this is targeted towards, less so trying to get us involved in policing recess fights.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hendon.

SENATOR HENDON:

Well, Senator Murphy, you know I love you, but I got to read what your bill says. And I'll ask you the question again after I read what it says. And I'm so glad that there's some high school and grammar school children here so they will know what these grown folks are doing to them. Your bill says on page 4, line 4, a violation of subsection (a) dash -- slash -- (1) involving a threat of destruction or {sic} (of) a school building or school property, or -- or a threat of violence, death, or bodily harm directed toward persons at a school - that could be a student - or school function - that could be a basketball game - or school event - it could be a school dance and one girl says to another girl, "I'm going to beat you up." Could they be charged with a felony? I mean, this is serious. Could they be charged with a felony, Senator Murphy, having heard what I just read from your bill?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

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SENATOR MURPHY:

They probably could be, but, again, I don't think that's what the State's Attorney and everybody else is going around doing, is using this for felonies. I'd be happy to have, you know, a trailer bill to tighten this language up even further. But being that we're at the end of the -- end of the Session, I'd like to get this passed. It passed the House 107 to nothing. I don't think tightening it up is -- is an unreasonable request. The target here are threats called into schools. That's really the concept predominately. To the extent that it's a little broad now - I understand where you're coming from - whether it be through legislative intent that this is not the intention, with the understanding there be a trailer bill on it, I'm -- I am amenable to that. But I would like to pass this bill today.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hendon.

SENATOR HENDON:

Senator Murphy, I -- I want to support you. So I just need to know, since we do have two weeks, why can't you just take this out of record and amend it to make sure that we're not giving young kids - fourteen- and fifteen-year-olds, like are in our audience today - a felony, which will follow them for life for a threat to another child. I mean, when I was in school, I told a whole bunch of people that I was going to beat 'em up that I never beat up. And a whole bunch of 'em told me they were going to beat me up that never beat me up. And I would've hate to got -- have gotten a felony because of that. So why can't you take this out of the record, fix it where we know it's

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for about legitimate threats - like you say, blowing up a school building or something like that? That's fine. But the way it's written right now -- and you said, "probably could". So, "probably" means that if you have a overaggressive State's attorney or somebody maybe running for higher office that they could prosecute that child. Am I right?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

That -- no, that -- I mean, that is -- that is a distinct possibility under this bill. I don't think that'd happen. There -- I -- I wouldn't have any problem doing what you propose, Senator. The only thing is, the deadline for me to amend this bill has passed. And I don't have that opportunity anymore, which is why I propose to try and get to it through legislative intent, and if -- if -- if needed for the comfort level, a -- a trailer bill, whether it be in the fall or next spring.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hendon, to the bill.

SENATOR HENDON:

To the bill, Mr. President. I would love to support Senator Murphy. He is a -- a fine person. I understand what you're trying to get at, but as written, this would - would - not could, not may, not shall - this would subject children who make a threat that they really even didn't mean -- two young ladies get mad at each other over some boy. You remember when you were in high school, Matt, big as you are; I know you had a few girlfriends. And every now and then you say something that

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you really didn't mean, you weren't going to follow up with the threat, but under your bill, you could charge a young person with a felony. I think that's dangerous. I wish you would take it out of the record. And maybe we could do it in Veto Session. If it stays like it is, I'll -- I'll have to vote No. But I will most certainly support you if you're willing to change it so that we won't put our children in jeopardy.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Murphy.

SENATOR MURPHY:

I appreciate that, Senator. And I -- I -- I guess -- they have the ability to charge people, under the scenario you're talking about now, with a misdemeanor and State's attorneys aren't doing that. I'm not aware of there being any problems with State's attorneys abusing the power they have now to charge with a misdemeanor. I think it's even less likely that they would use the expanded power of a felony, because it's going to be that much harder to convince a jury that a -- a schoolyard fight at recess warrants a felony conviction even more so than a -- than a misdemeanor conviction. I understand the concern. I don't -- I don't think it's unreasonable to tighten up the bill. I think we could do it for the time being with legislative intent and the commitment to come back and maybe narrow it next year. But in terms of the concern you raise, if there were a problem with that, we'd have been seeing it with misdemeanors rather than -- and -- and I don't see that getting any worse with felonies.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Raoul, for what purpose do you seek recognition?

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SENATOR RAOUL:

To -- to the bill. First of all, I -- I -- I -- I'd like to apologize on the record if there was any thought that I was indicating that the sponsor was lying on a previous bill. I think what I was trying to indicate, that there were some misrepresentations - not coming from this sponsor, but misrepresentations with regards to that previous bill. So I'd like to -- everybody to recognize that I -- I meant nothing negative towards this sponsor. With regards to this bill, as you may recall, this was a bill that I was sponsoring and -- and that I ran last week. And I did so because I had conversations over a soda pop or two with the House Sponsor, Representative Reboletti, who was concerned about people phoning in threats through 9-1-1 to -- with regards to a school. And I think that is an appropriate thing to have a remedy for. I think there is a mistake in this bill, and that's part of the reason I am no longer a sponsor of it, that goes beyond -- and -- and I had a conversation with Representative Reboletti after I pulled this bill out of the record and he told me, "well, no, the threat to a person for bodily harm has to occur through a transmission through 9-1-1." But that's not how the bill actually reads. And that is what the Representative's intent is with regards to this bill. What it reads is that the threat to bodily harm in violation of (a)(1) - and Senator Hendon read part of the -- the bill and I think it's important that we start reading in this Chamber - it says, "Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace". This is dangerous. I -- I -- I think we should not proceed on this. It does not do what the House sponsor intends

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to do with it. I'd be glad to appeal to the Senate President's Office for an extension to get an amendment put on here to do what the House sponsor wants to do with this. But I don't think we should hastily pass a bill that does not do what the House sponsor wants to do with it.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Haine, for what purpose do you seek recognition?

SENATOR HAINE:

To -- to the bill...

PRESIDING OFFICER: (SENATOR MUÑOZ)

Wait, excuse me, Senator. Senator Murphy.

SENATOR MURPHY:

I would -- I'd like to take the Senator up on the offer to see if we can get the deadline extended. I think it's a reasonable request and it gives us a better opportunity to have a tighter bill. So, at this point, I'd pull it out of the record.

PRESIDING OFFICER: (SENATOR MUÑOZ)

House Bill 1105 will be taken out of the record. House Bill 1110. Senator Jacobs. Out of the record. House Bill 1142. Senator Clayborne. Out of the record. House Bill 1148. Senator Dillard. Indicates he wishes to proceed. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

House Bill 1148.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Dillard.

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SENATOR DILLARD:

Thank you, Mr. President. This is a repeat bill. We did a Senate bill earlier like this. We've done this before. It extends the deadline date of when somebody can purchase a couple of years' credit for having taught in a private school. There is no cost to the State on this. The way it's done is the teacher bears the -- the -- the cost of this. It's very expensive to do it. Not many people would ever take advantage of this, but if they do, they got a pay for it themselves. And I'd be happy to answer any questions and would urge another Aye vote. We've passed this thing out of here multiple times.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Is there any discussion? Seeing none, Senator Dillard, to close. The question is, shall House Bill 1148 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, 0 voting Nay, and 0 voting Present. House Bill 1148, having received the required constitutional majority, is declared passed. With leave of the Body, we'll be going back to House Bill 1142. Senator Clayborne. Indicates he wishes to proceed. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

House Bill 1142.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Clayborne.

SENATOR CLAYBORNE:

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Thank you, Mr. President. House Bill 1142 provides that the Department of Public Health may suspend, revoke or refuse to grant approval to a manufacturer who failed to comply with applicable laws pertaining to modular homes. This is designed to deal with an issue that -- in Representative Tryon's district where the modular home company is not complying with the warranty.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Is there any discussion? Seeing none, Senator Clayborne, to close.

SENATOR CLAYBORNE:

I ask -- I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR MUÑOZ)

The question is, shall House Bill 1142 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, 0 voting Nay, and 0 voting Present. House Bill 1142, having received the required constitutional majority, is declared passed. House Bill 1181. Senator Forby. Indicates he wishes to proceed. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

House Bill 1181.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Forby.

SENATOR FORBY:

Thank you, Mr. President. 1181 came out of the House with

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no opposition. It is an initiative of the Secretary of State to update the Illinois Vehicle Code regarding mopeds. The bill changes the office term used in a -- Vehicle Code from "motorized pedalcycle", which is a current -- is not a word, and "moped", which is. The State -- that a moped is a vehicle that can reach at least twenty mile an hour in a minute {sic}, but does not go faster than thirty miles an hour, has to have two brakes. There's no opposition to this. I just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Is there any discussion? Seeing none, Senator Forby, to close. The question is, shall House Bill 1181 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Aye, 0 voting Nay, and 0 voting Present. House Bill 1181, having received the required constitutional majority, is declared passed. Senator Maloney, for what purpose do you seek recognition?

SENATOR MALONEY:

Thank you, Mr. President. Apparently, you didn't see my light prior to that bill. I just wanted to ask Senator Forby, on the motorized pedalcycles, does he advocate helmets with the motorcycle?

PRESIDING OFFICER: (SENATOR MUÑOZ)

House Bill 1195. Out of the record. House Bill 1200. Senator Schoenberg. Indicates he wishes to proceed. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

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House Bill 1200.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Schoenberg.

