



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIFTH GENERAL ASSEMBLY

62ND LEGISLATIVE DAY

TUESDAY, JULY 10, 2007

12:27 O'CLOCK P.M.

SENATE
Daily Journal Index
62nd Legislative Day

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The Senate met pursuant to adjournment.
 Senator Terry Link, Waukegan, Illinois, presiding.
 Prayer by Reverend Rebecca Sundquist, First Christian Church, Springfield, Illinois.
 Senator Crotty led the Senate in the Pledge of Allegiance.

The Journal of Friday, June 29, 2007, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

ISBE Progress Report of the Comprehensive Strategic Plan for Elementary and Secondary Education, Illinois State Board of Education.

Report summarizing consolidation and reorganization activities as of May 31, 2007, pursuant to E.O. 2006-6, submitted by the Illinois Administrative & Regulatory Shared Services Center.

Making the Investment in High Quality Professional Development, submitted by the Illinois Administrators' Academy Review Task Force.

Exemption Declaration pursuant to the Mercury-Free Vaccine Act, submitted by the Department of Public Health.

Amistad Commission BiAnnual Report, submitted by the Illinois Historic Preservation Agency.

Legislative Audit Commission's 2006 Annual Report, submitted by the Legislative Audit Commission.

Law Enforcement Training and Standards Board Task Force Report pursuant to SR 51, 95th G.A., Corrected, submitted by the Illinois Law Enforcement Training and Standards Board.

Illinois Early Learning Council's FY 07 Annual Report, submitted by the Illinois Early Learning Council.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURES FILED

The following Committee amendment to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Senate Committee Amendment No. 1 to Senate Bill 750

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Senate Floor Amendment No. 1 to Senate Bill 770

Senate Floor Amendment No. 1 to Senate Bill 849

JOINT ACTION MOTIONS FILED

[July 10, 2007]

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendments 2 and 3 to Senate Bill 17
Motion to Concur in House Amendment 1 to Senate Bill 119
Motion to Concur in House Amendment 1 to Senate Bill 581

At the hour of 12:32 o'clock p.m., Senator Martinez presiding.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 276

Offered by Senator Link and all Senators:
Mourns the death of Patricia Ann Jones of Zion-Waukegan.

SENATE RESOLUTION 277

Offered by Senator Link and all Senators:
Mourns the death of Joseph T. McCann of Gurnee.

SENATE RESOLUTION 278

Offered by Senator Link and all Senators:
Mourns the death of Donald L. Cannon of Gurnee

SENATE RESOLUTION 279

Offered by Senator Link and all Senators:
Mourns the death of the Reverend Paul J. Cull of Gurnee.

SENATE RESOLUTION 280

Offered by Senator Link and all Senators:
Mourns the death of Barbara Jean “Barb” Caccamo of Shorewood.

SENATE RESOLUTION 281

Offered by Senator Link and all Senators:
Mourns the death of Edith J. Merold of Waukegan.

SENATE RESOLUTION 282

Offered by Senator Haine and all Senators:
Mourns the death of Marian L. Klein of Bethalto.

SENATE RESOLUTION 283

Offered by Senator Forby and all Senators:
Mourns the death of H. Dwayne Waller of Thompsonville.

SENATE RESOLUTION 284

Offered by Senator Forby and all Senators:
Mourns the death of Rhonda Jean Jones of Marion.

SENATE RESOLUTION 285

Offered by Senator Harmon and all Senators:
Mourns the death of Clifford E. Dienberg of Oak Park.

