

STATE OF ILLINOIS
96th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

124th Legislative Day

5/26/2010

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PRESIDING OFFICER: (SENATOR SCHOENBERG)

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 John Smith of the United Methodist Church, here in Springfield. Pastor Smith.

PASTOR JOHN SMITH:

(Prayer by Pastor John Smith)

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Please remain standing for the Pledge of Allegiance. Senator Haine.

SENATOR HAINE:

(Pledge of Allegiance, led by Senator Haine)

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senate will stand at ease for a few moments. (At ease) Mr. Secretary, Reading and Approval of the Journal.

ACTING SECRETARY KAISER:

Senate Journals of Friday, May 7th, and Friday, May 21st, 2010.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Sullivan.

SENATOR SULLIVAN:

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

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Sullivan moves to postpone the reading and approval of the Journal, pending arrival of the -- printed transcripts. There being no objection, so ordered. Mr. Secretary,

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Introduction of Bills.

ACTING SECRETARY KAISER:

Senate Bill 3930, offered by Senator Murphy.

(Secretary reads title of bill)

Senate Bill 3931, offered by Senator Righter.

(Secretary reads title of bill)

Senate Bill 3932, offered by Senator Viverito.

(Secretary reads title of bill)

Senate Bill 3933, offered by Senator Kotowski.

(Secretary reads title of bill)

Senate Bill 3934, offered by Senators Murphy, Duffy and Burzynski.

(Secretary reads title of bill)

Senate Bill 3935, offered by Senator Kotowski.

(Secretary reads title of bill)

Senate Bill 3936, offered by Senator Cullerton.

(Secretary reads title of bill)

39 -- Senate Bill 3937, offered by Senator Garrett.

(Secretary reads title of bill)

Senate Bill 3938, offered by Senator Kotowski.

(Secretary reads title of bill)

And Senate Bill 3939, offered by Senator Frerichs.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Mr. Secretary, Resolutions.

ACTING SECRETARY KAISER:

Senate Resolution 850, offered by Senator Lauzen and all Members.

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Senate Resolution 851, offered by Senator Dillard and all Members.

Senate Resolution 852, offered by Senator Dillard and all Members.

Senate Resolution 853, offered by Senator Dillard and all Members.

Senate Resolution 854, offered by Senator Haine and all Members.

Senate Resolution 855, offered by Senator Haine and all Members.

Senate Resolution 856, offered by Senator Haine and all Members.

Senate Resolution 857, offered by Senator Haine and all Members.

Senate Resolution 858, offered by Senator Hunter and all Members.

Senate Resolution 859, offered by Senator Hunter and all Members.

Senate Resolution 861, offered by Senator Bivins and all Members.

They are death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Resolutions Consent Calendar, Mr. Secretary.

ACTING SECRETARY KAISER:

And -- and Senate Resolution 860, offered by Senator Frerichs.

It is substantive.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Mr. Secretary, Messages from the House.

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ACTING SECRETARY KAISER:

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 375.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendments 1 and 2 to Senate Bill 375.

We've received like Messages on Senate Bill 377, with House Amendments 1, 3 and 6; Senate Bill 3534 {sic} (2534), with House Amendments 1 and 2; Senate Bill 3514, with House Amendments 1, 3, 4 and 5; Senate Bill 3660, with House Amendments 1, 9, 12, 14, 17, 18 and 19; and Senate Bill 3662, with House Amendments 1 and 3.

Passed the House, as amended, May 25th, 2010. Mark Mahoney, Clerk of the House.

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 49.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendments 1 and 3 to Senate Bill 49.

We've received like Messages on Senate Bill 1215, with House Amendments 2 and 3; Senate Bill 3012, with House Amendment

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1; and Senate Bill 3537, with House Amendments 1 and 2.
Passed the House, as amended, May 26, 2010. Mark Mahoney, Clerk
of the House.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Mr. Secretary, Messages from the Secretary of State.

ACTING SECRETARY KAISER:

A Message from the Secretary of State, to the -- dated May
26, 2010.

