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96th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

74th Legislative Day

1/13/2010

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PRESIDING OFFICER: (SENATOR HARMON)

The regular Session of the 96th General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the gallery please rise? The invocation today will be given by Rabbi Barry Marks of Temple Israel, Springfield, Illinois. Rabbi.

RABBI BARRY MARKS:

(Prayer by Rabbi Barry Marks)

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Rabbi. Please remain standing for the Pledge of Allegiance. Senator Maloney, to lead us in the Pledge.

SENATOR MALONEY:

(Pledge of Allegiance, led by Senator Maloney)

PRESIDING OFFICER: (SENATOR HARMON)

Madam Secretary, Reading and Approval of the Journals.

SECRETARY ROCK:

Senate Journal of Tuesday, January 12th, 2010.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hunter.

SENATOR HUNTER:

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

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hunter moves to postpone the reading and approval of the Journal, pending arrival of the printed transcript. There being no objection, so ordered. Madam Secretary, Introduction of Bills.

SECRETARY ROCK:

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Senate Bill 2546, offered by Senator Demuzio.

(Secretary reads title of bill)

Senate Bill 2547, offered by Senator Demuzio.

(Secretary reads title of bill)

Senate Bill 2548, offered by Senator Demuzio.

(Secretary reads title of bill)

Senate Bill 2549, offered by Senator Garrett.

(Secretary reads title of bill)

Senate Bill 2550, offered by Senator Harmon.

(Secretary reads title of bill)

1st Readings of the bill {sic}.

PRESIDING OFFICER: (SENATOR HARMON)

Madam Secretary, Messages.

SECRETARY ROCK:

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 81.

Adopted by the House, January 12th, 2010. Mark Mahoney, Clerk of the House.

PRESIDING OFFICER: (SENATOR HARMON)

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. Senator Lightford will stand in the Chair. And the Senate will stand at ease.

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(SENATE STANDS AT EASE)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Harmon in the Chair.

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HARMON)

The Senate will come to order. 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 - Senate Bill 321, Senate Bill 642, House Bill 2240.

Signed by Senator James F. Clayborne, Chairman.

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to the Criminal Law Committee - Motion to Concur with House Amendment 1 to Senate Bill 1013; refer to the Education Committee - Motion to Concur with House Amendment 1 and House Amendment 2 to Senate Bill 315, Motion to Concur with House Amendment 1 to Senate Bill 616, and Senate Resolution 560; refer to the Executive Committee - Motion to Concur with House Amendment 1, House Amendment 2 and House Amendment 3 to Senate Bill 321, Motion to Concur with House Amendment 1 to Senate Bill 328, Motion to Concur with House Amendment 1 to Senate Bill 1868, Motion to Concur with House Amendment 1 and House Amendment 2 to Senate Bill 1425, and Floor Amendment 1 to House

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Bill 2240; refer to the Public Health Committee - House Joint Resolution 72; refer to the State Government and Veterans Affairs Committee - Floor Amendment 1 to Senate Bill 642 and House Joint Resolution 66 and Senate Bill 7.

Signed by Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Muñoz, for what purpose do you rise?

SENATOR MUÑOZ:

Point of announcement, Mr. President. Senate Democrats requesting caucus at 10 a.m. in the President's Office.

PRESIDING OFFICER: (SENATOR HARMON)

That request is always in order. Do you expect to be back on the Floor at 11:30? Senator Muñoz indicates we expect to be back on the Floor at 11:30. Senator Syverson, for what purpose do you rise?

SENATOR SYVERSON:

Thank you. The Senate Republicans would request a caucus at 10 o'clock in the Leader's Office - 10 to 11 o'clock. So, those Members in their offices, if they could come to the Leader's Office - 10 o'clock. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

That request is always in order, Senator. Both caucuses have requested caucuses starting at 10. We would return to the Floor at 11:30 to make committee announcements and to prepare to cross the Rotunda for the Governor's State of the State Address. The Senate will stand in recess to the call of the Chair. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

The Senate will come to order. 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. If -- the members of the Committee on Assignments, if you could please go to the President's room immediately. The Senate will stand at ease.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The Senate will now come to order. 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 - Floor Amendment 2 to House Bill 2240; re-referred from the Executive Committee to the Committee on Assignments - Motion to Concur with House Amendment 1, House Amendment 2 and House Amendment 3 to Senate Bill 321; Be Approved for Consideration - Motion to Concur with House Amendment 1, House Amendment 2 and House Amendment 3 to Senate Bill 321.

By -- signed by Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Ladies and Gentlemen of the Senate, this afternoon Criminal Law will meet in Room 212 at 1:30. Criminal Law will meet in Room 212 at 1:30. Education will meet in Room 409 at 1:30.