SENATE RESOLUTION 286

Offered by Senator Koehler and all Senators:
Mourns the death of Marjah Nicole Lee Jackson of Peoria.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

[July 10, 2007]

Senator Link offered the following Senate Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE RESOLUTION NO. 287

WHEREAS, The members of the Illinois Senate are saddened to learn of the death of Judy L. Tumulty of Springfield, who passed away on July 6, 2007; and

WHEREAS, Judy L. Tumulty was born November 11, 1943, in Centralia, the daughter of Warren H. and E. Rita Pieper Miles; and

WHEREAS, She was of the Catholic faith; she took pride in her appearance and loved to walk and exercise; she loved to sunbathe and care for her yard; and

WHEREAS, Judy Tumulty's neighbors, friends, and family say that she gave of herself, mowing grass, getting groceries for her elderly neighbors, giving out extra Halloween candy to the neighborhood children, and regularly sending one young neighbor an Easter basket every year until he was 16; and

WHEREAS, If her neighbors needed rides for doctor's appointments or just needed someone to talk to, Judy Tumulty was always available to drive them or lend her ear; and

WHEREAS, She worked as a receptionist for the State of Illinois, first with the Department of Registration and Education, then with the Secretary of State's office; in 1972 she bought one of the first houses built on Stanhope Road in Springfield; and

WHEREAS, Surviving are her son, Timothy S. (Courtney) Tumulty; her grandson, Tyson Tumulty; her brother, Gene (Jane) Miles; her nieces and nephews, Doug, Jeff, and Jessie Miles; her aunts and uncles, Gladys Kunz, Laura Pieper, and Gene and Mary Pieper; and her many neighbors and friends; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn, along with her family and friends, the passing of Judy L. Tumulty; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Judy L. Tumulty as a symbol of our sympathy.

The motion prevailed.

And the resolution was adopted.

SENATE RESOLUTION 288

Offered by Senator Link and all Senators:

Mourns the death of LaSondra Carlynn Shaw of North Chicago.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

MESSAGES FROM 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 adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

[July 10, 2007]

HOUSE JOINT RESOLUTION NO. 64

WHEREAS, Youth Connection Charter School (YCCS) in Chicago was established in 1997 to provide a second chance for students through alternative education for at-risk youth who previously dropped out of public high school; YCCS now includes 23 different campuses throughout the City of Chicago; and

WHEREAS, YCCS is the only charter school in this State that provides alternative education programs and services focused primarily on dropouts; and

WHEREAS, Eighty percent of teachers at the charter school who teach core academic subjects have been rated as "highly qualified" in accordance with the federal No Child Left Behind Act of 2001, and 81% of teachers at the charter school have been rated "appropriately certified" by City of Chicago School District 299 in accordance with the School Code; and

WHEREAS, Over 5,700 students at YCCS who had previously dropped out of traditional high schools have graduated from YCCS campuses; and

WHEREAS, The charter school's 9-year average student attendance rate is 79% and its 9-year average student retention rate is 69%; and

WHEREAS, Students have achieved an average grade point gain of 1.6 in reading and 1.6 in mathematics for each year enrolled at the charter school; and

WHEREAS, In 2005, YCCS ranked eighth in the number of students who received a passing or exceeding score in reading on the Prairie State Achievement Examination among Chicago public high schools that had 90% or more of their student population living at or below federal poverty guidelines, and YCCS placed in the upper third for school performance in reading by City of Chicago School District 299 in comparison to all of the other 76 high schools in the City of Chicago; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we respectfully request that the Chicago Board of Education renew the charter of Youth Connection Charter School; and be it further

RESOLVED, That suitable copies of this resolution be delivered to Youth Connection Charter School and the Chicago Board of Education.

Adopted by the House, June 5, 2007.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 64 was referred to the Committee on Rules.

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 NO. 66

WHEREAS, Hundreds of Illinois schools in rural, suburban, and urban areas are designated for federal and State improvement status to improve low student achievement levels; and

[July 10, 2007]

WHEREAS, Illinois is committed to closing the gap in learning achievement levels between low-income and middle-income or upper-income children and youth; and

WHEREAS, Research indicates that successful low-income schools where student achievement rates exceed State averages are led by an outstanding school principal; and

WHEREAS, An essential route to improving student learning in any low-achieving school is through the intervention of a school principal with the motivation, commitment, current knowledge, skills, and disposition to attract, retain, and mobilize teachers to improve the quality of instruction and learning throughout the school; and

WHEREAS, It is a goal of the State of Illinois that all schools have leadership that improves teaching and learning and increases the academic achievement and development of all students; and

