

STATE OF ILLINOIS  
96th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

63rd Legislative Day

6/30/2009

SB0256	Concurrence	6
SB0321	Concurrence	8
SB0397	Concurrence	14
SB1905	Veto Action	5
SB1905	Veto Message	3
SR0332	Resolution Offered	1
SR0333	Resolution Offered	1
SR0334	Resolution Offered	1
SR0335	Resolution Offered	1
SR0336	Resolution Offered	1
SR0337	Resolution Offered	1
SR0338	Resolution Offered	2
SR0339	Resolution Offered	2
SR0340	Resolution Offered	2
SR0341	Resolution Offered	2
SR0342	Resolution Offered	2
SR0343	Resolution Offered	2
SR0344	Resolution Offered	2
SR0345	Resolution Offered	2
SR0346	Resolution Offered	2
HJR0018	Resolution Offered	3
HJR0031	Resolution Offered	3
HJR0042	Resolution Offered	3
HJR0068	Adopted	17
HJR0068	Resolution Offered	17
Senate to Order-Senator Hendon		1
Journal-Postponed		1
Message from the Secretary of State		2
Messages from the House		3
Committee Reports		4
Senate Stands at Ease/Reconvenes		4
Committee Reports		4
Senate Stands at Ease/Reconvenes		13
Senate Stands at Ease		15
Senate Reconvenes		16
Senate Stands in Recess/Reconvenes		16
Resolutions Consent Calendar-Adopted		16
Message from the House		16
Adjournment		17

STATE OF ILLINOIS  
96th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

63rd Legislative Day

6/30/2009

PRESIDING OFFICER: (SENATOR HENDON)

The regular Session of the Senate of the 96th General Assembly will please come to order. Madam Secretary, Reading and Approval of the Journal.

SECRETARY ROCK:

Senate Journal of Wednesday, June 24th, 2009.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Hunter.

SENATOR HUNTER:

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

PRESIDING OFFICER: (SENATOR HENDON)

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

SECRETARY ROCK:

Senate Resolution 332, offered by Senator Clayborne and all Members.

Senate Resolution 333, offered by Senator Clayborne and all Members.

Senate Resolution 334, offered by Senator Duffy and all Members.

Senate Resolution 335, offered by Senator Link and all Members.

Senate Resolution 336, offered by Senator Link and all Members.

Senate Resolution 337, offered by Senator Link and all Members.

STATE OF ILLINOIS  
96th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

63rd Legislative Day

6/30/2009

Senate Resolution 338, offered by Senator Lightford and all Members.

Senate Resolution 339, offered by Senator John Jones and all Members.

Senate Resolution 340, offered by Senator Wilhelmi and all Members.

Senate Resolution 341, offered by Senator Koehler and all Members.

Senate Resolution 342, offered by Senator Koehler and all Members.

Senate Resolution 343, offered by Senator Clayborne and all Members.

Senate Resolution 344, offered by Senator Hunter and all Members.

Senate Resolution 345, offered by Senator Demuzio and all Members.

Senate Resolution 346, offered by Senator Demuzio and all Members.

They're all death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Resolutions Consent Calendar. Madam Secretary, Messages from the Secretary of State.

SECRETARY ROCK:

I have a Message from the Secretary, dated June 30th, 2009.

To the Honorable President of the Senate:

Sir - In compliance with the provisions of the Constitution of the State of Illinois, I am forwarding herewith the enclosed Senate bill from the 96th General Assembly that is being returned by the Governor with specific recommendations for

STATE OF ILLINOIS  
96th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

63rd Legislative Day

6/30/2009

change:

Senate Bill 1905.

Respectfully, Jesse White, Secretary of State.

PRESIDING OFFICER: (SENATOR HENDON)

Gordon Graham from WAND seeks leave to videotape. Is leave granted? Leave is granted. 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 adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 18.

Offered by Senator Garrett, and adopted by the House, April 22nd, 2009.

We have received like Messages on House Joint Resolution 31, offered by Senator Haine and adopted by the House, April 30th, 2009, and House Joint Resolution 42, offered by Senator Lightford and adopted by the House, May 28th, 2009.

They are substantive, Mr. President.

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

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 18.

Offered by Senator Garrett, and adopted by the House... Excuse me, Mr. President, that's a duplicate.

STATE OF ILLINOIS  
96th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

63rd Legislative Day

6/30/2009

PRESIDING OFFICER: (SENATOR HENDON)

Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Silverstein, Chairman of the Committee on Executive, reports Motions to Concur with House Amendment 1 and 2 to Senate Bill 256 and House Amendments 1, 2 and 3 to Senate Bill 321 recommended Do Adopt.