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Education in Room 409 at 1:30. The Executive Committee will meet at 2 p.m. in Room 212 - 2 p.m. in Room 212. And State Government will meet at 2:30 in Room 409. State Government in Room 409 at 2:30. On the Order of Resolutions is House Joint Resolution No. 81. Madam Secretary, please read the resolution.
SECRETARY ROCK:

House Joint Resolution 81, offered by Senator Harmon.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Harmon moves to suspend all rules for the immediate consideration of House Joint Resolution 81. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Harmon moves the adoption of House Joint Resolution 81. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Ladies and Gentlemen of the Senate, the following Senators are appointed to the Committee of Escort to escort the Governor to the House of Representatives for the Joint Session: Senator Garrett, Senator Sandoval, Senator Emil Jones, Senator Bomke and Senator Dahl. When the Senate recesses, I will ask the committee to meet at the rear of the Chamber. The Senate will stand in recess to the call of the Chair until after the Joint Session. After the Joint Session, the Senate will reconvene for further Floor action. The Senate -- the Senate stands at recess.

(SENATE STANDS IN RECESS)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Ladies and Gentlemen of the Senate, at this time, we ask that you please begin to go over to the House of Representatives

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for our Joint Session. And will the Members -- the escort team please come to the -- back of the Chamber? All Members please proceed to the House of Representatives. Thank you.

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR CLAYBORNE)

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

SECRETARY ROCK:

Senator Noland, Chairperson of the Committee on Criminal Law, reports Motion to Concur with House Amendment 1 to Senate Bill 1013 recommended Do Adopt.

Senator Meeks, Chairperson of the Committee on Education, reports Motions to Concur with House Amendment 1 and 2 to Senate Bill 315 and House Amendment 1 to Senate Bill 616 recommended Do Adopt.

Senator Hendon, Vice-Chairperson of the Committee on Executive, reports Motions to Concur with House Amendment 1 to Senate Bill 328, House Amendments 1 and 2 to Senate Bill 1425 and House Amendment 1 to Senate Bill 1868 recommended Do Adopt.

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, reports Senate Amendment 1 to Senate Bill 642 recommended Do Adopt.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Madam Secretary, Introduction of Bills.

SECRETARY ROCK:

Senate Bill 2551, offered by Senator Kotowski.

(Secretary reads title of bill)

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Senate Bill 2552, offered by Senator Martinez.

(Secretary reads title of bill)

Senate Bill -- 2553, offered by Senator Martinez.

(Secretary reads title of bill)

Senate Bill 2554, offered by Senator Martinez.

(Secretary reads title of bill)

Senate Bill 2555, offered by Senator Frerichs.

(Secretary reads title of bill)

Senate Bill 2556, offered by Senator Haine.

(Secretary reads title of bill)

Senate Bill 2557, offered by Senator Haine.

(Secretary reads title of bill)

Senate Bill 2558, offered by Senator Koehler.

(Secretary reads title of bill)

Senate Bill 2559, offered by Senator Koehler.

(Secretary reads title of bill)

Senate Bill 2560, offered by Senator Cronin.

(Secretary reads title of bill)

Senate Bill 2561, offered by Senator Cronin.

(Secretary reads title of bill)

Senate Bill 2562, offered by Senator Cronin.

(Secretary reads title of bill)

Senate Bill 2563, offered by Senator Cronin.

(Secretary reads title of bill)

Senate Bill 2564, offered by Senator Cronin.

(Secretary reads title of bill)

Senate Bill 2565, offered by Senator Cronin.

(Secretary reads title of bill)

Senate Bill 2566, offered by Senator Sullivan.

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(Secretary reads title of bill)

Senate Bill 2567, offered by Senator Steans.

(Secretary reads title of bill)

Senate Bill 2568, offered by Senator Steans.

(Secretary reads title of bill)

Senate Bill 2569, offered by Senator Harmon.

(Secretary reads title of bill)

Senate Bill 2570, offered by Senator Righter.

(Secretary reads title of bill)

Senate Bill 2571, offered by Senator Sandoval.

(Secretary reads title of bill)

Senate Bill 2572, offered by Senator Jacobs.

(Secretary reads title of bill)

Senate Bill 2573, offered by Senator Frerichs.

(Secretary reads title of bill)

Senate Bill 2574, offered by Senator Althoff.

(Secretary reads title of bill)

Senate Bill 2575, offered by Senator Clayborne.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Madam Secretary, Resolutions.

SECRETARY ROCK:

Senate Resolution 584, offered by Senator Haine and all Members.

Senate Resolution 585, offered by Senator Haine and all Members.

They are death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

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Resolutions Consent Calendar.

SECRETARY ROCK:

And Senate Joint Resolution, Constitutional Amendment, 84,
offered by Senator Bivins.

It is substantive.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Althoff, for what purpose do you seek recognition?

SENATOR ALTHOFF:

Thank you, Mr. President. On a point of personal
privilege, while we're at ease.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Please state your point.

