



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SIXTH GENERAL ASSEMBLY

18TH LEGISLATIVE DAY

THURSDAY, FEBRUARY 26, 2009

10:23 O'CLOCK A.M.

SENATE
Daily Journal Index
18th Legislative Day

Action	Page(s)
Introduction of Senate Bills No'd. 2340-2354.....	6
Message from the President	3
Presentation of Senate Joint Resolution No. 42.....	4
Presentation of Senate Joint Resolution No. 43.....	5
Presentation of Senate Resolution No. 104	4

Bill Number	Legislative Action	Page(s)
SJR 0005	Adopted.....	10
SJR 0006	Adopted.....	10
SJR 0007	Adopted.....	11
SJR 0012	Adopted.....	10
SJR 0042	Committee on Assignments.....	4
SJRCA 0043	Constitutional Amendment.....	5
SR 0046	Adopted	9
SR 0048	Adopted	9
SR 0050	Adopted	10
SR 0101	Adopted	8
HB 0005	First Reading.....	7
HB 0022	First Reading.....	7
HB 0043	First Reading.....	7
HB 0068	First Reading.....	7
HB 0070	First Reading.....	7
HB 0080	First Reading.....	7
HB 0084	First Reading.....	7
HB 0088	First Reading.....	7
HB 0210	First Reading.....	8
HB 1027	Third Reading	8

The Senate met pursuant to adjournment.
Senator James A. DeLeo, Chicago, Illinois, presiding.
Prayer by Mary Lou McLaughlin, Baha'i Faith, Springfield, Illinois.
Senator Jacobs led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, February 25, 2009, 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.

MESSAGES FROM THE PRESIDENT

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

February 26, 2009

Ms. Deborah Shipley
Secretary of the Senate
Room 403 State house
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator James Clayborne to replace Senator William Haine as a member of the Senate Criminal Law Committee. This appointment is effective immediately.

Very truly yours,
s/John J. Cullerton
Senate President

cc: Senate Republican Leader Christine Radogno

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

February 26, 2009

Ms. Deborah Shipley
Secretary of the Senate
Room 403 State house
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Heather Steans to replace Senator William Haine as a member of the Senate Licensed Activities Committee. This appointment is effective immediately.

Very truly yours,
s/John J. Cullerton

[February 26, 2009]

Senate President

cc: Senate Republican Leader Christine Radogno

REPORTS FROM STANDING COMMITTEES

Senator Koehler, Chairperson of the Committee on Local Government, to which was referred **Senate Bills Numbered 1353 and 1379**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Noland, Chairperson of the Committee on Criminal Law, to which was referred **Senate Bills Numbered 42 and 310**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Noland, Chairperson of the Committee on Criminal Law, to which was referred **Senate Bill No. 104**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Garrett, Chairperson of the Committee on Environment, to which was referred **Senate Bill No. 125**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Garrett, Chairperson of the Committee on Environment, to which was referred **Senate Resolution No. 81**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 81** was placed on the Secretary's Desk.

PRESENTATION OF RESOLUTIONS**SENATE RESOLUTION NO. 104**

Offered by Senator Murphy and all Senators:

Mourns the death of Susan H. Kenley-Rupnow of Hoffman Estates.

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

Senator Demuzio offered the following Senate Joint Resolution, which was referred to the Committee on Assignments:

SENATE JOINT RESOLUTION NO. 42

WHEREAS, Having an affordable, reliable, and plentiful energy supply is critical to our economy, as well as our national and international food supplies; and

WHEREAS, Current and future risks to national energy security are mounting, while domestic and global energy demands are growing; and

WHEREAS, The State of Illinois has abundant renewable energy resources; and

WHEREAS, The State of Illinois has significant agriculture, business, education, and research resources; and

[February 26, 2009]

WHEREAS, The development of a broad spectrum of renewable energy sources, including ethanol, wind, solar, biomass, methane digesters, hydroelectric, biodiesel, and next generation biofuels benefits the environment and will have a direct economic benefit to farmers, rural communities, and businesses throughout Illinois; and