WHEREAS, In August 2006 the report, "School Leader Preparation: Blueprint for Change", commissioned by the Board of Higher Education, analyzed the mismatch between leadership credentialing and the needs of Illinois schools and recommended a total of 25 specific actions to be undertaken by the Board of Higher Education, the State Board of Education, the General Assembly, the Governor's office, college and university presidents, and school districts to improve school leadership in this State; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the State Board of Education, the Board of Higher Education, and the Office of the Governor shall jointly appoint a task force to recommend a sequence of strategic steps, based on, but not limited to, the measures detailed in "Blueprint for Change", to implement improvements in school leadership preparation in this State; and be it further

RESOLVED, That the task force shall include representatives from a statewide organization representing principals, an association representing Chicago public school principals, a statewide organization representing education leadership faculty, a statewide organization representing private college and university education deans, a statewide organization representing public university education deans, statewide organizations representing teachers, a statewide organization representing superintendents, a statewide organization representing school board members, the State Board of Education, the Board of Higher Education, and other appropriate stakeholders; and be it further

RESOLVED, That the Governor shall appoint a chairperson in consultation with the State Board of Education and the Board of Higher Education; and be it further

RESOLVED, That the chairperson and the task force shall designate staff from the appropriate State agencies or educational organizations with expertise in school leadership preparation; and be it further

RESOLVED, That this task force shall file a report of its findings with the General Assembly, the Office of the Governor, the State Board of Education, and the Board of Higher Education on or before February 1, 2008; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the State Board of Education, the Board of Higher Education, and the Governor.

Adopted by the House, June 7, 2007.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 66 was referred to the Committee on Rules.

At the hour of 12:40 o'clock p.m., Senator Link presiding.

[July 10, 2007]

INTRODUCTION OF BILLS

SENATE BILL NO. 1850. Introduced by Senator Demuzio, a bill for AN ACT concerning transportation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1851. Introduced by Senator Watson, a bill for AN ACT concerning revenue.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1852. Introduced by Senator Watson, a bill for AN ACT concerning revenue.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1853. Introduced by Senators Frerichs - Bond - Kotowski - Sandoval - Raoul, a bill for AN ACT concerning finance.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1854. Introduced by Senators Raoul - Garrett - Crotty - Althoff - Meeks, Millner and Frerichs, a bill for AN ACT concerning special sessions.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

REPORT FROM RULES COMMITTEE

Senator Halvorson, Chairperson of the Committee on Rules, during its July 10, 2007 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Floor Amendment No. 1 to Senate Bill 770; Senate Floor Amendment No. 1 to Senate Bill 849.**

Senator Halvorson, Chairperson of the Committee on Rules, during its July 10, 2007 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Higher Education: **Motion to Concur in House Amendment 2 to Senate Bill 1446**

Human Services: **Motion to Concur in House Amendment 1 to Senate Bill 581**

Judiciary Criminal Law: **Motion to Concur in House Amendment 3 to Senate Bill 1397**

Licensed Activities: **Motion to Concur in House Amendment 1 to Senate Bill 259**
Motion to Concur in House Amendments 1 and 4 to Senate Bill 360

Revenue: **Motion to Concur in House Amendments 2 and 3 to Senate Bill 17**

COMMITTEE MEETING ANNOUNCEMENTS

Senator Wilhelmi, Chairperson of the Committee on Judiciary Criminal Law, announced that the Judiciary Criminal Law Committee will meet today in Room 212, at 2:00 o'clock p.m.

[July 10, 2007]

Senator Silverstein, Chairperson of the Committee on Executive, announced that the Executive Committee will meet today in Room 212, at 2:30 o'clock p.m.

Senator Crotty, Vice-Chairperson of the Committee on Human Services, announced that the Human Services Committee will meet today in Room 409, at 2:15 o'clock p.m.

Senator Crotty, Member of the Committee on Licensed Activities, announced that the Licensed Activities Committee will meet today in Room 409, at 2:45 o'clock p.m.

Senator Crotty, Member of the Committee on Higher Education, announced that the Higher Education Committee will meet today in Room 409, at 3:00 o'clock p.m.