SENATOR ALTHOFF:

Thank you very much. To those of you who are here in the
Chamber, I would like to take this opportunity to introduce two
very important people back home in my district. I have with me
the Chairman of the McHenry County Board, Ken Koehler, and the
Executive Director of our Economic Development Commission, Pam
Cumpata. Can we just acknowledge their presence and welcome
them to Springfield?

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Welcome to Springfield. Glad you spent time to come down
here. Thank you. Laurel Bollinger with WICS 20 seeks leave to
videotape. Seeing no objection, leave is granted. Senator
Garrett, for what purpose do you seek recognition?

SENATOR GARRETT:

Thank you, Mr. President. For the purpose of making an
announcement.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

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Please make your announcement.

SENATOR GARRETT:

The Senate Environment Committee will be holding a hearing on Thursday, January 21st, at 11 a.m., in Room 16-503 at the Thompson Center in Chicago. We will be discussing the long-term approach to addressing Asian carp in Illinois waterways. Everyone is invited.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

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

SENATOR TROTTER:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Please state your point.

SENATOR TROTTER:

Thank you very much, Mr. Chairman and Members of the Senate. You know, in this Chamber, oftentimes we acknowledge the good things that our citizens do and the good work that many of the citizens of Illinois have accomplished. Today is -- I want to acknowledge one of our Members, who, like many of us, endeavors in other things besides being a State Senator. This individual is a pastor, and in his role as pastor, he not only nourishes souls, but he also nourishes individuals by feeding them. He has a bakery over in Peoria, and like any small business owner, sometimes he gets accosted by individuals who don't have any money. And in this case, this individual who didn't have any money decided to rob this Senator/pastor and the pastor, being the gracious guy, being a -- being a man of God, gave him his money. Then this guy decided to steal his cell

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phone and this Senator knocked the spit out of his mouth. And as a consequence, the guy was arrested because they got the DNA after being punched in the mouth. And that hero from Peoria is our own Senator Koehler. And -- and as we say, and, truly, the meek shall inherit the earth.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Syverson, for what purpose do you seek recognition?

SENATOR SYVERSON:

Mr. President, we would like a -- a short caucus. Ten minutes, be back here at 4:15.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Syverson, a caucus is always in order. Be back at 4:15. You're welcome. The Senate will stand in recess till 4:15 for purposes of a Republican Caucus.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR CLAYBORNE)

The Senate will come to order. Will the Members please be in their seats? Will the staff please retire to the back of the Chambers? Also, Abel Uribe with Chicago Tribune would like to take still photos. Seeing no objection, motion is -- permission is granted. We have a -- a -- Senator Trotter, for what purpose do you seek recognition?

SENATOR TROTTER:

Personal privilege, Mr. Chairman {sic}.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Please state your point, Senator Trotter.

SENATOR TROTTER:

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Thank you very much, Mr. Chairman {sic}, Members of the Senate. You know, so often when things happen in other areas, you know, it doesn't really impact on you. Poverty for some of us and -- you know, poverty is -- that's someplace else. Crime, that's someplace else. And it's not in my neighborhood and it doesn't impact on me. The war in Afghanistan. The -- the war in Iraq. Well, when people die, it doesn't impact on me. Well, the Governor alluded this afternoon about the young man from Chicago who died. He was one of my constituents. You know, a young brother, moved here from Monrovia, Liberia. Came over here, didn't know the language, went to school, struggled with his education, ended up graduating from Chicago State University with a degree in computer science. After 9-11, he wanted to do something for his adopted country. He joined the National Guard. He served in the National Guard. After that duty was up, he wanted to be a U.S. Army Ranger, so he joined the Army. Got sent over to Afghanistan, served that term - served a year there. Went back a second time. And it was -- the second time is when his military convoy ran over a bomb and he died. I said, you know, when we talk about -- and we heard just yesterday about a young soldier in Senator McCarter's district. You know, it's -- it's not your district, it's not one of your friends, not one of your neighbors, so it's sort of distant. But those are our sons and daughters. Those are our brothers and sisters. And any death is -- is a sad thing. A death from a young man who really loved this country -- for it to happen and -- and serving in the capacity that he did - he did become a Ranger; he was a sergeant. And it said he leaves behind three kids, young kids, three loving kids. He takes care of his

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sister. He's a family man. He's one of our brothers and sisters. And I just want to acknowledge his death in this Body today. Excuse me, his name is Albert Dono Ware, Sergeant.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Would everyone stand, please, for a moment of silence? (Moment of silence observed) Thank you. Senator Raoul, for what purpose do you seek recognition?

SENATOR RAOUL:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Please state your point, Senator Raoul.

SENATOR RAOUL:

I -- I'll -- I'll yield to Reverend Meeks.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Reverend Meeks.