SENATOR SCHOENBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1200 regulates the use of certificates of participation, which are debt-financing mechanisms for public colleges and universities. This will allow them to go to market to address some of their capital needs. This has been endorsed by the Procurement Policy Board, which has thoroughly reviewed it. It's endorsed by the State colleges and universities, many of whom are queued up, waiting with projects, for us to send this bill to the Governor's desk. I'd be happy to answer any questions. Know of no opposition.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Is there any discussion? Seeing none, Senator Schoenberg, to close.

SENATOR SCHOENBERG:

What'd you call me? Schoenberg?

PRESIDING OFFICER: (SENATOR MUÑOZ)

Schoenberg.

SENATOR SCHOENBERG:

Okay. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR MUÑOZ)

The question is, shall House Bill 1200 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted

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who wish? Take the record. On that question, there are 59 voting Aye, 0 voting Nay, and 0 voting Present. House Bill 1200, having received the required constitutional majority, is declared passed. Senator Sullivan, for what purpose do you seek recognition?

SENATOR SULLIVAN:

Thank you, Mr. President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR MUÑOZ)

State your point.

SENATOR SULLIVAN:

Ladies and Gentlemen of the Senate, I have a very -- honored to have with -- with me here today a young lady who was recently crowned Miss Macomb. Her name is Erin O'Connor. And Erin was crowned Miss Macomb in March. She is a Western Illinois University student. She'll be a senior, majoring in theatre and dance. She is -- her hometown is Evergreen Park. I'm not sure whose district that is. Maloney. Senator Maloney, you'll have to come over and meet one of your constituents. Her -- her performance is -- that -- that she performed during her pageant was a ballet. And her platform is skin cancer prevention. She will be competing for Miss Illinois, June 17th at St. Charles, Illinois. And she's escorted today by Bob and Nancy Foote. They're up in the gallery above us here. They are longtime organizers, supporters of -- of the Miss Macomb pageant. And I'd like the Senate to welcome my guests here today.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Congratulations and welcome to the Senate. Senator Hunter, for what purpose do you seek recognition?

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SENATOR HUNTER:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR MUÑOZ)

State your point.

SENATOR HUNTER:

In the balcony, above the Republicans, we have a fraternity and sorority, -- Phi Beta Sigma Fraternity, who is Representative Ken Dunkin's frat brothers, and Zeta Phi Beta Sorority. They are here for their second annual Phi Beta/Zeta Phi Beta Day. And I'd like to welcome them to the Senate.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Will the Senate welcome our guests in the gallery? On top of page 57. House Bill 1293. Senator Haine. Indicates he wishes to proceed. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

House Bill 1293.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Haine, on House Bill 1293.

SENATOR HAINE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a bill that establishes some additional licensure procedures for a student pharmacist. We have a number of pharmacy schools now. We have a new one at SIU-E. And this allows them to go out into the work -- work place as a student pharmacist and begin to -- to perfect this ancient craft which they are learning.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Is there any discussion? Seeing none, Senator Haine, to

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close.

SENATOR HAINE:

I just ask for an Aye vote. It's a good bill. Thank you.

PRESIDING OFFICER: (SENATOR MUÑOZ)

The question is, shall House Bill 1293 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Aye, 0 voting Nay, and 0 voting Present. House Bill 1293, having received the required constitutional majority, is declared passed. House Bill 1306. Senator Harmon. Out of the record. House Bill 1332. Senator Althoff. Senator Althoff. Out of the record. House Bill 1335. Senator Althoff. Out of the record. House Bill 1345. Senator Harmon. Out of the record. House Bill 1348. Senator Hultgren. Indicates he wishes to proceed. Mr. Secretary, read the bill.

ACTING SECRETARY KAISER:

House Bill 1348.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Hultgren.

SENATOR HULTGREN:

Thank you, Mr. President, Members of the Senate. This is a bill that we already have on our statutes addressing child pornography, allowing exception for eavesdropping for investigations by law enforcement. And what this does is clarify. We already -- it's a -- a confusing portion of our statute. But what this does is clarifies that it adds

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aggravated child pornography, indecent solicitation, some other things to enable law enforcement to be able to protect our children. No opposition to this. It passed out of committee with all positive votes. Would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Raoul, for what purpose do you seek recognition?

SENATOR RAOUL:

I simply rise in support of this bill. It passed the Criminal Law Committee unanimously. This is a reasonable use of eavesdropping, as opposed to other things that we may see this General Assembly. I urge a Aye vote.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Seeing no further discussion, Senator Hultgren, to close.

SENATOR HULTGREN:

I -- I thank the Senators -- the Senator for his comments. Would just ask for an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR MUÑOZ)

The question is, shall House Bill 1348 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 voting Aye, 0 voting Nay, and 0 voting Present. House Bill 1348, having received the required constitutional majority, is declared passed. Senator Millner, for what purpose do you seek recognition?

SENATOR MILLNER:

Thank you, Mr. Chairman. A point of personal privilege.

PRESIDING OFFICER: (SENATOR MUÑOZ)

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State your point.

SENATOR MILLNER:

Mr. Chairman and Members of the -- Mr. President and Members of the -- the Senate, I'd like to introduce Representative Steve Olson from the great State of Iowa.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Representative, welcome to Springfield. Senate, give him a nice round of applause. The Senate will stand at ease for a few minutes to allow the Committee on Assignments to meet. The members of the Committee on Assignments will come to the President's Anteroom immediately. The Senate will stand at ease.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR MUÑOZ)

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

SECRETARY ROCK:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to the Executive Committee - House Bill 7, Floor Amendment 1 to House Bill 312, Floor Amendment 1 to House Bill 255, and Floor Amendment 1 to House Bill -- 2400.

Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Crotty, for what purpose do you seek recognition?

SENATOR CROTTY:

Thank you, Mr. President and Ladies and Gentlemen of the

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Senate. I move to waive all posting requirements so that House Bill 7 can be heard in the Senate Committee on Executive today - the Senate Executive Committee at 1:15.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Crotty moves to waive all posting requirements so that House Bill 7 can be heard in Senate Committee on Executive today. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the motion is adopted. The Senate will stand at ease for a couple minutes. Senate will come to order. The Education Committee will be meeting in Room 212, not Room 409. Committee will meet immediately upon recess and will meet for one hour. The Senate Executive Committee will convene at 1:15 in Room 212. Senator Jacobs, for what purpose do you seek recognition?

SENATOR JACOBS:

Point of personal -- point -- point of personal preference -- point of personal preference, Mr. President. I'd like to draw your attention to the gallery. We have -- former Senator {sic} (Representative) Pam Munizzi is -- is with us today. And I'd like people to give her a polite applause and recognize her contribution to the State of Illinois. Thank you, ma'am.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Welcome, Senator {sic} Pam Munizzi. The Senate will stand in recess to the call of the Chair. After committee meetings, the Senate will reconvene to receive committee reports and for further Floor action. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

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PRESIDING OFFICER: (SENATOR DeLEO)

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

SECRETARY ROCK:

Senator Meeks, Chairperson of the Committee on Education, reports Senate Amendments 2 and 3 to Senate Bill 750 recommended Do Adopt.

Senator Silverstein, Chairperson of the Committee on Executive, reports House Bill 7 Do Pass; and Senate Amendment 1 to House Bill 255, Senate Amendment 1 to House Bill 312 and Senate Amendment 1 to House Bill 2400 recommended Do Adopt.

PRESIDING OFFICER: (SENATOR DeLEO)

Madam Secretary, Resolutions, please.

SECRETARY ROCK:

Senate Resolution 294, offered by Senator Link and all Members.

Senate Resolution 295, offered by Senator Link and all Members.

They are both death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Madam Secretary, Consent Calendar.

SECRETARY ROCK:

And Senate Joint Resolution 68, offered by Senator Collins. It is substantive.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Madam Secretary, continuing on Messages, please.

SECRETARY ROCK:

A Message from the House by Mr. Mahoney, Clerk.

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Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 1544, together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment 1 and House Amendment 2.

We have received like Messages on Senate Bill 1698, with House Amendments 1 and 2; Senate Bill 1729, with House Amendment 1; Senate Bill 1801, with House Amendment 1; Senate Bill 1866, with House Amendment 1; Senate Bill 1877, with House Amendments 1 and 2. (Senate Bill 1922, with House Amendments 1 and 2) (Bill within parentheses submitted in writing, but inadvertently not read into the record.)

All passed the House, as amended, May 20th, 2009. Mark Mahoney, Clerk of the House.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, for purpose of an announcement. All Members within the sound of my voice, please come to the Senate Floor immediately. We're about to go to 3rd Readings, final action. All Members within the sound of my voice, please report to the Senate Floor immediately. We're about to go to 3rd Readings, final action. Okay, Ladies and Gentlemen, if I could have your attention, please. We turn your printed Calendars to page 62. Page 62 of your Calendar. In the middle of page 62 is Secretary Desk, Resolutions. Senate Resolution 75. Senator Bond, do you wish to proceed? Senator Bond, on Senate Resolution 75. Madam Secretary, take it out of the record. Senate Resolution 93. Senator Wilhelmi. Senator Wilhelmi. Do you wish to proceed

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with this, sir? Out of the record. Senator Luechtefeld, on Senate Resolution 127, sir. Senator Luechtefeld, on Senate Resolution 127. Out of the record. Senator Raoul, on Senate Resolution 166, sir. Senator Raoul, on Senate Resolution 166. Out of the record. Senator James Clayborne, on Senate Resolution 190. Senate Resolution 190. Do you wish to proceed, sir? Out of the record. Senator Hultgren. Senator Hultgren, on Senate Resolution 219, sir. Senator Hultgren in the Chamber? Do you wish to proceed? Senator Hultgren? Would you like to -- he indicates he wishes to proceed. Madam Secretary, read the gentleman's resolution, please.

