

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

19th Legislative Day

3/16/2011

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PRESIDENT CULLERTON:

The regular Session of the 97th General Assembly will please come to order. Will the Members please be at their desks? Will the guests in the galleries please rise? The invocation today will be given by Pastor Shaun Lewis, Capitol Commission, Springfield, Illinois.

PASTOR SHAUN LEWIS:

(Prayer by Pastor Shaun Lewis)

PRESIDENT CULLERTON:

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

SENATOR JACOBS:

(Pledge of Allegiance, led by Senator Jacobs)

PRESIDENT CULLERTON:

Madam Secretary, Reading and Approval of the Journal.

SECRETARY ROCK:

Senate Journal of Tuesday, March 15th, 2011.

PRESIDENT CULLERTON:

Senator Lightford. Senator Koehler.

SENATOR KOEHLER:

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

PRESIDENT CULLERTON:

Senator Koehler moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objection, so ordered. Madam Secretary, Resolutions.

SECRETARY ROCK:

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Senate Resolution 111 {sic} (119), offered by Senator Bomke and all Members.

It is a death resolution, Mr. President.

PRESIDENT CULLERTON:

Resolutions Consent Calendar.

SECRETARY ROCK:

Senate Resolution 120, offered by Senator Schoenberg.

Senate Resolution 121, offered by Senator Holmes.

Senate Resolution 122, offered by Senator Silverstein.

They are substantive.

PRESIDENT CULLERTON:

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 passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 279.

We have received liked Messages on House Bills 1170, 1686, and 2001. They passed the House, March 15th, 2011. Mark Mahoney, Clerk of the House.

PRESIDENT CULLERTON:

House Bills 1st Reading.

SECRETARY ROCK:

House Bill 1030, offered by Senator Link.

(Secretary reads title of bill)

House Bill 1074, offered by Senator Sandack.

(Secretary reads title of bill)

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House Bill 1100, offered by Senator Dillard.
(Secretary reads title of bill)

House Bill 1163, offered by Senator Jacobs.
(Secretary reads title of bill)

House Bill 1170, offered by Senator Sullivan.
(Secretary reads title of bill)

House Bill 1385, offered by Senator Sandoval.
(Secretary reads title of bill)

House Bill 1489, offered by Senator Silverstein.
(Secretary reads title of bill)

House Bill 1558, offered by Senator Schoenberg.
(Secretary reads title of bill)

House Bill 1591, offered by Senator Dillard.
(Secretary reads title of bill)

House Bill 1663, offered by Senator Dillard.
(Secretary reads title of bill)

House Bill 1707, offered by Senator Hunter.
(Secretary reads title of bill)

House Bill 1709, offered by Senator Kotowski.
(Secretary reads title of bill)

House Bill 1877, offered by Senator Cultra.
(Secretary reads title of bill)

House Bill 1956, offered by Senator Schmidt.
(Secretary reads title of bill)

House Bill 1957, offered by Senator Trotter.
(Secretary reads title of bill)

House Bill 2073, offered by Senator Silverstein.
(Secretary reads title of bill)

House Bill 2083, offered by Senator Silverstein.

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(Secretary reads title of bill)

1st Reading of these House bills.

PRESIDENT CULLERTON:

Senator Haine, for what purpose do you rise?

SENATOR HAINE:

A point of personal privilege, Mr. President.

PRESIDENT CULLERTON:

State your point.

SENATOR HAINE:

Mr. President and Ladies and Gentlemen of the Senate, it's my honor to introduce Annice Brave as the 2011 Illinois Teacher of the Year, selected from over a hundred and eighty State teachers. Annice and I go back thirty-five years. She did the PR for my first run for State's Attorney, which was very difficult for her, making sense out of my various political positions. So she went on to teach, and that was her true calling. I drove her away from political organizations into teaching, which was a gift to the students of the Alton School District. She's the Chair of the English Department. She advises the student's newspaper. She is in -- in the running -- there are four teachers in the running for the National Teacher of the Year, and she's one of the four. She recently received awards from Southern Illinois University, where she's an alumnus. She's -- or, alumna. And she has been given the NAACP Alton Branch Education and Leadership Award; many other awards - Phi Kappa Phi and the various International Society of Key Women Educators award. Mr. President and Ladies and Gentlemen, this woman exemplifies teachers - Illinois teachers. She's a member of the IEA, the AEA - the Alton Education Association. We hear

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all these stories about problems in our schools; they don't apply to my district, and they don't apply to my district because we have teachers of the caliber of Annice Brave. I wish to introduce Annice Brave to the Members of the Illinois Senate. Thank you.

PRESIDENT CULLERTON:

Senator Kotowski, for what purpose do you rise?

SENATOR KOTOWSKI:

A point of personal privilege.