Senator Noland, Vice-Chairperson of the Committee on Revenue, announced that the Revenue Committee will meet today in Room 400, at 2:30 o'clock p.m.

SENATE BILL RECALLED

On motion of Senator Schoenberg, **Senate Bill No. 766** was recalled from the order of third reading to the order of second reading.

Senate Floor Amendment No. 2 was postponed in the Committee on State Government and Veterans Affairs.

Senate Floor Amendment No. 3 was held in the Committee on Rules.

Senator Schoenberg offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 766

AMENDMENT NO. 4. Amend Senate Bill 766 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the High Speed Internet Services and Information Technology Act.

Section 5. Findings. With respect to high speed Internet services and information technology, the General Assembly finds the following:

(1) The deployment and adoption of high speed Internet services and information technology has resulted in enhanced economic development and public safety for the State's communities, improved health care and educational opportunities, and a better quality of life for the State's residents.

(2) Continued progress in the deployment and adoption of high speed Internet services and information technology is vital to ensuring that this State remains competitive and continues to create business and job growth.

(3) The State must encourage and support the partnership of the public and private sectors in the continued growth of high speed Internet and Information technology for the State's residents and businesses.

(4) Local governmental entities play a role in assessing the needs of their communities with respect to high speed Internet services and information technology.

Section 10. Nonprofit organization defined. In this Act:

"Nonprofit organization" means an organization that (i) is a nonprofit organization as described in Section 501(c)(3) of the federal Internal Revenue Code of 1986 and exempt from tax under Section 501(a) of that Code; (ii) has no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual; (iii) is organized under, subject to, and has all the powers and duties of a not-for-profit corporation under the General Not For Profit Corporation Act of 1986; (iv) has statewide representation; and (v) has a board of directors that is not composed of a majority of individuals who are also employed by, or otherwise associated with, any federal, State, or local government or agency.

"Department" means the Department of Commerce and Economic Opportunity.

[July 10, 2007]

Section 15. Enlistment of a nonprofit organization.

(a) Notwithstanding any other statute, the Department of Commerce and Economic Opportunity shall enlist a nonprofit organization to implement a comprehensive, statewide high speed Internet deployment strategy and demand creation initiative with the purpose of:

- (1) ensuring that all State residents and businesses have access to affordable and reliable high speed Internet service;
- (2) achieving improved technology literacy, increased computer ownership, and home high speed Internet use among State residents and businesses;
- (3) establishing and empowering local technology planning teams in each county to plan for improved technology use across multiple community sectors; and
- (4) establishing and sustaining an environment ripe for high speed Internet access and technology investment statewide.

(b) The nonprofit organization shall have an established competency and proven record of working with public and private sectors to accomplish wide-scale deployment and adoption of broadband and information technology in Illinois.

(c) The Department shall adopt rules regarding the enlistment of a nonprofit organization.

Section 20. Duties of the enlisted nonprofit organization.

(a) The high speed Internet deployment strategy and demand creation initiative to be performed by the nonprofit organization shall include, but not be limited to, the following actions:

(1) Create a geographic statewide inventory of high speed Internet service and other relevant broadband and information technology services. The inventory shall:

(A) identify geographic gaps in high speed Internet service through a method of GIS mapping of service availability and GIS analysis at the census block level; and

(B) provide a baseline assessment of statewide high speed Internet deployment in terms of percentage of Illinois households with high speed Internet availability.

(2) Track and identify, through customer interviews and surveys and other publicly available sources, statewide residential and business adoption of high speed Internet, computers, and related information technology and any barriers to adoption.

(3) Build and facilitate in each county or designated region a local technology planning team with members representing a cross section of the community, including, but not limited to, representatives of business, K-12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture. Each team shall benchmark technology use across relevant community sectors, set goals for improved technology use within each sector, and develop a plan for achieving its goals, with specific recommendations for online application development and demand creation.

(4) Collaborate with high speed Internet providers and technology companies to encourage deployment and use, especially in underserved areas, by aggregating local demand, mapping analysis, and creating market intelligence to improve the business case for providers to deploy.