SECRETARY ROCK:

Senate Resolution 219, offered by Senator Hultgren.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hultgren, to your resolution, sir.

SENATOR HULTGREN:

Thank you very much, Mr. President and Members of the Body. I am privileged to have the Midwest Shelter for Homeless Veterans in my district. We have supported this group in the past. This is a resolution encouraging that support to continue. They've got a real good relationship with the Department of Veterans' Affairs. But this resolution is recognizing the important work that's going on, making sure that our veterans have housing. There's a -- a -- an amazing number of former veterans that are homeless. And so we're trying to continue to deal with that problem. I'd ask for the support of the Body.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much. Is there any discussion on the

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gentleman's resolution? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall -- Senate Joint -- Senate Resolution 219 pass. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 57 Ayes, 0 voting Nay, 0 voting Present. Senate Resolution 219, having received the required constitutional majority, is declared adopted. Leave of the Body, Senator Bond, we will go back to Senate Resolution 75. Do you wish to proceed, sir? He indicates he wishes to proceed. Madam Secretary, read the gentleman's resolution.

SECRETARY ROCK:

Senate Resolution 75, offered by Senator Bond.

PRESIDING OFFICER: (SENATOR DeLEO)

...you. Senator Bomke, to the resolution, sir. Senator -- Senator Bond, I'm sorry, to the resolution, sir.

SENATOR BOND:

Thank you, Mr. President. This is a -- a request of the United States Congress, urging them to address the Government Pension Offset and the Windfall Elimination Provision.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion? Senator Dillard, for what reason -- what purpose do you rise, sir?

SENATOR DILLARD:

Will the sponsor yield for a question, please?

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir. Senator Dillard.

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SENATOR DILLARD:

Senator Bond, is this your initial legislation and press conference announcing that you may leave this Body and go to Washington?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Bond.

SENATOR BOND:

That does raise an interesting question. I, like you, believe we need the strongest voices in Congress that we can possibly get. But, in the meantime, I think a -- a resolution like this will send a -- the kind of a message we need.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Dillard, anything further?

SENATOR DILLARD:

No. I was just going to ask whether, you know, maybe he and Senator Garrett could have a debate on this.

PRESIDING OFFICER: (SENATOR DeLEO)

I don't think that's germane to the resolution, sir. Is there anything further? Senator Bond, to close, sir.

SENATOR BOND:

Just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Gentleman asks for -- gentleman asks for a affirmative roll call. Ladies and Gentlemen, the question is, shall Senate Resolution 75 pass. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 59 Ayes, 0 voting Nay, 0 voting Present. Senate

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Resolution 75, having received the required constitutional majority, is declared adopted. Continuing on Secretary's Desk, Resolution, on page 62 of your printed Calendar, is Senate Joint Resolution No. 4. Senator Bond, do you wish to proceed? He indicates he wishes to proceed. Madam Secretary, read the gentleman's resolution.

SECRETARY ROCK:

Senate Joint Resolution 4, offered by Senator Bond.

PRESIDING OFFICER: (SENATOR DeLEO)

...you, Madam Secretary. Senator Bond, to the resolution, sir.

SENATOR BOND:

Thank you, Mr. President. This basically extends the work of the Illinois nuclear energy task force by another year.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, is there any discussion? Is there any discussion? Seeing none, Senator Bond, to close, sir.

SENATOR BOND:

Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, the question is, should Senate Joint Resolution No. 4 pass. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 59 Ayes, 0 voting Nay, 0 voting Present. Senate Joint Resolution 4, having received the required constitutional majority, is declared adopted. Continuing on Secretary's Desk, Resolutions is Senate Joint Resolution 48. Senator Steans, do

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you wish to proceed with it, ma'am? She indicates she does not want to proceed with it. Out of the record. Senator Althoff, on Senate Joint Resolution 59, ma'am. Do you wish to proceed? The woman -- lady indicates she'd like to proceed with her resolution. Madam Secretary, read the resolution.

SECRETARY ROCK:

Senate Joint Resolution 59, offered by Senator Althoff.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Althoff, to the resolution, ma'am.

SENATOR ALTHOFF:

Thank you very much, Mr. President. This resolution simply declares June 27, 2009, to be With Wings and a Halo-R.E.A.C.H. a Child Day in the State of Illinois. Wings With {sic} a Halo is an organization that provides book bags and books to police officers, so when they make a call, they can put the children who are affected by that call in the backseat of the squad and keep them entertained and amused while they're dealing with the situation at hand.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall Senate Joint Resolution 59 pass. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 56 Ayes, 1 voting Nay, 0 voting Present. Senate Joint Resolution 59, having received the required constitutional majority, is declared adopted. Okay, Ladies and Gentlemen, if I could have your attention. If I could have your

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attention, please. We will -- where we left off yesterday on House Bills 3rd Reading, we will -- we'll start where we left off. We will go to page 57 of your printed Calendars. In the middle of page 57 is House Bills 3rd Reading, comes House Bill 1597. Senator Forby. Senator Forby requests out of the record, Madam Secretary. 2239. House Bill 2239. Senator Cullerton. Madam Secretary, out of the record. Senator Cullerton, on 2240. Madam Secretary, out of the record. Senator Haine, on 2246, sir. Indicates he wishes to proceed. Okay, Senator Haine wishes -- indicates he wishes to proceed. Madam Secretary, read the gentleman's bill.

SECRETARY ROCK:

House Bill 2246.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Haine, to the bill, sir.

SENATOR HAINE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is an initiative of Attorney General Lisa Madigan. It clarifies what was historically presumed to be the case, that the Attorney General had a right of action on behalf of Illinois residents in matters in which they were directly damaged. It's called an action pursuant to parens patriae, which is father of the country, which -- an historic penumbra of power surrounding the king and his attorney general. So, it's always been the case; however, one judge, who got up on the wrong side of the bed, I presume, that morning, decided to question it. And -- and this was a judge - not an Illinois judge, it was a

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California judge. And so what this does is merely codify what was always given to be the case. And there are amendments to the bill brought by the Civil Justice League to raise their comfort level with it. And as a result, it's a -- it's a bill with no opposition.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, is there any discussion? Is there any discussion? Seeing none, the question is, shall House Bill 2246 pass. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 54 Ayes, 1 voting Nay, 0 voting Present. House Bill 2246, having received the required constitutional majority, is declared passed. House Bill 2279. Senator Dillard, do you wish to proceed, sir? He indicates he does. Madam Secretary, read the gentleman's bill.

SECRETARY ROCK:

House Bill 2279.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Senator Dillard, to the bill, sir.

SENATOR DILLARD:

Thank you, Mr. President. This is a minor piece of legislation that comes from a health care facility in my district. Currently under Illinois law, there -- there is allowed one authorized community-based residential rehabilitation center alternative health care model up in the

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northern part of Illinois. And this would create one more. It is for a private-pay nursing facility that works on people that have brain stem and severe head injuries. And there's no cost to the State. All of their patients are private-pay. But it's to allow them to continue to operate. We've worked with the Department on this and they are fine with it. I know of no opposition and would appreciate a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator Dillard. Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 2279 pass. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 56 Ayes, 0 voting Nay, 0 voting Present. House Bill 2279, having received the required constitutional majority, is declared passed. Continuing on House Bills 3rd Reading comes House Bill 2283. Senator Martinez, how are you? Do you wish to proceed, ma'am? She indicates she does. Madam Secretary, read the lady's bill.

SECRETARY ROCK:

House Bill 2283.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

...you, Madam Secretary. Senator Martinez, to the bill, ma'am.

SENATOR MARTINEZ:

Thank you, Mr. President. It's always a pleasure seeing

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you, too. Floor Amendment No. 1 is a gut-and-replace amendment. It requires court to consider, for purpose of child custody...

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Martinez, the -- I believe -- I believe the amendment has been adopted. The Secretary informs me the amendment has been adopted. So, we're on 3rd Reading - 3rd Reading, final passage. So we'll go right to the bill. Your amendment's been adopted. So, 3rd Reading. To the bill. Senator Martinez, to the bill.

SENATOR MARTINEZ:

Thank you. It -- it requires the court to consider, for purpose of child custody proceedings, the terms of parent's military family-care plan that is completed before deployment if a parent is a member of the U.S. Armed Forces who is being deployed. Additionally, it states that a parent's absence, relocation, or failure to comply with the court of -- order regarding custody, visitation, or parenting time is not, by itself, sufficient to justify modification of the prior. And I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much. Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 2283 pass. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 59 Ayes, 0 voting Nay, 0 voting Present. House Bill 2283, having received the required constitutional majority, is declared passed. Senator Link, on 2302, in your

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new seat. Senator Link, do you wish to proceed, sir? He indicates he does. Madam Secretary, read the gentleman's bill.