PRESIDENT CULLERTON:

State your point.

SENATOR KOTOWSKI:

Thank you, Mr. President. Great to see you in the Chair today. It is -- my great honor -- I have two announcements today. And for those of you who aren't in the Chamber and those of you who have not arrived yet, you should be listening on your computers and watching this, and at home I encourage you to listen to this, because very big announcement today. My seatmate to the right of me, Linda Holmes, it's her birthday, and -- yes, it's her birthday, and she is -- as usual, she's celebrating -- I think this -- it's her -- her like thirty-first birthday and she is -- as youthful as ever. She is such a pleasure to serve with. She does so much great work in the State Senate and has impacted our lives in such a positive way. I'm just so happy that she's here and celebrating her birthday, and that she's healthy and she's beautiful and she's a wonderful person. Please, everybody, just say happy birthday to Linda Holmes. Okay. Happy birthday. Now everybody rise up. We'll say happy birthday. All right. I have one other announcement.

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This is also very big. I'm joined today by Sophie Glickman, who's twelve years old, who goes to Jack London School. She is very, very impressive - very impressive. She's -- she sings. She reads. She wants to be a teacher. She's going to go to Buffalo Grove High School when she graduates Jack London. She's going to be joining me today. And you know what -- and by -- and the other thing is, she's going to be in the Wizard of Oz - the Wizard of Oz production. So I suggest to all of us, we take a bus, we come to Wheeling, we take all the Senators and go pay her a visit and watch her show, because she's a star right now. She's going to be a bigger star when she gets older. So, please give a great Springfield welcome to my friend, Sophie Glickman.

PRESIDENT CULLERTON:

The Senate will stand at ease for a few minutes to allow the Committee on Assignments to meet. The members of the Committee on Assignments will come to the President's Anteroom immediately. The Committee on Assignments - Senator Clayborne, Harmon, Lightford, Dillard, and Righter - please come to the President's Anteroom immediately. The Senate will stand at ease. (at ease) 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: Refer to the Criminal Law Committee - Committee Amendment 1 to Senate Bill 1228, Committee Amendment 1 to Senate Bill 1666, Committee Amendment 3 to Senate Bill 2004, and Committee Amendment 1 to Senate Bill 2191; refer to the Energy Committee - Committee Amendment 1 to Senate Bill 1608, Committee

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Amendment 1 to Senate Bill 1609, Committee Amendment 1 to Senate Bill 1765, Committee Amendment 2 to Senate Bill 1884, and Committee Amendment 1 to Senate Bill 1903; refer to the Executive Committee - Committee Amendment 1 to Senate Bill 17, Committee Amendment 1 to Senate Bill 1318, Committee Amendment 2 to Senate Bill 1318, Committee Amendment 1 to Senate Bill 1856, Committee Amendment 1 to Senate Bill 2065, Floor Amendment 1 to Senate Bill 21, Floor Amendment 1 to Senate Bill 1322, Floor Amendment 1 to Senate Bill 1323, Senate Resolution 118, and House Bill 1030; refer to the Executive Appointments Committee - Appointment Message 29; refer to the Financial Institutions Committee - Committee Amendment 1 to Senate Bill 1603; refer to the Human Services Committee - Floor Amendment 2 to Senate Bill 106; refer to the Insurance Committee - Committee Amendment 2 to Senate Bill 1147, Committee Amendment 1 to Senate Bill 1313, Committee Amendment 2 to Senate Bill 1549, Committee Amendment 1 to Senate Bill 2240, and Committee -- Committee Amendment 1 to Senate Bill 2256; refer to the Judiciary Committee - Committee Amendment 2 to Senate Bill 1388; refer to the Licensed Activities Committee - Committee Amendment 2 to Senate Bill 1539, Committee Amendment 2 to Senate Bill 2001; refer to the Local Government Committee - Committee Amendment 1 to Senate Bill 1321, Committee Amendment 2 to Senate Bill 1321, and Committee Amendment 1 to Senate Bill 1951; refer to the Pensions and Investments Committee - Committee Amendment 1 to Senate Bill 2187; refer to the State Government and Veterans Affairs Committee - Committee Amendment 1 to Senate Bill 147 and Senate Resolution 120.

Signed by Senator James F. Clayborne, Chairman.

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PRESIDENT CULLERTON:

The Senate Executive Committee will meet at 12 p.m. in Room 212 to take up committee/Floor amendments just released by the Committee on Assignments. Senator Trotter, for what purpose do you rise?

SENATOR TROTTER:

Thank you very much, Mr. President. Purposes of an announcement.

PRESIDENT CULLERTON:

State your announcement.

SENATOR TROTTER:

Immediately following Session, we will be meeting in the President's Office - the Democrats will be meeting in the President's Office for forty-five minutes.