SENATOR MEEKS:

Thank you so much. Point of personal privilege for Senator Raoul. The earthquake in Haiti has claimed many lives. Most of you don't know it, but Senator Raoul's parents are both from Haiti. He's heard from his father's side of the family. They've been able to contact them, but they've not been able to contact his mother's side of the family. And he has many family members unaccounted for. And while he's here laboring with us in the General Assembly, the heaviness of heart is due to the fact that he also has family members from both his mother and his father's side in Haiti and many of them are unaccounted for. I think that before it's all over, this tragedy in Haiti will perhaps be one of the most cataclysmic tragedies of our entire lifetime. We've not seen an earthquake destroy a country like

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this earthquake. So I would also ask for a moment of silence, a moment of silent prayer for all of the victims related in the Haiti tragedy. And then, in the midst of our silent prayer, I would also ask that we would remember Senator Raoul's family, especially during this time of uncertainty where they don't have a lot of answers.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Everybody please rise for a moment of silence. (Moment of silence observed) Thank you. Senator Jones, for what purpose do you seek recognition?

SENATOR J. JONES:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Please state your point.

SENATOR J. JONES:

Thank you, Mr. President. First off, Senator Raoul, our -- our prayers go out to you and your family. You know, too often we're getting up on this Floor and talking about the tragedy around the world. And along with Senator Trotter and Senator McCarter this week, I, too, have a constituent that gave his life for the freedom of this country of ours this week in Afghanistan. Young man, a Marine Corporal, Jamie Lowe, twenty-one, a member of the 3rd Reconnaissance Battalion, was killed this week, in fact, on Monday of this week, during a firefight. Jamie was a 2007 graduate of Cisne High School in Wayne County and he graduated with a class of just a few dozen children. So this tragedy makes it even harder on the small community of Johnsonville in Wayne County. Jamie's remembered for his smile and his wanting to serve the United States in the Marine and

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protect our freedoms around the world. Jamie's survived by his parents, Teresa and Kevin, and his two brothers. And, Mr. President, if we could just have a moment of silence for Jamie at this time.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Everybody please rise for a moment of silence. (Moment of silence observed) Thank you. Everybody please turn to Supplemental Calendar No. 1. Senator Lightford, on Senate Bill 315. Senator Lightford. Madam Secretary, read the motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 315.

Signed by Senator Lightford.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Lightford, to explain the motion.

SENATOR LIGHTFORD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 315, House Amendments 1 and 2 specifically amends the School Code as it relates to the Performance Evaluation Reform Act of 2010, which many of us have come to know it as "Race to the Top" legislation. This concept is a -- a program that President Obama has initiated to help improve our public school system across the country. And one of the things that really attracted me to this, in that reforms that are really needed here in the State of Illinois are part of the Race to the Top application. We're competing in a pool of over four billion dollars, but we're on a tier here in Illinois where we have the opportunity to secure up to five hundred million dollars. There's four provisions that the bill is basically

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structured around -- or, the application is structured around. That's standards and assessments, data systems to support instruction, effectiveness of teachers and leaders, and turning around underperforming schools. School districts had an opportunity to be a part of this program. It is not an unfunded mandate. They filled out a MOU to say that they wanted to be a participant in Race to the Top. There is almost three hundred and fifty school districts -- or, really, over three hundred and fifty school districts that have requested to be a part of the Race to the Top application. At any point the -- that we find that funding did not arrive to Illinois in a timely fashion or there isn't enough funding to submit forward, then the area -- the program would then cease unless that school district has the resources to continue the program further. There was one provision that created some debate and that was because of FOIA protections. IFT, CTU, IEA, they were all at the table. And let me first thank those stakeholders - the education community, ISBE, Darren Reisberg, the Governor's Office. So many people spent all of their holiday time trying to make sure we met the January 19th deadline and that we submitted a good application. Within those negotiations, we all shaped this together. There was a fallout that just took place on Monday evening as it related to FOIA. Teachers, principals and superintendents, that's what these amendments do; it prohibits them and protects them from disclosure in Race to the Top. All of the other employees that they're looking to gain the same level of service for will have to be addressed and dealt with in a different piece of legislation. This is not the vehicle to get all of that done. Again, I want to thank those who were involved - and

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Senator Meeks as well - in putting this together. And I'm sure many of you will have questions, so at that time, I'd be happy to entertain any questions.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

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

SENATOR CRONIN:

To the legislation, if I may, please.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Please, Senator Cronin -- Cronin.

SENATOR CRONIN:

I rise in support of Senate Bill 315, the concurrence, and I enthusiastically express my support for it. I do want to make sure that we state for the record that, really and truly, I think our enthusiasm is based on what our hope and our expectation is for this bill. And, frankly, I think if you look at the authority and the underlying federal program and you look at the points on which our grant application will be measured, they're all points that I think everyone in this Chamber would agree on. You're talking about assessments, accountability, teacher performance, student growth - all things that we have discussed over the years. And any education policy discussion talks about the virtues of all of these -- these -- these principles. So, I just wanted to make sure that for -- for -- as far as I'm concerned, this is a wonderful opportunity, but it depends on how it's administered and it depends on how serious and meaningful our application is. And I would urge those Leaders, who have done a marvelous job thus far, to continue to utilize this as a -- as an opportunity to really change and --

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and instill some meaningful standards and accountability measurements to help students achieve. That's what ultimately this is about. And I want to be able to look back on this and say, "Look, it really made a difference." And I think there's potential for that. I'm excited about it. I rise in strong support. I commend the sponsors and the Leaders that were behind this. And -- and I urge that we carry out this with the best of intentions. Thank you.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Thank you, Senator Cronin. Senator Steans.