SECRETARY ROCK:

House Bill 2302.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Madam Secretary. Senator Link, to the bill, sir.

SENATOR LINK:

Thank you, Mr. President. It's a better view with you over here. This just amends the Human Rights Act and State Financing {sic} (Finance) Act. It authorizes the Department to charge a tuition for training. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion? Is there any discussion? Seeing none, Ladies and Gentlemen, the question is, shall House Bill 2302 pass. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 59 Ayes, 0 voting Nay, 0 voting Present. House Bill 2302, having received the constitutional majority, is declared passed. Senator Haine. Senator William Haine. Do you wish to proceed on House Bill 2335, sir? He signals -- indicates he does. Madam Secretary, read the gentleman's bill.

SECRETARY ROCK:

House Bill 2335.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Madam Secretary. Senator Haine, to the bill, sir.

SENATOR HAINE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is an initiative of the -- the Department of Registration and of Representative Saviano. And this is a bill which closes a loophole and requires that everyone who's licensed under an LLC also be properly licensed as they would under a PC.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much, Senator, for that great explanation. Is there any discussion? Seeing none, the question is, shall House Bill 2335 pass. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, please take the record. On that question, there are 54 Ayes, 0 voting Nay, 0 voting Present. House Bill 2335, having received the required constitutional majority, is declared passed. Senator Haine, for what purpose do you rise, sir?

SENATOR HAINE:

To correct the record, Mr. President. I -- I believe the correct Latin pronunciation is *parens patriae* for that bill 2246. I -- I -- people were confused. I wanted to correct that. With the -- Senate of Illinois should be correct.

PRESIDING OFFICER: (SENATOR DeLEO)

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Thank you -- thank you very much, Senator Haine. Senator Forby did make an inquiry of the Chair about that. Okay, Ladies and Gentlemen, continuing on House Bills 3rd Reading, we will go to the top of page 58 of your printed Calendar. On the top of page 58 is House Bills 3rd Reading. House Bill 2343. Senator Steans. Do you wish to proceed, ma'am? No, ma'am. She indicates she would not. Madam Secretary, please take this out of the record. On House Bill 2376, Senator Crotty. Do you wish to proceed, ma'am? Senator Crotty indicates she doesn't. Take it out of the record. Senator Kotowski. Senator Kotowski, on 2394. Senator Kotowski seeks leave of the Body to return House Bill 2394 back to the Order of 2nd Reading for the purpose of amendment. Is that correct, sir? He indicates that's the fact. So, now on the Order of 2nd Reading is -- leave of the Body, is House Bill 2394. Madam Secretary, has there been any committee amendments approved for consideration?

SECRETARY ROCK:

No committee amendments, but Floor Amendment 2, offered by Senator Kotowski.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Kotowski, to -- to the Floor amendment, sir.

SENATOR KOTOWSKI:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Floor Amendment No. 2 to House Bill 2394 limits the cost for -- for developing or redeveloping the RTA STAR Line stations to the redevelopment project costs listed in the statute that are related to the existing or proposed STAR Line station. This is language that we developed as a result of a compromise between the -- the Republican and Senate --

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Republican and Democrats in the committee. And I believe it addresses all concerns.

PRESIDING OFFICER: (SENATOR DeLEO)

Is there any discussion on Floor Amendment No. 2? Is there any discussion on Floor Amendment No. 2? Seeing none, all those in favor of adopting Floor Amendment No. 2 will say Aye. All those opposed will say Nay. It's the opinion -- opinion of the Chair, the Ayes have it, and Floor Amendment No. 2 is adopted. Madam Secretary, has there been any further Floor amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. 3rd Reading. Now on the Order of 3rd Reading is House Bill 2394. Senator Kotowski, do you wish to proceed? He indicates he wishes to proceed. Madam Secretary, read the gentleman's bill.

SECRETARY ROCK:

House Bill 2394.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Madam Secretary. Senator Kotowski, to the bill, sir.

SENATOR KOTOWSKI:

Thank you, Mr. President. The amendment -- I clarified the amendment earlier. I would simply ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there any discussion? Senator Lauzen, for

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what purpose do you rise, sir?

SENATOR LAUZEN:

In support of the bill. To the bill: I appreciate Senator Kotowski's work. The amendment took away the huge concerns that were about the bill. It greatly limited it. So, congratulations to the sponsor. It passed out of committee with -- as amended, unanimously.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Is there further discussion? Senator Burzynski, for what purpose you rise?

SENATOR BURZYNSKI:

Thank you, Mr. President. Will the sponsor yield for a question or two?

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question.

SENATOR BURZYNSKI:

Thank you. Senator, I -- I might be a little bit confused, because I -- I don't know exactly what all was in that particular amendment that -- that you've been talking about. But is it my understanding that you can now make a TIF district within a half-mile radius of these stations - is that basically what it does? - without that district being qualified as a blighted area or meeting the other qualifications of a TIF district currently?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you for your question, Senator Burzynski. Essentially, what -- you know, given the -- the parameters of

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the legislation, what we -- we did through the amendment, just to make it very specific to the -- 'cause I know there was a great deal of concern about the -- the -- the -- the amount of the area for it. So we limited it specifically to the redevelopment costs associated with the station itself. So that's what we worked to do. And that's what we worked out with the -- both Republicans and Democrats and we worked with the respective staffs to more clearly define it and limit it.

PRESIDING OFFICER: (SENATOR DeLEO)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Senator, a couple of follow-up questions and perhaps you can answer them. So it does remove the definition of what a -- or it does remove the word "blighted" from the TIF language -- the original TIF language, is my understanding. That's number one. But, number two, how many such stations are there? And number three, does it still require local approval and does it require that all the taxing districts have signed off? Or is this something that's a little bit more unique than that?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Kotowski.

SENATOR KOTOWSKI:

Again, I -- I -- I appreciate your questions. There's -- I believe there's close to fifty stations connected to the expansion of -- of the STAR Line. And I -- I do believe - and correct me if I'm wrong here - that if something comes about, it -- with the approval of the local municipality. This just gives them the -- the opportunity to provide this. This -- connected

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to the redevelopment costs.

PRESIDING OFFICER: (SENATOR DeLEO)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Senator, are these existing stations or are they stations for a new proposed line or expansion?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Kotowski.

SENATOR KOTOWSKI:

Just a point of clarification - I appreciate Senator Lauzen providing: It removes blighted only for this specific situation. This is a -- a very significant project in the -- to connect all the way from the northwest suburbs to Joliet the Metra STAR Line. It's a just incredible opportunity for -- for job creation and to use transportation as the hub for economic development in that region. We've seen what's happened in that area as a result of expansion on -- on Metra. This is -- this is a -- a way of capitalizing off of that growth. In answer to your question, these aren't stations that exist yet, but are -- are soon to be existing over time.

PRESIDING OFFICER: (SENATOR DeLEO)

Further discussion? Senator Burzynski. I'm glad you're feeling better. I know you weren't feeling well earlier today. You missed committee. So I'm glad to see that you recovered and came to the Floor. Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. And thank you for your concern. My -- my hip is much better, as -- as well as my state of mind. But, anyway, Senator, just one last question. Do the local

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districts have to send letter of approvals {sic} for this? I mean, currently now when we either extend a TIF district in -- in the State of Illinois, we ask for every taxing district -- taxing body within that TIF district to sign off on it. Is that the case with these stations or not? And thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Kotowski.

SENATOR KOTOWSKI:

In answer to your question, and -- and I think that's -- I appreciate your line of inquiry, Senator Burzynski. Are you interested in my answer? The -- if you just want to... Such a new TIF area could only be approved if the municipality receives unanimous consent from the representatives that sit on the joint review board - the municipality, community college, elementary or high school, or unit school, park, library, township, fire protection, county, plus one public member. Was that riveting enough for you, sir?

PRESIDING OFFICER: (SENATOR DeLEO)

Further discussion? Further discussion? Senator Murphy, are you seeking recognition on this bill, sir?

SENATOR MURPHY:

I am, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

...you, Senator?

SENATOR MURPHY:

I'm doing well. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Nice to see you today.

SENATOR MURPHY:

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Good to see you as well.

PRESIDING OFFICER: (SENATOR DeLEO)

To the -- to the...

SENATOR MURPHY:

To the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR MURPHY:

I just want to commend the -- the sponsor from Park Ridge, the Senator, for his work on an amendment that we worked on together. It tightens up the bill. The STAR Line is an important -- important project in our area. We've got an ability to really get people off the roads, make the suburban areas a lot more livable. This is a good step in the right direction. And I commend the sponsor, the Senator from Park Ridge, Cook County, for his efforts in that regard. And urge an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

...you, Senator. Further discussion? Further -- Senator Cronin, are you seeking recognition, sir?

SENATOR CRONIN:

Yes, please. Thank you, Mr. President. I -- I just wanted to inquire. Typically, TIF district legislation is pretty controversial and especially when you're expanding it, in rather dramatic fashion here. You're talking about, you know, an acre and a half around every one of these stations and then you're talking about removing a significant policy objective that TIF districts used to require, namely blight. Senator Kotowski, who are some of the opponents? Are school districts opposed to

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this? Who are some of the opponents?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cronin, I believe that was a question. The sponsor will yield for a question, sir. Senator Kotowski.