PRESIDENT CULLERTON:

Senator Trotter has asked for a Democratic Caucus that will start immediately. The Senate will reconvene following the Senate Executive Committee. And the Criminal Law, Environmental, and Local Government committees will meet after Floor action. A specific time will be provided. The Senate stands -- I'm sorry. Senator Righter, for what...(microphone cutoff)...rise?

SENATOR RIGHTER:

Thank you, Mr. President. The Senate Republicans would request a caucus in Leader Radogno's Office immediately upon recess, same as the Democrats - same time. Thank you very much, Mr. President.

PRESIDENT CULLERTON:

Thank you, Senator Righter. Senate stands in recess to the

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call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senate will come to order. Madam Secretary, Communication from the Secretary of State.

SECRETARY ROCK:

I have a letter...

PRESIDING OFFICER: (SENATOR MUÑOZ)

Committee Report.

SECRETARY ROCK:

Excuse me. I have a letter dated March 16th, 2011.

Honorable Jillayne Rock, Secretary of the Senate - This office is forwarding herewith a copy of a Notification of Vacancy from the Legislative Committee of the Democratic Party of the 5th Legislative District declaring the existence of a vacancy in the Office of State Senator for the 5th Legislative District of the 97th General Assembly, as a result of the resignation of Senator Rickey R. Hendon. Also enclosed is the copy of the Legislative Committee's Certificate of Appointment for Annazette R. Collins, 2159 West Warren Avenue, Chicago, Illinois 60612, who was appointed to fill the vacancy in the Office of State Senator in the 5th Legislative District for the 97th General Assembly.

Yours truly, Jesse White, Secretary of State.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Madam Secretary, Committee Reports.

SECRETARY ROCK:

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Senator Harmon, Chairperson of the Committee on Executive, reports Senate Amendment 1 to Senate Bill 21, Senate Amendment 1 to Senate Bill 1322, and Senate Amendment 1 to Senate Bill 1323 recommended Do Adopt.

PRESIDING OFFICER: (SENATOR MUÑOZ)

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. Again, the members of the Committee on Assignments will come to the President's Anteroom immediately. The Senate will stand at ease. (at ease) 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: Refer -- re-refer from Local Government Committee to the Executive Committee - Senate Bill 1926; and Be Approved for Consideration - Floor Amendment 2 to Senate Bill 21.

Signed by Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Righter, for what purpose do you seek recognition?

SENATOR RIGHTER:

Thank you, Mr. President. The Senate Republicans would request a brief caucus in Leader Radogno's Office immediately. Fifteen minutes, that's all the time I believe we need, Mr. President.

PRESIDING OFFICER: (SENATOR MUÑOZ)

Senator Righter is requesting a fifteen-minute caucus in

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Leader Radogno's Office. That's always in order. Request is granted. Senate will stand in recess to the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HARMON)

The Senate will come to order. Ladies and Gentlemen of the Senate, on page 12 of your printed Calendar, on the Order of Senate Bills 3rd Reading, is Senate Bill 1323. Senator -- Senator Cullerton. Madam Secretary, please read the bill. Senator Cullerton seeks leave of the Body to return Senate Bill -- Bill 1323 to the Order of 2nd Amendment -- 2nd Reading. Leave is granted. Now on the Order of 2nd Reading is Senate Bill 1323. Madam Secretary, are there any Floor amendments approved for consideration?

SECRETARY ROCK:

Floor Amendment 1, offered by President Cullerton.

PRESIDING OFFICER: (SENATOR HARMON)

President Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. I'd like to adopt this amendment and then debate it on 3rd Reading.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Cullerton moves to adopt Floor Amendment No. 1 to Senate Bill 1323. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Have there been any further Floor amendments approved for consideration?

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No further amendments reported.

PRESIDING OFFICER: (SENATOR HARMON)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 1323. President Cullerton. Madam Secretary, please read the bill.

SECRETARY ROCK:

Senate Bill 1323.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill reenacts provisions of the Capital Budget Implementation Act that we passed a couple years ago that were invalidated by an Appellate Court and also makes some changes to the Department of Lottery. Specifically, it reenacts language pertaining to safety net hospitals, downstate hospitals, community mental {sic} health facilities, public libraries, parks, private colleges, school construction, early childhood construction, charter school construction, urban weatherization, fiber optic lines, minority participation in trades, vehicle license cost recovery fees, airport noise monitoring, redevelopment zones, the Road Fund diversions is in this bill, Grade Crossing Protection Fund transfer, studies on the Lottery and graduated registration fees, the LUST Fund, truck weights and widths, and other changes. The only new change, something we've already -- all those, we had already passed. The only new thing was to add the Department of the Lottery to the list of State agencies not

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subject to the Governor's executive reorganization powers. And it removes references to the Department of the Lottery and the Lottery Superintendent as the Department of Revenue from the Civil Administrative Code and related laws. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HARMON)

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

SENATOR RADOGNO:

Thank you, Mr. President. I would like to speak to the bill.

