

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

91st Legislative Day

3/7/2012

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PRESIDING OFFICER: (SENATOR CLAYBORNE)

The regular Session of the 97th General Assembly will please come to order. Will the Members please be at their desk? Will our guests in the galleries please rise? The invocation today will be given by Pastor Michael Dye of Knox Knolls Free Methodist Church, Springfield, Illinois.

PASTOR MICHAEL DYE:

(Prayer by Pastor Michael Dye)

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Pledge of Allegiance, to be led by Senator Koehler.

SENATOR KOEHLER:

(Pledge of Allegiance, led by Senator Koehler)

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Mr. Secretary, Reading and Approval of the Journal.

SECRETARY ANDERSON:

Senate Journal of Tuesday, March 6, 2012.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Collins.

SENATOR J. COLLINS:

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 CLAYBORNE)

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

SECRETARY ANDERSON:

Senator Frerichs, Chairperson of the Committee on

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Agriculture and Conservation, reports Senate Bills 3533 and 3769 Do Pass.

Senator Delgado, Chairperson of the Committee on Public Health, reports Senate Bills 2509, 2539, 2548, 3348, 3499, 3614 Do Pass; Senate Bills 2124, 2580, 2945, 2961, 3329 and 3727 Do Pass, as Amended; and Senate Resolution 624 Be Adopted.

Senator Silverstein, Chairperson of the Committee on Judiciary, reports Senate Bills 3234, 3334, 3593, 3726, 3749, 3767, 3792, 3796, 3810 and 3813 Do Pass; Senate Bills 2445 -- 2545, 2849, 25 -- 3592, 3594, 3764, 3780 and 3823 Do Pass, as Amended; and Senate Amendment 2 to House Bill 3636 recommend Do Adopt.

Senator Hunter, Chairperson of the Committee on Human Services, reports Senate Bills 3354, 3404, 3441, 3703, 3718 and 3744 Do Pass; Senate Bills 1351, 2578, 2840, 2887, 3544 Do Pass, as Amended.

Senator Maloney, Chairperson of the Committee on Higher Education, reports Senate Bills 3397 and 3800 Do Pass; and Senate Bill 3635 Do Pass, as Amended.

Senator Meeks, Chairperson on the -- of the Committee on Education, reports Senate Bill 3367 Do Pass; and Senate Bills 3374, 3394 and 3408 Do Pass, as Amended.

Senator Sandoval, Chairperson of the Committee on Transportation, reports Senate Bills 3318, 3368, 3384, 3387, 3504, 3521 and 3557 Do Pass; and Senate Bills 2488, 2493, 3336, 3487, 3505, 3530, 3618 and 3789 Do Pass, as Amended; Senate Amendment 7 to Senate Bill 952 and Senate Amendment 2 to Senate Bill 2527 recommended Do Adopt.

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Mr. Secretary, Resolutions.

SECRETARY ANDERSON:

Senate Resolution 640, offered by Senator Frerichs and all Members.

And Senate Resolution 641, offered by Senator Koehler and all Members.

They're death resolutions, Mr. President.

Senate Resolution 642, offered by Senator Kotowski and Schoenberg.

Senate Resolution 643, offered by Senator Koehler.

And Senate Joint Resolution 63, offered by Senator Forby. They're substantive.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Mr. -- Mr. Secretary, Introduction of Senate Bills.

SECRETARY ANDERSON:

Senate Bill 3910, offered by Senator Crotty.

(Secretary reads title of bill)

1st Reading of the Senate bill.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Mr. Secretary, Messages from the House.

SECRETARY ANDERSON:

A Message from the House by Mr. Mapes, 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 4078.

We have received like Messages on House Bills 4440, 4442, 4545, 4590, 4636, 4637, 4656, 4660, 4691 and 5233. Passed the

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House, March 6th, 2002. Timothy D. Mapes, Clerk of the House.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Mr. Secretary, House Bills 1st Reading.

SECRETARY ANDERSON:

House Bill 4078, offered by Senator Sandoval.

(Secretary reads title of bill)

House Bill 4440, offered by Senator Dillard.

(Secretary reads title of bill)

House Bill 4545, offered by Senator Crotty.

(Secretary reads title of bill)

House Bill 4636, offered by Senator Mulroe.

(Secretary reads title of bill)

House Bill 4656, offered by Senator Luechtefeld.

(Secretary reads title of bill)

House Bill 4660, offered by Senator Althoff.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Johnson, for what purpose you seek recognition?

SENATOR T. JOHNSON:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Please state your point.