SENATOR KOTOWSKI:

Senator Cronin, I -- I'm -- I'm glad you asked that question, because there are no opponents to this. Northwest Municipal Conference, Illinois Tax Increment Association, Illinois Municipal League, American Council of Engineering Companies, the -- the American Institute of Architects, the Attainable Housing Alliance, the RTA, Republicans support it, the Republican staff was very supportive of it, Democratic staff, Democratic people on the committee. And so we have -- I mean, there's been unanimous support. There hasn't really been that much opposition. But -- so that -- hopefully that answers your question.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, seeing no further discussion, Senator Kotowski, to close, sir.

SENATOR KOTOWSKI:

I -- I'd like to put something in the bill that captures the DNA of Senator Burzynski so we can replicate Polish people in the Senate. And I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, the question is, shall House Bill 2394 pass. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 55

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Ayes, 2 voting Nay, 0 voting Present. House Bill 2394, having received the required constitutional majority, is declared passed. On House Bills 3rd Reading comes House Bill 2400. Senator Schoenberg. Senator Jeff Schoenberg, are -- you wish to proceed, sir? Out of the record. Senator Trotter, on 2414. 2414. Out of the record. Senator Crotty, on 2424, ma'am. Out of the record. Senator Bond, for what purpose do you rise, sir?

SENATOR BOND:

Thank you, Mr. President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Bond, I'm sorry, for what purpose do you rise, sir?

SENATOR BOND:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point.

SENATOR BOND:

I'd like to introduce some guests here today. We have two terrific people here today advocating for a really important cause. They are with the Illinois Diabetes Policy Coalition. With me on the Floor here is our Page for the Day, Taryn Wilcox and Meredith Miller, joined by their parents in the gallery. I'd like to ask all my colleagues to offer them a warm Springfield welcome.

PRESIDING OFFICER: (SENATOR DeLEO)

Will our guests in the gallery please rise to be recognized? And our two wonderful little Pages, welcome to the Illinois State Senate. Senator Lauzen, for what purpose do you rise, sir?

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point, sir.

SENATOR LAUZEN:

Today I'm joined by my wife, Sarah, and our third son, Hans. Hans has finished his sophomore year at University of South -- Southern California. He's a Naval ROTC. I think he did okay in his classes. And next year he's going to be one of the co-captains of the track team. And so I'd ask you to welcome him..

PRESIDING OFFICER: (SENATOR DeLEO)

We'd like to recognize your daughter and your son -- oh! I'm sorry, your -- your wife and your son. Welcome to the Illinois State Senate. Congratulations. Congratulations. Senator Muñoz, for what purpose do you rise, sir? Senator Muñoz.

SENATOR MUÑOZ:

For the purpose of announcement, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your announcement, sir.

SENATOR MUÑOZ:

Senate Democrats would request a caucus immediately in the President's Office.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, that request is always in order. For -- for purposes of reannouncement, for Members in their office. The Senate Democrats will caucus immediately in the Senate President's Office, immediately in the Senate -- Senate President's Office. Senator Burzynski, for what purpose you seeking recognition,

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sir?

SENATOR BURZYNSKI:

Thank you, Mr. President. The Senate Republicans would also request a caucus immediately in Senator Radogno's Office. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, please, we have a really tight time schedule today. The Senate Republicans have requested a Senate Republican Caucus in Leader Radogno's Office. I'd ask all Members -- Senate Democrats to go immediately to the President's Office. Republican Members go immediately to Leader Radogno's Office. We will reconvene -- we will come back here at the hour of 3:45 - at the hour of 3:45. The Senate will stand at ease to call of the Chair.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DeLEO)

The Senate will come to order. There's been a request for permission to videotape the proceedings - WICS Television here in Springfield. Seeing no objection, leave is granted. Senator Hendon, are you seeking recognition, sir?

SENATOR HENDON:

Yes, I am, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

...purpose do you rise, sir?

SENATOR HENDON:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR DeLEO)

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Please state your point, sir.

SENATOR HENDON:

I know you've made the call for Members to come back to the Senate Floor so we can vote on these -- very important business. While we're waiting for 'em, I thought it might be an appropriate time to mention the fact that the House/Senate softball game is today at 5:30 in Lincoln Park, straight down 6th Street. And this happens to be the trophy from last year, Mr. President, 'cause we stumped 'em last year. And we're going to beat 'em this year. We have some new talent. They looked real good in softball practice. We have Heather "Hit Woman" Steans. We have Toi -- "Terrible" Hutchinson. We've got the youngest Member, "Threemil" Jones. He look like he ate three meals, but as long as he can hit, we'll be all right. And I'm just going to say to every Member, if you're not happy with the capital bill, if you don't like -- you think you got enough money, if you're angry, take it out to Lincoln Park and take it out on the Speaker and take it out on the House of Representatives. I've been calm all year, Mr. President. But right now, I'm telling you, we will win again.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon, for purposes of edication {sic}. The -- the 5:30 softball -- House and Senate annual softball game will be played when the important business of the Senate is completed, sir. Senator Hutchinson, for what purpose do you seek recognition, ma'am?

SENATOR HUTCHINSON:

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

PRESIDING OFFICER: (SENATOR DeLEO)

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Please state your point, ma'am.

SENATOR HUTCHINSON:

I just wanted to invite all of my colleagues to my office on 1M to have a wonderful piece of cake for my birthday. It was a really nice chocolate cake with strawberry filling. Please come help me eat it.

PRESIDING OFFICER: (SENATOR DeLEO)

Would you like to say what year this is, ma'am?

SENATOR HUTCHINSON:

Thirty-six.

PRESIDING OFFICER: (SENATOR DeLEO)

Thirty-six. A very, very happy birthday from all the Members of the Senate to you. The Senate will come to order. Ladies and Gentlemen, for purposes of an announcement, may I have your attention, please? I'd ask all members of the Committee on Assignments please report to the President's Anteroom immediately. All members of Committee on Assignment please report to the President's Anteroom immediately. The Senate will just stand at ease for just a moment while the Committee on Assignments meet. We will be returning back to the Floor for final action, 3rd Readings, immediately upon adjournment of the Committee on Assignment. So, all members, please report to the Anteroom. Thank you. Senate will stand at ease for just a moment.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DeLEO)

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

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Committee Reports.

SECRETARY ROCK:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Floor Amendment 3 to House Bill 255, Floor Amendment 2 to House Bill 312 and Floor Amendment 2 to House Bill 2400.

Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR DeLEO)

Senate will come to order, please. Ladies and Gentlemen, I'd ask you to turn your Calendars to page 53 of your Calendar, please, your printed Calendar. It's House Bills 3rd Reading. On the bottom of page 53 is House Bill 255. House Bill 255. Ladies and Gentlemen, for the purposes -- the sponsorship -- the main sponsorship has been changed. The Secretary of the Senate has notified me that it's been changed to -- from Senator Harmon to President Cullerton. Senator Cullerton will seek leave of the Body to return House Bill 255 back to the Order of 2nd Reading. Is that correct, Mr. President? He indicates he'd like to return this to the Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is House Bill 255. Madam Secretary, have there been any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 1, offered by President Cullerton.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much. President Cullerton, to Floor Amendment No. 1, sir.

SENATOR CULLERTON:

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Yes. Thank you, Mr. President, Members of the Senate. This is the amendment, which would become the bill, which is the revenue for the capital bill. I would like to discuss the merits of this on 3rd Reading, and -- move for its adoption.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, the gentleman has asked for the adoption of Floor Amendment No. 1 to House Bill 255. For -- all those in favor of adopting Floor Amendment No. 1 will signify by saying Aye. All those opposed will say Nay. And it's opinion of the Chair, the Ayes have it, and Floor Amendment No. 1 is adopted to House Bill 255. Madam Secretary, has there been any further Floor amendments approved for consideration, ma'am?

SECRETARY ROCK:

Floor Amendment 3, offered by President Cullerton.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. President Cullerton, to Floor Amendment No. 3 to House Bill 255, sir.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This is an agreed-upon, technical amendment that provides that the capital bill will not take effect unless all -- unless -- at all, unless House Bill 312 from the 96th General Assembly, as amended, becomes law. It also provides that the LUST Fund, Leaking Underground Storage Tank Fund, is not subject to administrative charges. Move for its adoption.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, you heard the gentleman's request. All those in favor of adopting Floor Amendment No. 3 to House Bill 255 will signify by saying Aye. All those opposed

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will say Nay. It's opinion of the Chair, the Ayes have it, and Floor Amendment No. 3 is adopted. Madam Secretary, has there been any further Floor amendments approved for consideration, ma'am?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. 3rd Reading. Now on the Order of 3rd Reading is House Bill 255. President Cullerton, do you wish to proceed? He indicates he wishes to proceed. Madam Secretary, read the gentleman's bill.