PRESIDING OFFICER: (SENATOR HARMON)

To the bill, Senator.

SENATOR RADOGNO:

Thank you. Senator Cullerton, I know you've got three bills up. We just heard them in Executive and, as they were portrayed, they're a package. You have expressed some concern about the capital bill and some uncertainty that you feel is out there due to the courts. Consequently, you talked about raising the cigarette tax, which I assume we'll be dealing with in a moment, as well as reenacting certain portions of the revenue streams that we originally enacted. And, I guess, what I'd like to do is to address sort of the package as a whole and my concerns about it. I do appreciate that you want to see the capital bill succeed. We all do. I think we've said that from day one. I think that we're acting prematurely though in making changes right now, and although there's nothing particularly difficult about this bill, it's part of that package that I think seeks to undermine the original agreement that we had. We

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don't need to act on the capital bill right now. We have enough money. We have enough ability to sell bonds in order to proceed until the court addresses the challenge that was made to the capital bill. I think there's a lot of consensus and feeling that the Supreme Court will overturn what was done and then we can just proceed with the capital bill the way it was originally agreed to, which would be a positive. If that were not to happen, we most certainly could come back and address that at the time, even if that were to have to be a Special Session. I think that if the consensus were, amongst the Leaders and the Governor, we want to proceed with the agreement we had, we could most certainly do that and I surely would put at least as many votes on that as we did originally. With respect to the cigarette tax, you talk about that as insuring that the capital bill will have sufficient revenue. To date, there's no particular concern that we won't. I realize video poker is not yet up and running, but it will be and we have no reason to believe it won't bring in the kind of revenue that we're talking about. So, by passing the cigarette tax, it seems to be either that you are hoping to change the capital bill, and the reason I'm fearful of that is because you have filed a bill to eliminate video poker, and then -- or you intend to expand the capital bill, which I think is something that we ought to talk about. The other alternative for the cigarette tax, of course, is three hundred million dollars that could potentially go into GRF and help the overall budget situation if the majority of Members feel that passing a cigarette tax is a positive thing to do. Obviously, there's some concerns about that. But that money might better be spent on our overall financial problems,

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paying bills, instead of surreptitiously changing or expanding the -- the program that we passed. Now the reason that I'm particularly concerned about changing what we passed is that the way the government works is we've got to rely on the representations that we make to people. And in combination with an attempt to replace video poker potentially with cigarette tax, what we're doing is telling people that relied on our word that we were going to have video poker in this State, who have invested money either in manufacturing these machines or investing in bars or restaurants where they might utilize them to make a profit, or service clubs, such as American Legion halls that had those machines, removed them in the reliance on our representation that those service clubs could have legal machines, will now be just plum out of luck. Now we often talk -- and I know, Senate President Cullerton, you agree that this institution is important and that we need to respect it and I think that part of respecting that institution is living up to agreements that were previously made. So, I think that since we don't need to change the capital bill right now, there's absolutely no reason to do it now, we ought to wait and see if the courts dictate that we need to make a change to it, and if we do, I most certainly will come in good faith and try to do that. But I think it's entirely unfair to people that have invested money based on our representation to change it now. It's a message we don't want to send to people in this State. It's one of the reasons that people don't like to invest here, because they never know what in the world the General Assembly might on a whim decide to do differently. We ought to stick with what we said we were going to do. If we need to come back

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and change it, I guarantee you I will help you do that at that time. So, I would urge everyone to vote No on all three of these bills. Thank you.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Cullerton, do you wish to close? Seeing no further discussion, the question is, shall Senate Bill 1323 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 voting Aye, 24 voting No, none voting Present. Senate Bill 1323, having received the required constitutional majority, is declared passed. If I can have the attention of all Members, I'd like to announce the committee schedule for the afternoon. We do need to make some adjustments on our committee schedule. Immediately upon adjournment, the Senate Criminal Law Committee, Environment Committee and Local Government Committees {sic} will meet, but only to recess until tomorrow, Thursday, March the 17th, at 11:30 a.m. in their respective meeting places. I'd ask the members of those committees to please take a few moments to be present so that a quorum can be established. Immediately thereafter, we -- which will be within the next fifteen minutes, the Senate Labor, Senate Pension and Investments, and Senate Commerce Committees will meet and we will resume the order of our normal committee schedule. Thank you. There being no further business to come before the Senate, the Senate stands adjourned until the hour of 1 p.m. on the 17th day of March, 2011. The Senate stands adjourned.