SENATOR T. JOHNSON:

Yes, Members of the Senate, I have the pleasure of introducing to you today a fellow Democrat from the State of Iowa, my brother Paul. And I -- we finally got him on the Republican side of the aisle. Paul was actually in the State Legislature in Iowa, first Democrat elected from Decorah, Iowa,

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since the Civil War, and then went on to serve that President Mr. Clinton in his administration in charge of all the soil conservation programs of the country, and he's here now. And I -- I like to refer to him as my liberal, communist brother from that commune out in Decorah, Iowa. But, welcome my brother Paul.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Welcome to Springfield. Thanks for coming. Hope you enjoy your day. Stephanie Fryer with Illinois Statehouse News seeks leave to videotape. Seeing no objection, leave is granted. Senator McCarter, for what purpose do you seek recognition?

SENATOR McCARTER:

Announcement.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Please state your announcement, Senator McCarter.

SENATOR McCARTER:

I -- I have with me today a -- a young man - he's twelve years old, in the seventh grade; he's a homeschooler - Andrew Cunningham. He's with the Macon County 4-H. And he's shadowing me today cause he -- he thinks he might want to be a politician someday. So, we'll -- we'll see what happens by the end of the day and whether that's what he really wants to do. Thank you for having... Welcome him.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Welcome to Springfield. Thanks for being here today. Hope you enjoy -- enjoy your day. Senator Koehler, for what purpose do you seek recognition?

SENATOR KOEHLER:

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

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PRESIDING OFFICER: (SENATOR CLAYBORNE)

Please state your point.

SENATOR KOEHLER:

I have a guest with me as well today. Dr. Amir Al-Khafaji is the head of Bradley University's Civil Engineering Department, a very prestigious school. He is also the initiator -- the founder of the ICAT Conference - I've got us some brochures here. It's the twenty-fifth anniversary of the Innovations Conference on Asphalt and Transportation. This literally draws people from around the world. It's a very prestigious conference. And I just wanted to have the Senate welcome Dr. Al-Khafaji to our Senate Chambers today.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Welcome to Springfield. Thanks for being here today. Hope you enjoy your day. Senator Rezin, for what purpose do you seek recognition?

SENATOR REZIN:

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

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Please state your point.

SENATOR REZIN:

I, too, have a guest today. Her name is Grace. She's eighteen years old, from New Lenox. She's currently a freshman at Joliet Junior College. She is studying agriculture education and currently works with the Soil and Water Conservation District for South Cook County. She's interested in agriculture, 4-H, FFA, and raising cattle and sheep. I'd like a warm Springfield welcome. Thank you.

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PRESIDING OFFICER: (SENATOR CLAYBORNE)

Welcome to Springfield. Thanks for coming. Hope you enjoy your day. The Senate will stand at ease for a few minutes to allow the Committee on Assignments to meet. The members of the Committee on Assignments will come to the President's Anteroom immediately. The Senate will stand at ease. And Senator Crotty in the Chair. (at ease)

PRESIDING OFFICER: (SENATOR CROTTY)

Senator Clayborne in the Chair.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to Executive Committee - Floor Amendment 5 to House Bill 3188, Senate Resolution 638; refer to Labor Committee - Committee Amendment 1 to Senate Bill 3826; Be Approved for Consideration - Senate Bill 549, Senate Bill 636, Senate Bill 637, Senate Bill 681, Floor Amendment 1 to Senate Resolution 586, Senate Resolution 642 and House Joint Resolution 68.

Signed, Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Ladies and Gentlemen, the following committees will be meeting to take up Floor amendments: The Executive will meet in Room 212 at 2:01 p.m. Again, Executive Committee will meet in Room 212 at 2:01 p.m. Point of announcement: I would like to remind everyone that this Friday, March 9th, is the deadline for reporting all substantive Senate bills from committees. If you

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have bills in committees, this is the final week to have them heard before the deadline. Again, Friday, March 9th, is the deadline for reporting all substantive Senate bills from committees. Thank you. All Members at the sound of my voice please come to the Chamber. We are going to proceed to the Order of Senate Resolutions. We'll proceed to the Order of Resolutions. Top of page 13. Senate Resolution 586. Senator Kotowski. Senator Kotowski wishes to proceed. Mr. -- Madam -- Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment 1, offered by Senator Kotowski.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Kotowski, to explain.

SENATOR KOTOWSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The amendment of the resolution is to establish the revenue estimate that will serve as the framework for our budget negotiations this year.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

You seek to adopt it? All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Mr. Secretary, read the resolution.

SECRETARY ANDERSON:

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Senate Resolution 586, offered by Senator Kotowski.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Kotowski.