PRESIDING OFFICER: (SENATOR HENDON)

Will all members from the Committee on Assignments please come to the President's Anteroom? Will all members from the Committee on Assignments please come to the President's Anteroom? There's a Committee on Assignments meeting in the President's Anteroom immediately. The Senate will stand at ease until after the Committee on Assignments have taken care of their brief business. Senate stands at ease.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HENDON)

Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Motion to expect specific -- Motion to Accept the Specific Recommendations for Change to Senate Bill 1905.

Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR HENDON)

Supplemental Calendar will be distributed in a few -- it's

STATE OF ILLINOIS  
96th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

63rd Legislative Day

6/30/2009

being distributed right now. We're going to go to that Supplemental Calendar. Supplemental Calendar No. 2 is being distributed. It should be on your desks. Supplemental Calendar No. 2. We're going to go to the Motions in Writing to Accept Specific Recommendations, Senate Bill 1905, on your Supplemental Calendar No. 2. Senator Garrett. Madam Secretary, read the motion.

SECRETARY ROCK:

I move to accept the specific recommendations of the Governor as to Senate Bill 1905 in manner and form as follows:

Amendment to Senate Bill 1905

In Acceptance of Governor's Recommendations

Signed by Senator Garrett.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Garrett.

SENATOR GARRETT:

Yes. Thank you very much, Mr. President. This amendatory veto, which I agree to, does three things. Number one, it removes the requirement that the nine new members of the Board be employed full-time and receive a set salary from the Board. Number two, the amendatory veto removes a requirement that any unexcused absence by a Board member to a scheduled Board meeting will result in a five-hundred-dollar fine. And then thirdly, it just makes some minal {sic} technical changes to the drafting.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? Seeing none, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1905 in the manner and the form set forth in the motion. All those in favor will vote Aye.

STATE OF ILLINOIS  
96th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

63rd Legislative Day

6/30/2009

Opposed, vote 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, none voting Nay, and none voting Present. The specific recommendations of the Governor as to Senate Bill 1905, having received the required constitutional majority, is declared accepted. Supplemental -- top of Supplemental Calendar No. 2 is Senate Bill 256. Senator Noland. Madam Secretary, read the gentleman's motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 256.

Signed by Senator Noland.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Noland.

SENATOR NOLAND:

Thank you, Mr. President. The amendment merely provides that for the purposes of the investment credit, the term "retailing" means the sale of tangible personal property for use or consumption and not for resale, or services rendered in conjunction with the sale of tangible property or -- for the use or consumption and not for sale {sic} (resale). This is just a matter that's -- is a technical change to our statute regarding energy procurement under -- for the Department of Revenue for their...

PRESIDING OFFICER: (SENATOR HENDON)

Any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Will the sponsor yield, please,

STATE OF ILLINOIS  
96th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

63rd Legislative Day

6/30/2009

briefly?

PRESIDING OFFICER: (SENATOR HENDON)

He indicates he will. Senator Righter.

SENATOR RIGHTER:

Senator Noland, can -- can you roll out -- I mean, particularly here in this hour when there's a lot of talk about taxes and there's a lot of paranoia about taxes and you're talking about taxes, can you just kind of put out in a little more detail what change you're making and why you're making it in this motion, please?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Noland.

SENATOR NOLAND:

Thank you, Senator, for that. This is an answer to a case that had been decided in our Appellate Courts conferring an interpretation under our revenue statutes that states that the generation of electricity shall be considered -- that those electrons essentially will be considered tangible property, and they are -- that was contrary to legislative intent. And what this amendment does is just merely clarify what our legislative intent is.

PRESIDING OFFICER: (SENATOR HENDON)

Is there further discussion? Seeing none, this is final action. The question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 256. All those in favor will vote Aye. Opposed, vote 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, none voting Nay, none voting Present. The Senate



STATE OF ILLINOIS  
96th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

63rd Legislative Day

6/30/2009

concur in House Amendments No. 1 and No. 2 to Senate Bill 256. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 321. Senator Link. Madam Secretary, read the gentleman's motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendments 1, 2 and 3 to Senate Bill 321.

Signed by Senator Link.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. I just want to make one clarification. We had two motions to concur: motion on the 24th that I would like to table and hear the motion to concur on the 30th, which we filed today.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link wishes to table his motions filed on June 24th. Motion to table and proceed with the motions that are before us currently. Is there objection? Seeing none, all in favor say Aye. Opposed, say Nay. The Ayes have it. The motion carries. Senator Link, on the remaining motions.

SENATOR LINK:

Thank you, Mr. President. Basically what this does -- this bill does is provides a procedural relief for Vista Medical Center in Waukegan to complete its application for a freestanding emergency center and have its application be considered by the Illinois Health Facilities Planning Board. Be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR HENDON)

STATE OF ILLINOIS  
96th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

63rd Legislative Day

6/30/2009

Is there any discussion? Senator Murphy.