SENATOR STEANS:

Yes, I have a -- first, I have a question I'd like to ask to clarify legislative intent.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Sponsor indicates she will yield.

SENATOR STEANS:

Thank you. Section 24A-2.5 will allow use of department heads and chairs in Chicago public schools to evaluate teachers. For purposes of legislative intent, may I ask whether the language in that Section will result in those department heads or chairs being reclassified as managers, thus removing them from the teachers' bargaining unit?

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Lightford.

SENATOR LIGHTFORD:

No. Department chairs or other bargaining unit members under this Section will not be considered as managers or supervisory employees under the Illinois Educational Labor Relations Act. And employers will not create or reclassify any

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such managerial or supervisory positions in order to implement this evaluation program.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Steans.

SENATOR STEANS:

Then just briefly to the bill. You know, I just want to thank Senator Lightford and -- and Reverend Meeks for their leadership in bringing this bill to us today. You know, they'd had an education hearing on Race to the Top late in the fall and I must say, at that time, I did not think we'd be here this early in the Session coming up with a bill -- agreed-to bill to help us with our application. What I find really pleasant about this is it's something we should be doing anyway. I think, for too many years, we've all agreed that we need to somehow incorporate performance of kids, student growth, into our evaluation process. This bill is setting out our process now to do so, and it -- we're going it in a way when all the stakeholders have come together and agreed on it. I think it's very exciting and I really think it's to be commended. Thank you.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Thank you, Senator Steans. Senator Burzynski, for what purpose you seek recognition?

SENATOR BURZYNSKI:

Thank you, Mr. President. To the bill: I -- I really find myself in somewhat of a curious position here today, as I rise in opposition to this bill. Now, my opposition isn't to the intent of the bill, and I think I've made that clear. And I do commend those that have worked very hard to try and -- and do

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something and to achieve something positive relative to student outcomes and individual -- an individual's ability to learn the best that they can and have qualified teachers in the classrooms. You know, with many things that we do here in this General Assembly, it's not necessarily the initial thing that creates a problem. The devil's always in the details. The problem I have with this particular piece of legislation is exactly that: We don't have many details in front of us. Let me give you just a couple of quick examples so that you'll understand what I'm talking about and why I'm voting No. First of all, one of the things that's in the bill itself is that there has to be a State model teacher evaluation plan. This is a plan that we currently don't have, but, yet, we're going to put it into legislation even though we don't have a plan devised at this point. Let me give you another example. The -- according to the information I have here, rules governing the use of student growth will be developed in collaboration with the Performance Evaluation Advisory Committee {sic} (Council). The Performance Evaluation Advisory Committee, as I recall from our discussion in the committee, is a committee whose members -- in the broader sense, not individually, but as far as where they come from, what sectors they come from, it's not specified in the bill. So we don't know who that is. Ultimately, what we are asked to do here today, in an effort to capture federal dollars, is to give away the authority of a hundred and seventy-seven lawmakers to the State Board of Education to draft what I believe we should be doing as legislators. They will be putting the nuts and bolts into this piece of legislation. Do we do that from time to time? Sure we do. We give agencies the

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flexibility and authority to write rules all of the time. And then we depend on JCAR - the twelve members of JCAR - to make sure that they abide by legislative intent. And that's what we do. Unfortunately, this bill is drafted so broadly that just about anything, including the kitchen sink, will qualify to be in the rules that might be suggested by the State Board of Education, and therefore JCAR would have no grounds to even object to any of those rules. So, it's for that reason that I rise in opposition to the bill. I do applaud the folks who have been working on this. I think we all want to go where our students have the best educational opportunities available. I am just very concerned that when these rules are finalized and as we move down the road, that each and every one of us will be hearing from our local school boards about their problems, their concerns and their inability to abide by this particular piece of legislation. In addition to that, I would just urge you to remember that one of the concerns and one of the things we hear from our downstate school boards on a regular basis is, "You know, you guys change the rules on us every year and a half, every two years, before we even know whether or not a program's going to work." I sincerely hope that doesn't happen with Race to the Top. Thank you.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Thank you, Senator Burzynski. Senator Meeks. Oh, I'm sorry, Senator Lightford, to respond.