SECRETARY ROCK:

House Bill 255.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. President Cullerton, to the bill, sir.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. It's been ten years since we've had a capital bill. The toughest part is coming up with the money. We, in the past, have tried to come up with funding for a capital bill. We looked to area of gaming, but it did not have the support needed to pass both houses. This is a bill that we have worked on with four caucuses. The gridlock that we've been going through for six years has ended. The four Leaders have got together and worked on the funding for a capital bill. It's not easy voting for these taxes. Quite frankly, there's parts in here that I would prefer not be here, would -- that would be substituted

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with other parts. But it's -- when you work with different parties, different -- the House and Senate, you need to have compromise. And that's what this is. I worked with Senator Radogno. I compliment her for working so hard with her own caucus to get these -- these fees and taxes. But they're real. They're not illusory, as we've had in the past. We have measures here dealing with video gaming and the Lottery. We have sales tax -- streamlined sales tax language that would generate more money by coming in conformity with the streamlined sales tax. There are liquor taxes, and also vehicle-related tax increases that are very similar to the ones that we did ten years ago when we had a successful capital bill. It was ten years ago. It's been too long. I know this is the toughest vote, but I would ask that we send the message to the House that we are ready and prepared to pass a capital bill and pass the revenues necessary to pay for it. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator Cullerton. Is there any discussion? Is there any discussion? Senator Risinger, for what purpose do you rise, sir?

SENATOR RISINGER:

Thank you, Mr. President. To the bill. First of all...

PRESIDING OFFICER: (SENATOR DeLEO)

...bill, sir. Senator Risinger.

SENATOR RISINGER:

First of all, I want to thank Senator Cullerton in the manner that he's handled the discussions about this bill. And - and he is right, that we're about to take a very tough vote on

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this bill on -- for the revenue. I also want to thank Senator Radogno in the way that she has managed the caucus and -- and kept us informed and -- and so forth. We're not voting on the spending right now. That will follow. But -- but let me tell you, I think that's been handled in -- in probably a very fair and equitable way. It's not a perfect bill that we're going to be looking at, but certainly it's one that we've worked together and -- and made happen. There's -- the revenue that we're going to talk about to fund this, if any one of us was going to put this together, we would probably put it together a little different way. But there's things in it that we like and maybe things that we don't like. But the truth of the matter is, for the first time, we've got the four Leaders together and I'm really excited about -- this is a bill that's really going to get through both our Body and the House. And we're going to be able to address the real needs of our infrastructure that has been suffering for such a long period of time. Again, I hope that many, if not all, can vote for this bill, because I think it's something that you can go back to your district and say that you're -- you're proud that you were able to address the needs of the State of Illinois, and we did it in a fair and equitable way. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Bethany Jaeger of Illinois Issues seeks leave of the Body to take still pictures of the proceedings. Seeing no objection, leave is granted. Further discussion? Further discussion? Senator Cronin, for what purpose do you rise, sir?

SENATOR CRONIN:

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Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir.

SENATOR CRONIN:

Yes. Senator Cullerton, I commend you for your work on this and your leadership. Just for a point of clarification. As I look at my friends up in the gallery from the Village of Oak Brook, who every day think about the sales tax generated from the Oak Brook shopping mall and some of the challenges related to that, you said in your opening description of the bill that this revenue component here in House Bill 255 is -- is part of an effort to -- to address the streamlined sales tax issue. Would it be fair that -- really a more accurate description of what's going on here in this bill is a reclassification of the candy-flavored beverages and beauty aid for sales tax purposes?

PRESIDING OFFICER: (SENATOR DeLEO)

President Cullerton.

SENATOR CULLERTON:

Yes. And, Senator, just to clarify, this is not the streamlined sales tax bill. I know that they're very concerned about that. It's not the streamlined sales tax bill. But the Streamlined Sales Tax Commission has definitions for how you tax candy and beauty aids and beverages, and that's what we're -- what we're incorporating into this bill. And it does, as a result, generate some income. And that's -- that's why it's in the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. Further discussion? Further discussion?

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Senator Dillard, for what purpose do you rise?

SENATOR DILLARD:

Thank you, Mr. President. If the Senate President would answer a question our staff has, and then I'd like to talk to..

PRESIDING OFFICER: (SENATOR DeLEO)

The gentleman yields -- the gentleman yields for a question, sir. And then we'll come back to you to the bill. Senator Dillard.

SENATOR DILLARD:

Thank you. President Cullerton, is the language in this bill that ties these bills together now adopted and in this particular bill?

PRESIDING OFFICER: (SENATOR DeLEO)

President Cullerton.

SENATOR CULLERTON:

Yes.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Dillard.

SENATOR DILLARD:

Thank you. To the bill, if I may.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR DILLARD:

This bill is long overdue. It's been a decade of decay for our roads and our schools and our bridges and our trains. And this gets harder to do because we've waited a decade to do what the State of Illinois used to do every year, just like we do on our homes or our automobiles - we repair 'em each year. So, it gets harder. And my hat is off to Senator Cullerton and Senator

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Radogno, who have made this happen. It doesn't happen without the hard work of the sponsor of this particular bill. Over here we're not necessarily happy with all of the revenue sources that are in here. We didn't pick 'em. I'd probably, like most Members, probably pick something different. But nonetheless, they're there. I view capital as very different in terms of raising new revenues than I do the operations of State government. And I have always supported every capital bill that's ever been put out here. There is one component of this particular package that I really have trouble with. And that is the video poker side of things, and as I try to rationalize how I'm going to swallow and accept that, what I really hope is that our Department of Revenue will use this to crack down on the rumors that organized crime has been involved in these video poker machines over time. I hope they turn the screws heavy on the compliance. And as Senator Lauzen reminded me in caucus, the good thing, I guess, is that the more we regulate and tax things, the less it happens. That goes for jobs and business. And hopefully, there'll be less of this. These machines are really already there. So we're not fooling anybody. They are out there. I also -- and I know that Senator Radogno tried to take out the liquor tax, and I wish that wasn't in there, especially in recessionary times when hardworking men and women sometimes need a release. But, nonetheless, it's there. But most importantly, I think, like many of you, I have committed to my local chambers of commerce, my local labor unions, my local newspapers, that I would support a major capital bill. And I intend to do that today. This State is literally falling apart. Senator Cronin mentioned Oak Brook. You know, probably the most

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important shopping mall, other than Water Tower, is there, with all due respect to Old Orchard. The road leading to that shopping center is coming up in huge pieces - pieces the size of pumpkins. And it is a safety hazard, as well as just an embarrassment for those tourists who come to Illinois and shop here. I want to give one example of why this is so important. Route 59, a major State road, runs through the fourth-largest city in the State, Naperville, and it goes to Aurora. And if you combine Naperville and Aurora together, with all due respect to Senator Koehler and Senator Risinger, we would be the second-largest city in the State of Illinois. Route 59 has a hundred thousand automobiles and trucks a day blowing through it. It is grossly under-designed. Moms in minivans take that road and they intersperse with big heavy trucks coming out of industrial parks and we need to protect the moms and the children in those minivans. But we also need to make sure that those trucking jobs stay here in Illinois, in Aurora and in Naperville, as opposed to moving to Iowa or Wisconsin. That road needs to be improved. Last, but not least, going to the revenues again, I view some of these as inflationary adjustments. We haven't touched some of these fees with respect to the nexus with roads and driver's license fees and things like that in a decade. And they are not tax or fee increases other than just inflationary adjustments. Last, but not least, this bill moves Illinois forward. It creates jobs immediately in this State. But most importantly, it creates jobs - you've got to invest in your infrastructure - for decades to come. It takes care of schools and technology. And it is much more than just bricks and mortar; it's also intellectual bricks and -- and mortar -- or

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mortarboards. So, I would urge an Aye vote on this. It's tough and I would just hope we don't have to wait another ten years to keep our State economically competitive and keep our roads safe for those soccer moms that I worry about, including my own wife. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator Dillard. Steve Nichols at WAND, Decatur, requesting permission to videotape and take stills of the proceedings. Seeing no objection, leave is granted. Further discussion? Senator Hendon, for what purpose do you rise, sir?

SENATOR HENDON:

Thank you, Mr. President. To the bill. And I'll be -- since Senator Dillard took up most of my time, I'll be very brief. I just wanted to commend Leader Radogno for the great job she's done and the Republican Leaders on that side, President Cullerton and Senator Trotter and those who worked on it on this side. As the sponsor of the bill last year, we did get it out of the Senate, but it was a very narrow vote. We need to send a resounding message over to the House today. It would be great to see fifty-two or fifty-three Aye votes on there, instead of the thirty-one we got last year, because that'll send a clear message that we're serious. This has been editorialized by my favorite two newspapers, the Chicago Tribune and the Chicago Sun-Times. So it's clearly the right thing to do, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator Hendon. Further discussion? Our last person seeking recognition is Leader Radogno.

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SENATOR RADOGNO:

Thank you very much, Mr. President, Ladies and Gentlemen of the Chamber. I also want to add my thanks to Senator Cullerton, as well as Leader Cross, Speaker Madigan and the Governor. We've all met a number of times on this. Many of the points I was going to make have been made. While the revenue package is not ideal in everyone's mind, it is certainly real revenue, and the way we've gotten into financial trouble in this State is not paying for things that we have bought or used. And in this case, we have the revenue in order to fund the spending that we have. There's a lot to recommend in the spending package, which we'll be talking about in just a moment. It's a major, major investment in the roads and bridges and schools and universities and health care in this State. We haven't had a capital bill in ten years. This is the time to do it. Significantly, we have agreed - and this has been in Leader's meetings with the Governor - that we will not tie this to the operating budget. That's important. It lets us move forward. And it's really important that we do the capital bill now, because the fact of the matter is, to the extent we can put people to work in this State, we can increase the demand for aggregate and concrete and heavy equipment, that's going to help everyone in this State and it's going to help us on the revenue side of the operating budget. So we have to do this right now. The package that we have is fair. It's -- it's fair on a partisan basis. It's fair on a regional basis. And there's a lot of good work that's gone into it. And I think the final advantage that we have - and it's really important to the people of this State - is we now have an opportunity to demonstrate that we have the ability to

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move beyond the total dysfunction that this State has been mired down in, get something positive done and start moving forward. So I would encourage everyone to vote Yes on all three pieces of -- of this proposal. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Thank you very much. Senator Cullerton, to close, sir.