To the Honorable -- 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
change:

Senate Bill 28.

Respectfully, Jesse White, Secretary of State.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senate will stand at ease for a few moments.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senate will come to order. Chris Nguyen of WAND-TV
requests permission to film the proceedings. Seeing no
objection, leave is granted. Senate will now stand at ease for
a few minutes to allow the Committee on Assignments to meet. If
the members of the Committee on Assignments could please come to
the President's Anteroom immediately. The Committee on

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Assignments will meet immediately. Will the members please come to the President's Anteroom? The Senate will stand at ease.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senate will come to order. Mr. Secretary, Committee Reports.

ACTING SECRETARY KAISER:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Be Approved for Consideration - House Bill 1597 and House Bill 3690.

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 Appropriations II Committee - a Motion to Concur with House Amendments 2 and 3 to Senate Bill 1215; refer to the Executive Committee - a Motion to Concur with House Amendments 1 and 2 to Senate Bill -- excuse me, to Senate Bill 375, Motion to Concur with House Amendments 1 and 2 to Senate Bill 1642, Motion to Concur with House Amendment 1 to Senate Bill 2863, Motion to Concur with House Amendment 1 to Senate Bill 3012, Motion to Concur with House Amendment 1 and 3 and 4 and 5 to Senate Bill 3514, Motion to Concur with House Amendment 1, 9, 12, 14, 17, 18 and 19 to Senate Bill 3660, Motion to Concur with House Amendments 1 and 3 to Senate Bill 3662, and Floor Amendment 4 to House Bill 1597, and Floor Amendment No. 1 to House Bill 3690; refer to the Revenue

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Committee - Motion to Concur with House Amendments 1 and 3 to Senate Bill 49, Motion to Concur with House Amendments 1 and 3 and 6 to Senate Bill 377, Motion to Concur with House Amendments 1 and 2 to Senate Bill 2534, Motion to Concur with House Amendments 1 and 2 to Senate Bill 2647, and a Motion to Concur with House Amendment 3 to Senate Bill 3749, and Senate Resolution 808; refer to the State Government and Veterans Affairs Committee - Motion to Concur with House Amendments 1 and 4 to Senate Bill 2093, Motion to Concur with House Amendment 1 to Senate Bill 3739, House Joint Resolution 119, Senate Resolution 782 and Senate Resolution 860.

Signed by Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

We have several committees to announce for tomorrow morning. Please take note. Tomorrow morning at 9 a.m., the Executive Appointments Committee will meet in Room 212. Executive Appointments at 9 a.m. in 212. At 9:30 a.m., the Executive Committee will meet in Room 212. Executive at 9:30 tomorrow in 212. At 10 a.m., the State Government and Veterans Affairs Committee will meet in Room 409. State Government and Veterans Affairs tomorrow at 10 a.m. in 409. And at 10:15 a.m. in Room 400 - changing the room - Appropriations II. 10:15, Approp II, in Room 400. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Yes, thank you, Mr. President. I move to waive all notice and posting requirements so that Senate Resolution 782 can be heard tomorrow morning in the Senate State Government Committee.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

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Senator Demuzio moves to waive all notice and posting requirements so that Senate Resolution 782 can be heard tomorrow morning in the Senate State Government Committee. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and all notice and posting requirements have been waived. Senator Muñoz.

SENATOR MUÑOZ:

Thank you, Mr. President. I move to waive all notice and posting requirements so House Joint Resolution 119 can be heard tomorrow morning in the Senate State Government Committee.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Muñoz moves to waive all notice and posting requirements so that Senate -- House Joint Resolution 119 can be heard tomorrow morning in the Senate State Government Committee. Senator Righter, for what purpose do you seek recognition?

SENATOR RIGHTER:

First, Mr. President, I would ask for a roll call on the gentleman's motion to waive the posting requirements.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

A roll call has been requested. And of course that motion is in -- always in order. Senator Righter.

SENATOR RIGHTER:

Thank you. Will the sponsor yield for a question or two about his motion?