SENATOR LIGHTFORD:

Thank you, Mr. President. I would love to because I want the Ladies and Gentlemen of this Body to understand the time frame that we were given to work within. We became well aware

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of Race to the Top, I would say, late September, early October, and we really pushed hard to bring all the stakeholders together to come together on key important issues. What's remaining is ISBE. ISBE will define the "significant growth" by rule and they will develop a model with fifty percent of the evaluation comprised by student growth. A Performance Evaluation Advisory Council will collaborate in the rules process and they're required to meet at least quarterly through 2017. Members of the Council - and you know how, when we all set up our task force, we look for quality people - and members of this Council will be teacher union representatives, school district management, experts in performance evaluations and systems, and other stakeholders. So this isn't some Johnny-come-lately, let's get together and sit around the kitchen table and make up rules that aren't beneficial for our children. These are the community stakeholders of education that run our school system now across the State of Illinois, from management down to the child in the classroom. Many of the proponents that signed up for this legislation were across the board, from ISBE, Advance Illinois, the Governor's Office, Chicago Public Schools, Illinois Manufacturers' Association, the School Management Alliance, LEND and SCOPE, ED-RED, LUDA. They are the ones that represent the teachers, the principals, the superintendents, the regional offices. They're the ones who are out there working with them. So I know for sure that they have a stake in this and that they will stay at the table and you will find the rules-making process to be fair as we move this forward.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Meeks.

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SENATOR MEEKS:

Thank you so much, Mr. Chairman {sic}. To the bill: Let me simply say that I want to commend the sponsor, Senator Lightford. Something amazing has happened here with this piece of legislation. ISBE started working on the Race to the Top application, I believe, in about October. Senator Lightford called me in about -- I mean, in August. Senator Lightford called in about October because ISBE had decided, and all of the stakeholders, that there were two more -- or, three more pieces of legislation that could really make our application much stronger, but somehow they had determined that there was no way they would agree on what the legislation has to be. We came to the table in about October and it was late last week that we finally hammered out this agreement. Everybody was in agreement: ISBE, -- CPS, IFT, IEA. And it was actually amazing that in that amount of time, we were able to put together this piece of legislation with all sides agreeing. And I want to commend Senator Lightford for saying that it could be done even though we had a short time. And then Roger Eddy and Jerry Mitchell, they got on board, and that's why we have this legislation today. And I believe it's a great piece of legislation. It will help our application with Race to the Top. And if something happens and we lose our application and we don't qualify for the funds, it definitely won't be because the General Assembly didn't do its part. And so, I'd like to say hats off to the sponsor and to everybody who worked on this legislation.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Lauzen.

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SENATOR LAUZEN:

Thank you very much, Mr. President. I would like to echo the comments made by Senator Meeks and congratulate the sponsor and all the people who are working on this. I know that there are -- are obvious constitutional concerns, as far as federal government now having influence on our local school districts, but it is a permissive grant program rather than mandatory. And what I am so excited about on this is that we are together measuring results of kids, which is a very healthy thing and it's the proper measurement. I know that -- part of the criticisms of No Child Left Behind is that it was against a static measurement of meet or exceed a certain level of performance. But what I understand is in this program, and what's coming out of the consensus of what experts say, is what we've all learned at our kitchen table, that you don't ask all your kids as they sit around dinner and say, "Well, how did you do at school today, group?" No, you say, "Well, Ted, how did math go today?" "Elliot, how did English go?" It's individual performance and that is a very healthy thing. So, congratulations to what I think is significant progress. So, thank you very much for your work.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Thank you, Senator Lauzen. Senator Lightford, to close.

SENATOR LIGHTFORD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate and all of my colleagues who had comments on this program. I just wanted, for clarification, to just say a couple things. The school districts had an opportunity through a MOU to say they wanted to be a part of it. The school districts

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also have an opportunity to opt out of it. If they find after -
- we submit our application on January 19th. We get our results
back from Washington, D.C., preferably we're in the five hundred
million area, funding will be here in the month of April. That
would allow the school districts to plan with their budgets. If
they notify within ninety days that I cannot do this, this isn't
working within my ramifications, they can opt out of the program
if it's not enough funds available. So I love the fact that it
is an unfunded -- it's not an unfunded mandate, which is the
word that we generally use. But I want us to know that I think
this is a great step towards closing the academic achievement
gap, bringing highly qualified teachers to low-performing
schools, and allowing parents to have more of an opportunity for
choice with their child's education. So I urge all of us to
vote Aye and I thank you.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

The question is, shall the Senate concur in House
Amendments No. 1 and 2 to Senate Bill 315. 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 48 voting
Yea, 4 voting Nay, none voting Present. Having received the
required constitutional majority, the Senate does hereby concur
in House Amendments No. 1 and 2 to Senate Bill 315, and the bill
is declared passed. Senator Link, on Senate Bill 321. Out of
the record. Senate -- Senator Koehler, on Senate Bill 328.
Madam Secretary, read the motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their

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Amendment No. 1 to Senate Bill 328.

Signed by Senator Koehler.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Koehler, to explain the motion.