SENATOR CULLERTON:

Yes. Thank you, Mr. President. I know that of the three bills we have, this is going to be the toughest one because it's a tax increase or a fee increase. But I was surprised to learn earlier this year that there was a -- ten years ago, there was a Senator who was in a similar position and that Senator voted for the spending, they voted for the bonds, but they didn't vote for the tax. They didn't vote for the revenue. And they were accused of being hypocritical and they actually lost their next election. So I don't want anybody here to be accused of being hypocritical. If you're going to vote for the spending, please vote for the taxes. This is the Yes vote. Please vote Aye.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, the question is, shall House Bill 255 pass. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 47 Ayes, 12 voting Nay, 0 voting Present. House Bill 255, having received the constitutional majority, is declared passed. Excuse me. Ladies and Gentlemen, on House Bills 3rd Reading. House Bills 3rd Reading is House Bill 312. On the bottom of

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page 53 of your printed Calendar. The sponsorship has been changed to Senator Cullerton. Sponsorship has been changed to President Cullerton. House Bill 312. Senator Cullerton, I believe, is seeking leave of the Body to return House Bill 312 to the Order of 2nd Reading for the purpose of an amendment. Is that correct, sir? Leave is granted. Now on the Order of 2nd Reading is House Bill 312. Madam Secretary, has there been any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 1, offered by President Cullerton.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much, Madam Secretary. Senator Cullerton, on Floor Amendment No. 1 to House Bill 312, sir.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This is the spending bill. This is the capital comprehensive appropriation bill. I would move for its adoption, and debate it on 3rd Reading.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, you heard the gentleman's request. He's asking for -- adopt Floor Amendment No. 1 to House Bill 312. All those in favor of adopting Floor Amendment No. 1 will say Aye. All those opposed will say Nay. It's the opinion of the Chair, the Ayes have it, and Floor Amendment No. 1 is adopted. Madam Secretary, has there been any further Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 2, offered by President Cullerton.

PRESIDING OFFICER: (SENATOR DeLEO)

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Thank you. President Cullerton, to Floor Amendment No. 2 to House Bill 312, sir.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This amendment does two things. It ties the effective date to House Bill 255. So the two bills will only become law if both are signed into law. It also reflects an agreed-upon change in the distribution of the transit in the RTA region. This was at the request of Senator -- of Representative Cross. Radogno, Speaker Madigan agreed to it and so did I. And that's why we're adopting this amendment so that there will be a fifty, forty-five and five split between the CTA, Metra and PACE. If for some reason this would have to be changed, it would have to be changed over in the House. If the House decided to change it, I would be inclined to support the House's decision. But at this point in time, this was at the request of the four leaders. And I'd move for its adoption.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, you heard the gentleman's request. The request is -- for adoption of Floor Amendment No. 2 to House Bill 312. All those in favor will say Aye. All those opposed will say Nay. It's the opinion of the Chair, the Ayes have it, and Floor Amendment No. 2 is adopted to House Bill 312. Madam Secretary, has there been any further Floor amendments approved for consideration?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much. 3rd Reading. Now on the Order of 3rd

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Reading. Senator Cullerton, do you wish to proceed? He indicates he does. Madam Secretary, read the gentleman's bill.

SECRETARY ROCK:

House Bill 312.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. President Cullerton, to the bill, sir.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This bill appropriates 13.5 billion in State funding for new capital projects. Of this amount, 8.9 billion is for new bonded capital projects and 11.7 billion is associated with the multi-year road program. This will allow the State to capture almost seven billion dollars in local and federal funds. The categories that this money would go to in this bill include, obviously, the multi-year road program, as well as new road projects and local road projects, public transit, money for Amtrak, money for CREATE, and airports. We have school construction money, school maintenance money, money for our public universities, our community colleges, as well as our private universities. There is money for environmental projects, water projects, technology. We have formulas to determine money that would go to parks, libraries and museums, and health care facilities. So I would -- think this is a comprehensive bill that would put a whole lot of folks back to work. We need to spend the money we've raised from the fees. And I would be happy to answer any questions. And ask for an Aye vote.

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PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, sir. Is there any discussion? Is there any discussion? Senator Bomke, for what purpose you seek recognition, sir?

SENATOR BOMKE:

Thank you, Mr. President. A question to the sponsor.

PRESIDING OFFICER: (SENATOR DeLEO)

Sponsor indicates he'll yield for a question, sir. Senator Bomke.

SENATOR BOMKE:

Senator Cullerton, the twenty-three school districts that are first on the list, I presume those are the -- the ones that didn't get the funding and been waiting for a number of years. If they have consummated or completed their build, will they still be reimbursed the money that was owed them or due them?

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Cullerton.

SENATOR CULLERTON:

Yes. And as you know, they are line-itemed in the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Further discussion? Further discussion? Senator John Jones.

SENATOR J. JONES:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, sir.

SENATOR J. JONES:

Well, first -- first off, I want to thank our Republican Leader Christine Radogno and President Cullerton for -- for

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working together on this bill, along with all the staff that participated and the other Members of the General Assembly that have participated in this process. So, once again, my hat's off to -- to President Cullerton and Leader Radogno both. But -- and I really want to thank you for the seventy-five million dollars that we put in here for the LUST Fund. Because I have one individual in my district who is a contractor cleaning up these sites that we owe right now -- if we had the money in the Fund, he'd -- he'd receive thirteen million dollars. He has another twelve million dollars pending to be paid. And I know there's other contractors throughout the State. And also, the -- the added assurances that we will not be removing any of these funds for other purposes, I deeply appreciate that. The school districts, I asked Senator Cullerton in -- in committee about those twenty-three school districts. The Capital Development Board immediately got to me and -- and assured us that if those schools have already built and -- and spent the money, they will be given what they was promised back when we first did that with them in -- in 2003. So, if this is -- this is a good opportunity for us to put people to work throughout the State of Illinois. And I've said for the last four or five years that a capital bill -- and especially right now when times are -- are tough in the State of Illinois, this is the best opportunity we have as -- in this General Assembly, is to put people to work in the State of Illinois with good-paying jobs and for a length of time, building buildings, building roads and bridges. So my hat's off to both of our Leaders on -- on the Republican side and -- and Senator Cullerton as the President of the Senate. Job well done. And let's get this thing to the Governor's desk

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and get it signed as quickly as possible and put people to work.
Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Further discussion? Senator John Sullivan, you seeking recognition, sir?

SENATOR SULLIVAN:

I am, Mr. President. Like to speak to the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

The bill, sir.

SENATOR SULLIVAN:

The -- first of all, Ladies and Gentlemen, it's a -- it's -
- in some ways, it's a little bit like déjà vu, because we, here
in the Senate, have passed a capital bill out of this Chamber on
multiple occasions. But I have to say that under these
circumstances, I feel better about this proposal than any that
we have done thus far. And -- and -- and the reason -- one of
the reasons being is that, first of all, that it is a
comprehensive capital plan. It takes care of not all of the
needs of the State of Illinois - not by any stretch of the
imagination - but it does take care of -- of some of the most
critical needs given the fact that we've not had a capital bill
for the last ten years - when you look at the roads and bridges,
you look at school construction, community colleges, four-year
institutions, private universities, environment, water, sewer
needs, parks, libraries, museum, Amtrak, mass transit, the list
goes on and on and on. This capital bill is a representation of
the needs of the State of Illinois, all across the entire State.
And it's a representation of the needs of the Members of -- that
the Members of this General Assembly have -- have highlighted.

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Are we all happy with what's in this capital bill? Did we get as much as we need for all the different categories? Of course not. We did not. That's impossible. But it starts to address many, many, many of the needs of the State of Illinois. I just want to close by saying -- giving some thanks, first of all, to our outstanding staff. And I think we should give them a round of applause. I don't think anybody knows how hard they've worked. We've -- we've -- I also would like to give thanks to many of my colleagues on both sides of the aisle. We -- we've worked together. My good friend, Senator Sandoval, sitting beside me, my seatmate, we've disagreed on some issues, but we've come together. I want to thank each and everyone of 'em. I particularly want to compliment Senator Risinger who has worked very hard on -- as a colleague on the other side of the aisle. I want to especially thank Leader Radogno, Leader Cross, Speaker Madigan, for them coming together, along with the Governor, you know, to try to -- to -- to craft this capital bill, to make it as fair as possible. But I especially want to thank President Cullerton. When he first gave his acceptance speech the day that he was sworn in as President of the Senate, some of the first comments and words out of his mouth were "We must have a comprehensive capital bill for the State of Illinois. It is a priority." He made it a priority from day one. And my hat's off to you. Thank you, President Cullerton.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, further discussion? Is that a retirement resolution? Further discussion? Senator Jacobs.