SENATOR MURPHY:

To -- to the bill, Mr. President.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Murphy, to the bill. Senator Murphy.

SENATOR MURPHY:

I think it's important for the Chamber to note that -- I don't know whether a court would -- would find it as such, but this is, in effect, special legislation for one entity to get around a requirement that was in place for other medical facilities. We had legislation earlier this year that required facilities to have a completed application by March 1st. This group chose to go down one path of having a full hospital. It didn't work. They then wanted to come back and get, essentially, a second bite at the apple and have a new set of rules and a new deadline just for them, March 31st. But that wasn't good enough. It wasn't just the new deadline that they wanted; they wanted a lesser standard. They just wanted to have a letter of intent on file, not a completed application. The message you send with this bill is that the rules that people make decisions on, that people make investments on, are not reliable. This is effectively special legislation. It's carved out for one entity. It's not fair to the others in the process. And I would strongly urge a No vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there further discussion? Seeing none, Senator Link, to close. I'm -- I'm sorry. Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. Will the sponsor yield?

STATE OF ILLINOIS  
96th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

63rd Legislative Day

6/30/2009

PRESIDING OFFICER: (SENATOR HENDON)

Indicates he will. Senator Lightford.

SENATOR LIGHTFORD:

Senator Link, are there other hospitals who have experienced a similar situation as this?

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link.

SENATOR LINK:

Thank you, Senator Lightford. Matter of fact, there has been. Edwards Hospital has this same exact thing that -- situation that was -- they were trying for an additional hospital and the Facility Board turned them down. They are trying for a freestanding facility. The same particular situation, which we passed out of this Body fifty-eight to nothing.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Lightford.

SENATOR LIGHTFORD:

...you -- thank you for that response. Then, to the bill, Senator: From debate what I learned, that many hospitals who take on Medicaid patients have significant challenges and differences. And I rise in support of this legislation, because I find it important to make sure that all communities who have a high client base of Medicaid patients should have an opportunity to attain quality health care. I don't know that the opposition provides enough support for Medicaid clients. I asked that question in committee. The -- the question was not answered to the percentage of Medicaid clients that they would accept. And I think that their hospital could still do their service and I

STATE OF ILLINOIS  
96th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

63rd Legislative Day

6/30/2009

believe that this hospital would also provide service for many patients in the Lake County area. And I urge an Aye vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there further discussion? Seeing none, Senator Link, to close.

SENATOR LINK:

Thank you, Mr. President. This hospital is in my district. This is the -- in this piece of legislation, the only hospital it affects is my hospital. When one of the previous speakers spoke, he said that this was special legislation. The original legislation was special legislation to help a particular hospital. I want to tell you a little bit about Vista. I probably know more about this hospital than anyone in this room. I was born in this hospital. And I don't want to tell you how many years ago. But all my siblings were born in this hospital. It's been around for a long time. It's been helpful to the community. To use an example: Last year, it gave 2.2 million dollars to HealthReach to help the underprivileged in the area, where other hospitals gave zero. It's a safety net community hospital to help those community -- community underprivileged people that need help. It's been there. It's helpful. It's going to continue. It still has to go through the Health Facility Board to get the yes or no on this. I'm asking for nothing other than to have them have their day in court. I ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR HENDON)

This is final action. The question is, shall the Senate concur in House Amendments No. 1, 2 and 3 to Senate Bill 321. All those in favor will vote Aye. Opposed will vote Nay. And

STATE OF ILLINOIS  
96th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

63rd Legislative Day

6/30/2009

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 31 voting Aye, 22 voting Nay, 2 voting Present. The bill, having received the required -- the motion fails. Senator Link, to...

SENATOR LINK:

I just want to take it out of the record.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Link, for what purpose do you seek recognition?  
Senator Link.

SENATOR LINK:

Just take it out of the record right now, if I can.

PRESIDING OFFICER: (SENATOR HENDON)

Out of the record. Senator Jacobs, for what purpose do you seek recognition, sir? Senator Jacobs.

SENATOR JACOBS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR HENDON)

State your point, Senator.

SENATOR JACOBS:

Yes. I would like to introduce my Page for the Day, Senator Emil Jones.

PRESIDING OFFICER: (SENATOR HENDON)

Nice haircut, also, Senator Jacobs. You -- you look different. Debonair, in fact. Senate will stand at ease for just a few moments. Senator Viverito, for what purpose do you seek recognition, sir?

SENATOR VIVERITO:

Point of personal privilege, Mr. President.

STATE OF ILLINOIS  
96th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

63rd Legislative Day

6/30/2009

PRESIDING OFFICER: (SENATOR HENDON)

State your point, Senator.