SENATOR KOEHLER:

Thank you, Mr. President, Members of the Senate. This bill relaxes the requirements for manufacturing companies to qualify for an exemption to certain State and municipal taxes passed on through utility bills. In order to qualify for the exemption under the relaxed requirements, the company would have to retain five hundred full-time jobs in 2009 and then it stairsteps up to where it's back at a thousand jobs in 2013. This bill really affects two companies in the State: Keystone and U.S. Steel. I'm the sponsor of it because it is imperative that Keystone be allowed to continue to -- to have this utility tax exemption because it, very literally, means high-paying union jobs in Peoria. If it weren't for this, they would maybe be forced to close their doors. So I ask for your support.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Risinger, for what -- what purpose you seek recognition?

SENATOR RISINGER:

Yeah, to the bill, Mr. President. I rise in support of this bill. This is important to the Peoria area and to U.S. Steel. You know, it's -- it's not a case that a lot of these workers have been laid off. In fact, they've been given a -- a temporary status. But as the -- as the enterprise is written, you have to be full-time. And so, this is a phased-in bill. And Keystone expects to get back up to power as the -- we get

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through this recession. It's very important that we keep them healthy and alive. You know, we've lost a lot of steel plants in this country. So I hope we can get all green lights on this bill. Thank you.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Thank you, Senator Risinger. Senator Lauzen, for what purpose you seek recognition?

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Sponsor indicates he will yield.

SENATOR LAUZEN:

Senator, I certainly appreciate and respect the work that you're trying to do for businesses in your district. How might this be fair to all the other companies in Illinois who pay utility tax but don't get this credit?

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator -- Senator Koehler.

SENATOR KOEHLER:

Yes, thank you for your -- your question. I appreciate that. This legislation really is only intended for companies that have utility tax exemptions currently. And the -- the law is written that they have to be in an enterprise zone. So, you know, this does not open the door for anybody who is not in this category already. Really, what we're trying to do is, it -- because Keystone, in the recession right now, has dipped below that thousand threshold, they're at risk of losing this. Keystone is a company that has held on. I mean, they've -- they're over a hundred years old. They have held on and they

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are employing people, keeping them working just because they don't want to lose that work force. And we don't want them to go out of business because the -- the impact on the State if they go out of business is severe.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Senator. I appreciate that. My intention would not to be exclusive or to exclude more; it would be the opposite, to include more in what you see and, I think, most of us see as a benefit to keep jobs in Illinois. So it's -- it's more from the standpoint how do we include more businesses and protect more employment, not just these.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Koehler.

SENATOR KOEHLER:

I -- I support that same thought. And this bill can't do it, but certainly as we -- we look at other legislation this spring, I'd be happy to join you in that effort.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much. I -- I appreciate that. Perhaps we can work on that through the rest of the legislative Session. Last question: As you put together the construction of this bill, is there an advantage to a larger company that puts a smaller company at a disadvantage? You know, the big guys can afford to get these exclusions or these exemptions, but the little guy doesn't get it.

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PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Koehler.

SENATOR KOEHLER:

Again, Senator, the -- there's only really two companies that are affected by this particular piece of legislation. So, it -- you know, it already is exclusionary, in that -- that other -- other groups that are smaller certainly are not -- are not allowed into this. But I -- I understand what -- what your -- the gist of your comments are and I agree with you. And I think if there is a way that we can open this up and -- and help to save other Illinois jobs, I'm certainly in favor of that. So, if you'll help me support this one, I'll work with you in -- in the future on this.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

The question is, shall the Senate concur in House Amendments No. 1 -- House Amendment No. 1 to Senate Bill 328. 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 52 voting Yea, none voting Nay, none voting Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 328, and the bill is declared passed. Senator Meeks, on Senate Bill 616. Madam Secretary, read the motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 616.

Signed by Senator Meeks.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

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Senator Meeks, to explain the motion.

SENATOR MEEKS:

Thank you so much, Mr. Chairman {sic}. Senate Bill 616, House Amendment 1 is our last piece of legislation as it relates to Race to the Top and our Race to the Top application. And it will provide twenty-one additional points on our application by simply passing this legislation. It's very simple. It expands access to alternative certification programs. That means it allows nonprofit, such as Teach for America, to also train teachers so that we could get more teachers in the pipeline -- more math, more science teachers into the pipeline. And this is our last piece of legislation. And I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Is there any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 616. 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 51 voting Yea, none voting Nay, none voting Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 616, and the bill is declared passed. Senator Noland, on Senate Bill 1013. Madam Secretary, read the motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1013.

Filed by Senator Noland.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Noland, to explain the bill.

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SENATOR NOLAND:

Thank you, Mr. President...

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Explain the motion.