WHEREAS, Rural communities and agriculture sectors will experience multiple benefits, including establishing additional markets for agricultural commodities, increasing farm income, creating value-added uses for crops, livestock, and their byproducts, improving air and water quality, improving wildlife habitat, and adding many traditional and green job opportunities; and

WHEREAS, Wind and solar energy can be captured on the vast land areas in agriculture; technology and production capabilities will allow Illinois to play a major role in ensuring a fully sustainable national energy system; and

WHEREAS, The State of Illinois is well-positioned to play an expanded role in the development and implementation of new energy solutions and, with appropriate technological innovation, incentives, and investments, Illinois farms can produce a new generation of fuels to help meet the nation's energy needs; and

WHEREAS, "25x25" is an agriculturally-led initiative that envisions America's farms and ranches producing twenty-five percent of America's energy demand by the year 2025, while producing a sustainable and abundant supply of safe and affordable food and fiber; and

WHEREAS, Agriculture's role as an energy producer will have a positive effect on national security and trade and will serve as a catalyst for rural development in Illinois; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we support the "25x25 Vision" and its goal of having agriculture provide renewable energy and safe and affordable food and fiber; and be it further

RESOLVED, That suitable copies of this resolution be sent to President Barack Obama, Governor Pat Quinn, the members of the Illinois congressional delegation, and the various agencies and commissions of the State of Illinois.

Senator Murphy offered the following Senate Joint Resolution, which was ordered printed and referred to the Committee on Assignments:

**SENATE JOINT RESOLUTION NO. 43
CONSTITUTIONAL AMENDMENT**

SC0043

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Article VII of the Illinois Constitution by changing Section 2 as follows:

ARTICLE VII
LOCAL GOVERNMENT

SECTION 2. COUNTY TERRITORY, BOUNDARIES AND SEATS

(a) The General Assembly shall provide by law for the formation, consolidation, merger, division, and dissolution of counties, and for the transfer of territory between counties.

(b) County boundaries shall not be changed unless approved by referendum in each county affected, except as provided in subsection (d).

(c) County seats shall not be changed unless approved by three-fifths of those voting on the question in a county-wide referendum.

[February 26, 2009]

(d) In Cook County, a single township or two or more contiguous townships may be disconnected from Cook County and form a new county. The disconnection must be approved by referendum adopted by a majority of the votes cast on the proposition in the township or townships, as applicable. The referendum may be initiated by ordinance of the township or townships, as applicable, or by petition signed by at least ten percent of the electors of the township or townships, as applicable, and the referendum shall be conducted, all as provided by law.

(Source: Illinois Constitution.)

SCHEDULE

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

INTRODUCTION OF BILLS

SENATE BILL NO. 2340. Introduced by Senator Wilhelmi, a bill for AN ACT concerning civil law.

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

SENATE BILL NO. 2341. Introduced by Senator Wilhelmi, a bill for AN ACT concerning civil law.

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

SENATE BILL NO. 2342. Introduced by Senator Wilhelmi, a bill for AN ACT concerning civil law.

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

SENATE BILL NO. 2343. Introduced by Senator Wilhelmi, a bill for AN ACT concerning civil law.

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

SENATE BILL NO. 2344. Introduced by Senator Wilhelmi, a bill for AN ACT concerning civil law.

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

SENATE BILL NO. 2345. Introduced by Senator Wilhelmi, a bill for AN ACT concerning civil law.

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

SENATE BILL NO. 2346. Introduced by Senator Wilhelmi, a bill for AN ACT concerning civil law.

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

SENATE BILL NO. 2347. Introduced by Senator Wilhelmi, a bill for AN ACT concerning civil law.

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

SENATE BILL NO. 2348. Introduced by Senator Garrett, a bill for AN ACT concerning State government.