SENATOR VIVERITO:

I just wanted to announce we had a young a man who's been working with us now for some time in the revenue department and he's going to be leaving us, and he's done a great job, and his name is Ryan Young. Let's give him a nice round of applause and hopefully may he move on to bigger and better things.

PRESIDING OFFICER: (SENATOR HENDON)

Let's give him a nice round of applause. Congratulations. Bigger and better things. Senator Forby, for what purpose do you seek recognition, sir?

SENATOR FORBY:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR HENDON)

State your point.

SENATOR FORBY:

Today I have my brother and his wife, Eric and Amy, here from Collinsville. I just wish you'd give 'em a big hand from us here. Will you please stand?

PRESIDING OFFICER: (SENATOR HENDON)

Welcome to the Illinois Senate. The brother of Senator Forby. Wonderful people. And his lovely wife. Welcome. Senate will stand at ease for a few moments.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HENDON)

Senator Jacobs, for what purpose do you seek recognition,

STATE OF ILLINOIS  
96th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

63rd Legislative Day

6/30/2009

sir?

SENATOR JACOBS:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR HENDON)

State your point.

SENATOR JACOBS:

Thank you, Mr. President. While there's a lull in the Senate, I'd like to present this proclamation to one of our own, Kevin Lee, from the Small Newspaper Group. He was out canoeing and he was canoeing down Sugar Creek, Indian -- Indian Turkey State Park {sic}, and he found a brother and sister whose boat had capsized and the brother and sister were clinging to a log, fighting for their life in the stream. And Kevin displayed incredible calm courage and jumped into save the brother and sister from drowning. And I would just like to acknowledge Kevin Lee, who sits here in our press box, from the Small Newspaper Group.

PRESIDING OFFICER: (SENATOR HENDON)

The Senate acknowledges the great courage of Kevin Lee. He's brought some redeeming qualities to the press corps. Please turn to your regular Calendar. Page 55 on your regular Calendar, Ladies and Gentlemen of the Senate. On the Order of Concurrences is Senate Bill 397. Senator Hunter. Madam Secretary, read the lady's motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendment 1 to Senate Bill 397.

Signed by Senator Hunter.

PRESIDING OFFICER: (SENATOR HENDON)

STATE OF ILLINOIS  
96th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

63rd Legislative Day

6/30/2009

Senator Hunter.

SENATOR HUNTER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Amendment 1 amends the Hemophilia Care Act to require the -- the Director of Healthcare and Family Services, rather than the Department of Public Health, to make appointments to the existing independent advisory board. And it also removes the provision of the Hemophilia Care Act that declares that no one more -- that no more than a majority of the voting members may be of the same party. And lastly, it basically transfers the authority of appointing members to the Hemophilia Advisory Review Board to the agency that best represents the mission of the Board. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR HENDON)

Is there any discussion? This is final action. The question is, shall the Senate concur in House Amendments {sic} No. 1 to Senate Bill 397. All those in favor will vote Aye. Opposed, vote 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, none voting Nay, none voting Present. The bill, having received the required constitutional -- the Senate concurs in House Amendments {sic} No. 1 to Senate Bill 397. And the bill majority, having received the required constitutional majority, is declared passed. The Senate will stand at ease for a few moments.

(SENATE STANDS AT EASE)



STATE OF ILLINOIS  
96th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

63rd Legislative Day

6/30/2009

PRESIDING OFFICER: (SENATOR HENDON)

Senator Harmon in the Chair.

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HARMON)

The Session will come to order. The regular Session of the Senate will stand in recess to the call of the Chair. The regular Session of the Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HENDON)

The regular Session of the Senate will come to order. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those resolutions read in today will be added to the Consent Calendar. Madam Secretary, have there been any objections filed to any resolutions on the Calendar?

SECRETARY ROCK:

No objections have been filed.

PRESIDING OFFICER: (SENATOR HENDON)

Consent Calendar. There -- is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor will say Aye. Opposed, say Nay. The Ayes have it. The motion carries, and the resolutions are adopted. Madam Secretary, Messages.

SECRETARY ROCK:

Message from the House by Mr. Mahoney, Clerk.

STATE OF ILLINOIS  
96th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

63rd Legislative Day

6/30/2009

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 68.

Offered by Senator Clayborne.

(Secretary reads HJR No. 68)

Adopted by the House, June 30th, 2009. Mark Mahoney, Clerk of the House.

PRESIDING OFFICER: (SENATOR HENDON)

Senator Clayborne moves to suspend the rules for the purpose of immediate consideration and adoption of House Joint Resolution 68. Those in favor will say Aye. Opposed, say Nay. The Ayes have it. The rules are suspended. Senator Clayborne moves the adoption of House Joint Resolution 68. All those in favor, say Aye. Opposed, say Nay. The Ayes have it, and the resolution is adopted. There being no further business to become before the Senate, the Senate stands adjourned until the call of the Chair.