SENATOR JACOBS:

I just want to thank the President for -- for his work on

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the bill. And also, too, you know, I've got a -- a -- the Silvis School, which I've talked about quite a bit in the Chamber. I did notice that the Governor -- Blagojevich, the previous Governor, wrote a check on 2004 for about eleven million dollars that bounced and it was never paid. And I'm very pleased that the money is in there. But I want to remind you, Mr. -- Mr. President, that the money in 2004 is different than what I need in 2009. So I'd appreciate any help you can give me on that, sir.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Further discussion? Senator Risinger, for what purpose you rise, sir?

SENATOR RISINGER:

Thank you, Mr. President. To the bill, a very brief comment. What a difference a year makes. And I don't know whether any of you noticed but there are no MOUs, no memorandums of understanding. I think we've moved a giant step forward. We have our differences. But I think trust in government is coming back, and I attribute that to our Leaders on both sides and to our -- our -- our new Governor. And I do want to point out that it made it a lot easier not having to be concerned that we had to sign MOUs to make sure the projects moved forward. Thank you, Senator Cullerton and Senator Radogno.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Our last -- person -- seeking recognition, Senator Sandoval. For what purpose do you rise, sir?

SENATOR SANDOVAL:

To the bill, Mr. President.

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PRESIDING OFFICER: (SENATOR DeLEO)

To the bill, Senator.

SENATOR SANDOVAL:

Just a few months ago I echoed the famous words of African-Americans in this country and I said, "Free at last! Free at last! Thank God Almighty, free at last!" It's about time that the Illinois Senate put the working people of Illinois first. We said, when President Barack Obama got elected, that our first job, both in Congress and in the Illinois Senate, was to put people back to work is to invest in a major jobs program. What Senate President John Cullerton and Leader Radogno and the Members of the Illinois Senate have done today is put people first. We have put working people, children and families first. It's about time. It took us six years, a new Governor, a new Senate President, a new Republican Minority Leader to get the job done. I congratulate the four Leaders of the Illinois General Assembly on the work on this bill today. Especially, I congratulate the people of Illinois. The people of Illinois have finally come first and it's about time. As relates to the bill, one of the greatest assignments I've had since being elected State Senator was the trust that Senator -- Senate President Cullerton entrusted me to be the new Senate Chairman of the Transportation Committee. It's a -- it's an assignment that I took very -- very seriously being that, you know, I come from the land of Lipinski on the southwest side of Chicago, who's been the don of -- who's been the don and the -- one of the forefathers of transportation in the Midwest and in this country. And it's real proud. And I salute President Cullerton and this Illinois Senate to making sure that there has -- there

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is a greater investment in transit in Illinois. Transportation is what's going to drive our economy into the future. Transportation is -- is what's going to put people back to work. Transportation is what's going to be -- what's going to drive revenue up in the State of Illinois so we can pay for social programs and social services in the State of Illinois. We have gone from a two-to-one ratio, roads to transit, to almost a one-to-one ratio, roads to transit. This bill should be applauded. We have made a major investment into Amtrak. Just the last couple of years, we've -- we doubled our commitment in regards to Amtrak service from Chicago to Springfield, and today we follow that up. We put our money where our mouth is in making another major investment in Amtrak. Today in this bill, it's an historic day for CREATE, for the freight rail system in America, the largest freight rail hub we have in the Midwest, right here in the Chicagoland area. We are making an investment of three hundred million dollars. That is a greater investment than what Congress has appropriated for CREATE. That is huge and that is to be celebrated. Also, and lastly, with support of my colleagues like John Sullivan from Rushville, Illinois, and many of my colleagues downstate, I am very proud to say, the -- the new State road money, there will be a greater equitable distribution of the road -- of new Road Fund money that'll go from District 1 all the way to District 9. It is a great day for roads and bridges, but is a greater day for the people of Illinois. Thank you.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator, for those fine remarks. Ladies and Gentlemen, that was our final person seeking recognition.

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President Cullerton, to close, sir.

SENATOR CULLERTON:

Thank you very much. It's obvious that this is great for our economy and we know we're going to have a lot of people working, but it's probably even more important that we think about the bipartisanship process that we used to pass the bill. You guys can count. You saw the vote we had for the fees. We could have done this on our own, just over here on this side of the aisle. We could have done that. But that's -- would not be well-received. That would not be well-received and it wouldn't bode well for the rest of the Session. So I want to thank everybody for cooperating. I want to make sure that our other Chamber gets a strong message that we want them to start cooperating as well, as we have. And I want to tell the Governor that I'll be his biggest proponent when it comes to finding revenue needed to solve our budget crisis. We will hopefully continue to work together on that pressing need. This is just a start. I thank you for all your cooperation. Urge you to vote Aye.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Senator. Okay, Ladies and Gentlemen, the question is, shall House Bill 312 pass. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 59 Ayes, 0 voting Nay, 0 voting Present. House Bill 312, having received the constitutional majority, is declared passed. Okay, Ladies and Gentlemen, I'd ask you to turn your printed Calendars to page 58 of your Calendar. We'll

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go to House Bills 3rd Reading. At the top of the page comes House Bill 2400. Once again, there's been a sponsorship change in House Bill 2400. There's been a slip filed, and President Cullerton will become the chief sponsor of House Bill 2400. Is that correct, Madam Secretary? Okay, the sponsor's seeking leave of the Body to return House Bill 2400 back to the -- Order of 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is House Bill 2400. Madam Secretary, has there been any Floor amendments approved for consideration, ma'am?

SECRETARY ROCK:

Floor Amendment 1, offered by President Cullerton.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you very much. President Cullerton, to Floor Amendment No. 1 to House Bill 2400, sir.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This amendment becomes the bill. It's the bonding authority. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, you heard the gentleman's request. All those in favor of adopting Floor Amendment No. 1 to House Bill 2400 will indicate by saying Aye. All those opposed will indicate by saying Nay. The Ayes have -- it's the opinion of the Chair, the Ayes have it, and Floor Amendment No. 1 is adopted. Madam Secretary, has there been any further Floor amendments approved for consideration, ma'am?

SECRETARY ROCK:

Floor Amendment 2, offered by President Cullerton.

PRESIDING OFFICER: (SENATOR DeLEO)

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Thank you. President Cullerton, to Floor Amendment No. 2, sir.

SENATOR CULLERTON:

That is strictly a technical amendment.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, the gentleman has asked for the adoption of Floor Amendment No. 2 to House Bill 2400. Once again, all those in favor of adopting Floor Amendment No. 2 will indicate by saying Aye. All those opposed will say Nay. It's the opinion of the Chair, the Ayes have it, and Floor Amendment No. 2 is adopted. Madam Secretary, has there been any further Floor amendments approved for consideration, ma'am?

SECRETARY ROCK:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you. 3rd Reading. Now on the Order of 3rd Reading is House Bill 2400. President Cullerton, do you wish to proceed? He indicates he wishes to proceed. Madam Secretary, read the gentleman's bill.

SECRETARY ROCK:

House Bill 2400.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Madam Secretary. President Cullerton, to the bill, sir.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. This is the State -- the bill that increases the State bonding

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authority in order to implement the -- House Bill 312, which is the spending bill. This requires a three-fifths vote in both the House and the Senate. And I would urge that -- everyone vote Aye.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, you heard the gentleman's request. Seeing no discussion, the question is, shall House Bill 2400 pass. All those in favor will vote Aye. All those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Madam Secretary, take the record. On that question, there are 59 Ayes, 0 voting Nay, 0 voting Present. House Bill 2400, receiving the required constitutional majority, is declared passed. Senator Hendon, for what purpose do you rise, sir?

SENATOR HENDON:

Thank you, Mr. President. We need everybody to head straight down 6th Street to Lincoln Park, take the Senate, take the runs, bet on the Senate. We need everybody to go there right now. Right now.

PRESIDING OFFICER: (SENATOR DeLEO)

Chair would like to wish tremendous success on the Senate team this evening. Ladies and Gentlemen, there being no further business... Madam Secretary, Messages from the House, please.

SECRETARY ROCK:

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:

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House Bill 2129, House Bill 2132, House Bill 2145
and House Bill 2194.

All passed the House, May 20th, 2009. Mark Mahoney, Clerk of
the House.

PRESIDING OFFICER: (SENATOR DeLEO)

For purposes of an announcement. The Senate is still in
Session. We're -- we're waiting for Messages from the House.
So we will still be in Session for another few more minutes. So
we are still in. Madam Secretary, Messages from the House,
please.

SECRETARY ROCK:

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 2206.

Passed the House, May 20th, 2009. Mark Mahoney, Clerk of the
House.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you, Madam Secretary. House Bills 1st Reading,
please.

SECRETARY ROCK:

House Bill 2129, offered by Senator Sullivan.

(Secretary reads title of bill)

House Bill 2132, offered by Senator Sullivan.

(Secretary reads title of bill)

House Bill 2145, offered by Senator Trotter.

(Secretary reads title of bill)

STATE OF ILLINOIS
96th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

53rd Legislative Day

5/20/2009

House Bill 2194, offered by Senator Koehler.

(Secretary reads title of bill)

House Bill 2206, offered by Senator Trotter.

(Secretary reads title of bill)

1st Reading of these House bills.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, there'll be no further business to come before the Senate. The Senate will stand adjourned until the hour of 10 a.m. on Thursday, May 21st, the year 2009. Ladies and Gentlemen, the Senate stands adjourned.