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

[February 26, 2009]

SENATE BILL NO. 2349. Introduced by Senator Silverstein, a bill for AN ACT concerning criminal law.

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

SENATE BILL NO. 2350. Introduced by Senator Garrett, 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 Assignments.

SENATE BILL NO. 2351. Introduced by Senator Haine, a bill for AN ACT concerning fees and fines.

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

SENATE BILL NO. 2352. Introduced by Senator Burzynski, a bill for AN ACT concerning appropriations.

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

SENATE BILL NO. 2353. Introduced by Senator Link, a bill for AN ACT concerning appropriations.

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

SENATE BILL NO. 2354. Introduced by Senator Trotter, a bill for AN ACT making appropriations.

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

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 5, sponsored by Senator Clayborne, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 22, sponsored by Senator Althoff, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 43, sponsored by Senator Steans, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 68, sponsored by Senator Silverstein, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 70, sponsored by Senator Jacobs, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 80, sponsored by Senator Silverstein, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 84, sponsored by Senator Schoenberg, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 88, sponsored by Senator Silverstein, was taken up, read by title a first time and referred to the Committee on Assignments.

House Bill No. 210, sponsored by Senator Wilhelmi, was taken up, read by title a first time and referred to the Committee on Assignments.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Schoenberg, **House Bill No. 1027**, having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, 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 57; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Risinger
Bivins	Frerichs	Link	Rutherford
Bomke	Garrett	Luechtefeld	Sandoval
Bond	Harmon	Maloney	Schoenberg
Brady	Hendon	Martinez	Silverstein
Burzynski	Holmes	McCarter	Steans
Clayborne	Hultgren	Meeks	Sullivan
Collins	Hunter	Millner	Syverson
Crotty	Hutchinson	Munoz	Trotter
Dahl	Jacobs	Murphy	Viverito
DeLeo	Jones, E.	Noland	Wilhelmi
Delgado	Jones, J.	Pankau	Mr. President
Demuzio	Koehler	Radogno	
Dillard	Kotowski	Raoul	
Duffy	Lauzen	Righter	

This bill, having received the vote of a constitutional majority 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 in the Senate Amendment adopted thereto.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Cullerton moved that **Senate Resolution No. 101**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Cullerton moved that Senate Resolution No. 101 be adopted.

And on that motion, a call of the roll was had resulting as follows:

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Risinger
Bivins	Frerichs	Link	Rutherford
Bomke	Garrett	Luechtefeld	Sandoval
Bond	Harmon	Maloney	Schoenberg
Brady	Hendon	Martinez	Silverstein
Burzynski	Holmes	McCarter	Steans
Clayborne	Hultgren	Meeks	Sullivan
Collins	Hunter	Millner	Syverson
Crotty	Hutchinson	Munoz	Trotter

[February 26, 2009]

Dahl	Jacobs	Murphy	Viverito
DeLeo	Jones, E.	Noland	Wilhelmi
Delgado	Jones, J.	Pankau	Mr. President
Demuzio	Koehler	Radogno	
Dillard	Kotowski	Raoul	
Duffy	Lauzen	Righter	

The motion prevailed.
And the resolution was adopted.

Senator Dahl moved that **Senate Resolution No. 46**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
Senator Dahl moved that Senate Resolution No. 46 be adopted.
The motion prevailed.
And the resolution was adopted.

At the hour of 10:46 o'clock a.m., Senator Lightford, presiding, for an introduction.

At the hour of 10:59 o'clock a.m., Senator DeLeo, presiding, and the Senate resumed consideration of business.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Koehler moved that **Senate Resolution No. 48**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
Senator Koehler moved that Senate Resolution No. 48 be adopted.
Senator Righter had an inquiry of the Chair as to whether Senate Resolution No. 48 requires a roll call vote.

The Chair stated that a roll call vote is required.
And on that motion, a call of the roll was had resulting as follows:

YEAS 41; NAYS 13.