(5) Collaborate with the Department in developing a program to increase computer ownership and broadband access for disenfranchised populations across the State. The program may include grants to local community technology centers that provide technology training, promote computer ownership, and increase broadband access.

(b) The nonprofit organization may apply for federal grants consistent with the objectives of this Act.

(c) The Department of Commerce and Economic Opportunity shall use the funds in the High Speed Internet Services and Information Technology Fund to (1) provide grants to the nonprofit organization enlisted under this Act and (2) for any costs incurred by the Department to administer this Act.

(d) The nonprofit organization shall have the power to obtain or to raise funds other than the grants received from the Department under this Act.

(e) The nonprofit organization and its Board of Directors shall exist separately and independently from the Department and any other governmental entity, but shall cooperate with other public or private entities it deems appropriate in carrying out its duties.

(f) Notwithstanding anything in this Act or any other Act to the contrary, any information that is designated confidential or proprietary by an entity providing the information to the nonprofit organization or any other entity to accomplish the objectives of this Act shall be deemed confidential, proprietary, and a trade secret and treated by the nonprofit organization or anyone else possessing the information as such and shall not be disclosed.

(g) The nonprofit organization shall provide a report to the Commission on Government Forecasting

and Accountability on an annual basis for the first 3 complete State fiscal years following its enlistment.

Section 25. Scope of authority. Nothing in this Act shall be construed as giving the Department of Commerce and Economic Opportunity, the nonprofit organization, or other entities any additional authority, regulatory or otherwise, over providers of telecommunications, broadband, and information technology.

Section 30. High Speed Internet Services and Information Technology Fund.

(a) There is created in the State treasury a special fund to be known as the High Speed Internet Services and Information Technology Fund, to be used, subject to appropriation, by the Department of Commerce and Economic Development for purposes of providing grants to the nonprofit organization enlisted under this Act.

(b) On the effective date of this Act, \$4,000,000 in the Digital Divide Elimination Infrastructure Fund shall be transferred to the High Speed Internet Services and Information Technology Fund. Nothing contained in this subsection (b) shall affect the validity of grants issued with moneys from the Digital Divide Elimination Infrastructure Fund before June 30, 2007.

Section 35. Local broadband projects. Any municipality or county may undertake local broadband projects and the provision of services in connection therewith; may lease infrastructure that it owns or controls; may aggregate customers or demand for broadband services; may apply for and receive funds or technical assistance to undertake such projects to address the level of broadband access available to its businesses and residents. To the extent that it seeks to serve as a retail provider of telecommunications services, the municipality or county shall be required to obtain appropriate certification from the Illinois Commerce Commission as a telecommunications carrier.

Section 90. The State Finance Act is amended by adding Section 5.675 as follows:
(30 ILCS 105/5.675 new)

Sec. 5.675. The High Speed Internet Services and Information Technology Fund.

Section 99. Effective date. This Act takes effect upon becoming law."

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 4 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Schoenberg, **Senate Bill No. 766**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 45; Nays None.

The following voted in the affirmative:

Althoff	Haine	Luechtefeld	Schoenberg
Bomke	Halvorson	Martinez	Silverstein
Bond	Harmon	Millner	Sullivan
Brady	Hendon	Munoz	Syverson
Burzynski	Holmes	Noland	Trotter
Clayborne	Hunter	Radogno	Viverito
Collins	Jacobs	Raoul	Watson
Crotty	Jones, J.	Righter	Wilhelmi
Dahl	Koehler	Risinger	Mr. President
Demuzio	Kotowski	Ronen	
Forby	Lightford	Rutherford	

[July 10, 2007]

Frerichs

Link

Sandoval

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Hultgren asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **Senate Bill No. 766**.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Luechtefeld moved that **Senate Resolution No. 206**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Luechtefeld moved that Senate Resolution No. 206 be adopted.

The motion prevailed.

And the resolution was adopted.

At the hour of 12:59 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, July 11, 2007, at 1:00 o'clock p.m.