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Sponsor indicates that he'll yield.

SENATOR RIGHTER:

Thank you, Mr. President. Senator Muñoz, can you tell the Body what the nature is of House Joint Resolution 119 and why

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you feel it's appropriate to waive your rules' posting requirements to hear it?

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Muñoz.

SENATOR MUÑOZ:

I'd -- reason why we moved it, the posting, I'd like for it to be heard in committee tomorrow. So if we have the opportunity, I'd like to bring the House joint resolution on the Senate Floor.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Senator Muñoz, what's the specific nature of the resolution?

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Muñoz.

SENATOR MUÑOZ:

Basically, Senator, it condemns the enactment of Arizona's Senate Bill 1070 and recognizes that the new legislation will foster racial profiling. This resolution recognizes that the State of Arizona has chosen a counterproductive path on immigration law and policy and urges President Obama and Congress to enact comprehensive federal immigration {sic}.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Senator Muñoz, the rules that I think both you and I voted for include the six-day notice that you're asking to be waived. And the reason that the six-day

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notice is in there is to give the public an opportunity to examine those measures that are before the Senate, an opportunity to comment to their elected representatives about those, and if they wish, try to make arrangements to actually come to the State Capitol and testify either on behalf or opposed to those measures. Why don't you want to give the public the opportunity to learn more about your resolution, provide input to the elected representatives, including you and I, about the resolution, and if they can make it here, testify? Why don't you want to do that?

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Muñoz.

SENATOR MUÑOZ:

Senator, the resolution initiated in the House. It's been ongoing for a couple weeks prior to us even leaving. So there was plenty of notice in the House. I understand that we don't have that type of notice here, but everyone's fully aware of the House Joint Resolution 119. I understand the law {sic} that you and I both voted for here in this Chamber regarding the six-day -- again, that's why I stood up and asked to waive the notice.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Righter.

SENATOR RIGHTER:

May I speak to the motion, please, Mr. President?

PRESIDING OFFICER: (SENATOR SCHOENBERG)

To the motion.

SENATOR RIGHTER:

Thank you very much, Mr. President. And thank you, Senator Muñoz, for engaging in a discussion with me about this. Ladies

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and Gentlemen, this is a hot, hot, hot topic. And the only thing in my experience as an elected official that infuriates the public more than elected officials knowingly voting contrary to their interests is first taking a step to try to ensure they didn't know it was happening. We all voted for rules to provide the notice for the public to be aware of what we were doing and provide input on what we were talking about doing. This motion is unnecessary. It's unwarranted. For those of you who are ready to take on the public and say, you know what, we didn't really care that much whether or not you knew this was what we were doing, then this is a great motion for you. But all those who want to avoid that kind of furor back home, I would strongly urge a No vote. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any further discussion? Is there any further discussion? Senator Muñoz, do you wish to close? A roll call is requested and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 26 voting Aye, 12 voting Nay, 1 voting Present. The motion fails. Senator Frerichs, for what purpose do you seek recognition?

SENATOR FRERICHS:

Mr. President, I move to waive all notice and posting requirements so that Senate Resolution 808 can be heard tomorrow in the Senate State Government Committee.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Frerichs moves to waive all notice and posting requirements so that Senate Resolution 808 can be heard tomorrow

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morning in the State Government Committee. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and all notice and posting requirements have been waived. Senator Frerichs.

SENATOR FRERICHS:

Mr. President, I move to waive all notice and posting requirements so that Senate Resolution 860 can be heard tomorrow morning in the Senate State Government Committee.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Frerichs moves to waive all notice and posting requirements so that Senate Resolution 860 can be heard tomorrow morning in the Senate State Government Committee. All those in favor will say Aye. Opposed, Nay. Opinion of the Chair, the Ayes have it, and all notice and posting requirements have been waived. There being no further business to come before the Senate, the Senate now stands adjourned until the hour of 11 a.m. on the 27th day of May, 2010. The Senate stands adjourned.