The following voted in the affirmative:

Althoff	Harmon	Luechtefeld	Schoenberg
Bond	Hendon	Maloney	Silverstein
Clayborne	Holmes	Martinez	Steans
Collins	Hunter	Meeks	Sullivan
Crotty	Hutchinson	Millner	Trotter
DeLeo	Jacobs	Munoz	Viverito
Delgado	Jones, E.	Noland	Wilhelmi
Demuzio	Koehler	Pankau	Mr. President
Forby	Kotowski	Radogno	
Frerichs	Lightford	Raoul	
Garrett	Link	Risinger	

The following voted in the negative:

Bivins	Dahl	Lauzen	Syverson
Bomke	Duffy	McCarter	
Brady	Hultgren	Murphy	
Burzynski	Jones, J.	Righter	

The motion prevailed.
And the resolution was adopted.

Senator Millner moved that **Senate Resolution No. 50**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
Senator Millner moved that Senate Resolution No. 50 be adopted.
The motion prevailed.
And the resolution was adopted.

Senator Hunter moved that **Senate Joint Resolution No. 5**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
Senator Hunter moved that Senate Joint Resolution No. 5 be adopted.
The motion prevailed.
And the resolution was adopted.
Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Hunter moved that **Senate Joint Resolution No. 6**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
Senator Hunter moved that Senate Joint Resolution No. 6 be adopted.
The motion prevailed.
And the resolution was adopted.
Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Wilhelmi moved that **Senate Joint Resolution No. 12**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
Senator Wilhelmi moved that Senate Joint Resolution No. 12 be adopted.
And on that motion, a call of the roll was had resulting as follows:

YEAS 52; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lightford	Risinger
Bivins	Frerichs	Link	Sandoval
Bomke	Garrett	Luechtefeld	Schoenberg
Bond	Harmon	Maloney	Silverstein
Brady	Holmes	Martinez	Steans
Burzynski	Hultgren	McCarter	Sullivan
Collins	Hunter	Meeks	Syverson
Crotty	Hutchinson	Millner	Trotter
Dahl	Jacobs	Munoz	Wilhelmi
DeLeo	Jones, E.	Noland	Mr. President
Delgado	Jones, J.	Pankau	
Demuzio	Koehler	Radogno	
Dillard	Kotowski	Raoul	
Duffy	Lauzen	Righter	

The motion prevailed.
And the resolution was adopted.

[February 26, 2009]

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

Senator Crotty moved that **Senate Joint Resolution No. 7**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Crotty moved that Senate Joint Resolution No. 7 be adopted.

And on that motion, a call of the roll was had resulting as follows:

YEAS 55; NAYS None.

The following voted in the affirmative:

Althoff	Duffy	Lauzen	Righter
Bivins	Forby	Lightford	Risinger
Bomke	Frerichs	Link	Rutherford
Bond	Garrett	Luechtefeld	Sandoval
Brady	Harmon	Maloney	Schoenberg
Burzynski	Hendon	Martinez	Silverstein
Clayborne	Holmes	McCarter	Steans
Collins	Hultgren	Meeks	Sullivan
Crotty	Hunter	Millner	Syverson
Dahl	Hutchinson	Munoz	Trotter
DeLeo	Jacobs	Noland	Viverito
Delgado	Jones, E.	Pankau	Wilhelmi
Demuzio	Koehler	Radogno	Mr. President
Dillard	Kotowski	Raoul	

The motion prevailed.

And the resolution was adopted.

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

ANNOUNCEMENTS

Senator Syverson announced a Republican caucus to begin immediately upon adjournment.

The Chair announced that Labor Committee has been cancelled for this afternoon and all remaining committees would meet as previously scheduled.

Senator Jacobs announced that the Energy Committee scheduled for Friday, February 27, has been cancelled.

At the hour of 11:21 o'clock a.m., the Chair announced that the Senate stand adjourned until Friday, February 27, 2009, at 11:30 o'clock a.m.