SENATOR NOLAND:

Thank you very much. Motion is to delete everything from the -- the previous bill and the amendment actually becomes the bill. Happy to read it on -- as we move forward -- we're ready to go. Sorry about that, please forgive me. So, Senate Bill 1013 addresses a problem that we've all realized has existed since fall 2009 within our criminal justice system, specifically Department of Corrections, in -- in which the meritorious good time program had been perhaps misapplied. What it does now, this bill, is to essentially codify previous regulations that somehow had been not -- had not been administered appropriately. As amended, Senate Bill 1013 requires inmates to serve at least sixty days of their sentence before they can receive additional good conduct credit. It also provides that the Director of Corrections may not award additional good conduct credit without first making a written determination that the inmate has met the criteria for the award of additional good conduct credit. As well, the Department -- the Department itself must give notice to State's attorneys at least fourteen days in advance prior to the early release of an inmate due to the award of additional good conduct credit. I'm happy to take any -- any questions.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Is there any discussion? Senator Dale Righter.

SENATOR RIGHTER:

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

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PRESIDING OFFICER: (SENATOR CLAYBORNE)

Sponsor indicates he will yield, Senator Righter.

SENATOR RIGHTER:

Thank you. Senator Noland, you and I have talked about this legislation briefly, but as you know, I was not in Criminal Law Committee, where I should have been, when this bill was voted on. Is it a fair characterization of this bill to say that this will codify statutorily the administrative policy that was in place before the new early release program that has -- that we've all been made aware of went into place? Is that -- is that fair to say, it codifies the policy that was in place before the early release program?

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Noland.

SENATOR NOLAND:

Yes, Senator, thank you for the question. It does, certainly with respect to the sixty-day rule, the rule that an inmate must serve at least sixty days of a -- his or her sentence. However, more importantly what this does is it sets up a rules-making system whereby JCAR, which, as you know, legislators here in this Body and the other Chamber serve, can oversee the rules that are promulgated by the Department of Corrections and vote. So there will be public oversight; there'll be transparency and accountability, which was sorely lacking previously.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Seeing no further discussion, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1013. All those in favor will vote Aye. Opposed, Nay. The voting is

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open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 voting Yea, none voting Nay, none voting Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 1013, and the bill is declared passed. Senator... Senator Cullerton, on Senate Bill 1868. Madam Secretary, read the motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1868.

Filed by Senator Cullerton.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Cullerton, to explain the motion.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill removes the current Board members of the Metropolitan Pier and Exposition Authority Board and -- within thirty days after the effective date of the bill and it creates a new seven-member interim Board that will function as the Board for the Authority until the General Assembly creates a new Board. The Governor will appoint three interim Board members. The Mayor of Chicago will appoint three interim Board members. And the Mayor shall appoint the Board chairperson, subject to approval by the Governor. We hope that this will result in a very focused smaller Board that will come back to us soon with recommendations that would improve our standing as a premier tourism location in the City of Chicago. In our committee, we discussed, with Senator Radogno and myself, the fact that there is no time frame in the bill that mandates them to do it. But

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it's my hope that they would come back and give us recommendations before, I would say, May 1st so that we can take it upon ourselves, certainly as the Senate, to go forward with any legislative changes that would be helpful in encouraging new conventions to come to McCormick Place and certainly the ones that have been there to stay. So I would say that we will advance legislation. We will -- this is a -- definitely a bipartisan effort. We would work with Republicans and Democrats alike to try to continue to make our McCormick Place a -- an attraction. I would say by May 1st, if they have not come back, we should advance legislation. Obviously, I can't guarantee what the House would do. But I would encourage the people that the Governor and the Mayor appointment to use that as their -- their timeline and get back to us so that we can still respond legislatively before the end of our Session. Be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Leader Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. I just wanted to thank the Senate President for acknowledging the fact that no deadline in this bill is a problem and that I do think it makes sense to have a deadline so that we don't have an -- an interim Board that goes on forever. So, thank you and I intend to vote for this.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1868. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish?

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Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 39 voting Yea, 11 voting Nay, 1 voting Present. Having received the required constitutional majority, the Senate does hereby concur in House Amendment No. 1 to Senate Bill 1868, and the bill is declared passed. Madam Secretary, Resolutions Consent Calendar. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those resolutions read -- read into today will be added to the Consent Calendar. Madam Secretary, have there been any objections filed to any resolutions on the Consent Calendar?

SECRETARY ROCK:

No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries and the resolution is adopted. On the Order of the -- on -- on the Order of Resolution is House Joint Resolution 82. Madam Secretary, read the resolution.

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 82.

Offered by Senator Harmon.

(Secretary reads HJR No. 82)

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Adopted by the House, January 13th, 2010. Mark Mahoney, Clerk of the House.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Harmon moves to suspend the rules for the purpose of immediate consideration and adoption of House Joint Resolution 82. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Harmon moves for the adoption of House Joint Resolution 82. All in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. There being no further business to come before the Senate, the Senate stands adjourned until the hour of 5 p.m. on February 8th, 2010. The Senate stands adjourned.