SENATOR KOTOWSKI:

Thank you. Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This is a -- we are adopting the same revenue figure as the House for General Revenue Fund; it's going to be 33.7 billion dollars. Starting with the same number this year should definitely make it easier to reconcile our budget proposals in the end. This is part of our process that we begin with the revenue first -- the estimate first, so we can best live within our means in the State. Should we collect more revenue, the additional money can be used to pay down our past-due bills. Our estimate is approximately two-hundred billion less than the Governor -- the Governor's estimate. But if we're going to pass a responsible budget, the kind of budget that families across Illinois live by every day, we need to use a conservative figure. Again, we have to live within our means. So, using this revenue estimate means that we'll have to make hard choices this year. We're going to have to make even deeper discretionary spending cuts than the Governor proposed, and those are spending decisions that will play out in the Appropriations hearings. Our process starts today by adopting this revenue resolution. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Is there any discussion? Leader Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. I stand in support of this resolution. It is the same language as House Joint Resolution

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68, which passed the House with ninety-five votes. It's the result of a bipartisan effort amongst all four caucuses to review a number of fiscal expert estimates as to what our revenue will be. It's definitely a good first step in terms of starting the FY'13 budget process. Unfortunately, adopting the revenue estimate may be the easiest part of this whole process. It's going to be difficult to come to consensus on this spending number. What this -- what this resolution does is, we all agree how much revenue we have to work with. Next, we have to agree with how we will spend the available revenue. This is not the same as a spending plan and we look forward to that discussion. As we all know, after a decade of mismanagement, we have some very difficult decisions to make. We have to address Medicaid reform, public employee pension reform, rising health insurance costs, and paying the backlog of bills, and, in general, spending less. We believe that the tax increase that was imposed last year must end. We all know it's been hurting Illinois families and the jobs climate. I want to tell you that as we proceed in this discussion, the guiding principle on our side of the aisle when we come to the spending is to get on a path that will allow that income tax to sunset. If we do not get on that path this year, not only will the tax increase not sunset, but there absolutely will have to be an additional tax in the future. So we need to work together to get that done. It's unacceptable to have additional tax increases. Having said that, I do look forward to the discussion and I urge our support on this important first step of adopting a revenue number. So, thank you very much.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

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Senator Kotowski, to close.

SENATOR KOTOWSKI:

I want to thank those -- thank Leader Radogno for those comments. Greatly appreciate them. This is developed in the spirit of cooperation and bipartisanship to make sure that there's greater accountability and transparency in the State of Illinois. This is a byproduct of some historic spending reform laws that we passed that requires the State of Illinois to live within its means and -- and fund programs based on whether they're making a difference or not - so, to fund what works and eliminate or reform what doesn't. The reality is we can't spend more than we take in. And by starting with a revenue number, the cost can't exceed what we -- what we have available in revenue. So this is -- this is a great way to start out. It's a great way to begin the process. And I look forward to working with my Members on the other side of the aisle to make sure we pass a responsible budget this year. Thank you.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

The question is, shall Senate Resolution 586 pass. All those in favor will vote Aye. Those opposed -- opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 voting Yea, 1 voting Nay, none voting Present. Senate Joint -- Senate Resolution 586, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, we're circulating Supplemental Calendar No. 1. We will turn to Supplemental Calendar No. 1. House Joint Resolution 68. Senator Radogno. You wish to proceed? Mr. Secretary, read the resolution.

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SECRETARY ANDERSON:

House Joint Resolution 68, offered by Senator Radogno.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Senator Radogno, to explain.

SENATOR RADOGNO:

Thank you, Mr. President. The language of House Joint Resolution 68 is identical to the previous resolution that we just did. The difference is, this is a joint resolution between the Chambers. This sets us on a path to cooperate in a bipartisan, bicameral way to come up with a budget. Again, it's important to note, this is a spending number only. We will continue to have interesting and vigorous debates about how and how much we spend going forward. But this will begin to set the stage for a cooperative effort and I urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Is there any discussion? Seeing none, the question is, shall House Joint Resolution 68 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. There are 52 voting Yea, 1 voting Nay, none voting Present. House Joint -- House Joint Resolution 68, having received the required constitutional majority, is declared passed. Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Koehler, Chairperson of the Committee on Local Government, reports Senate Bills 3373, 3508, 3518 and 3667 Do -- Do Pass; Senate Bills 2895 and 2959 Do Pass, as Amended.

Senator Noland, Chairperson of the Committee on Criminal

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Law, reports Senate Bill 2559, 3579, 3663, 3701, 3704 and 3809 Do Pass; Senate Bills 2537, 2899, 3178, 3359, 3458, 3584, 3638 and 3824 Do Pass, as Amended.

Senator Garrett, Chairperson of the Committee on Environment, reports Senate Bill 3282 Do Pass; and Senate Bills 2882 and 2950 Do Pass, as Amended.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

Mr. President, for what purpose you seek recognition?

SENATOR CULLERTON:

Thank you, Mr. President. I'd like to make an announcement. This would be in -- more good news. The Senate has been conducting its work in committees at such a rate that we'll be able to cancel Session on Friday. We'll cancel Session on Friday and then we will be back in Session the day after the primary election. Thank you.

PRESIDING OFFICER: (SENATOR CLAYBORNE)

There being no further business to come before the Senate, the Senate stands adjourned until the hour of 12 p.m. on the 8th day of March, 2012. The Senate stands adjourned.