



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SIXTH GENERAL ASSEMBLY

44TH LEGISLATIVE DAY

WEDNESDAY, MAY 6, 2009

10:49 O'CLOCK A.M.

SENATE
Daily Journal Index
44th Legislative Day

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The Senate met pursuant to adjournment.
 Senator James A. Clayborne, Belleville, Illinois, presiding.
 Prayer by Pastor Denver Bitner, Lutheran Social Services of Illinois, Des Plaines, Illinois.
 Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Tuesday, May 5, 2009, be postponed, pending arrival of the printed Journal.
 The motion prevailed.

REPORT RECEIVED

The Secretary placed before the Senate the following report:

Certificate of Disabilities Annual Report, submitted by the Department of Financial and Professional Regulation.

The foregoing report was 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 Assignments:

Senate Committee Amendment No. 1 to Senate Bill 1452

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

Senate Floor Amendment No. 2 to Senate Bill 2167

The following Committee amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Senate Committee Amendment No. 1 to House Bill 10
 Senate Committee Amendment No. 2 to House Bill 80
 Senate Committee Amendment No. 1 to House Bill 152
 Senate Committee Amendment No. 1 to House Bill 496
 Senate Committee Amendment No. 1 to House Bill 519
 Senate Committee Amendment No. 1 to House Bill 650
 Senate Committee Amendment No. 2 to House Bill 699
 Senate Committee Amendment No. 1 to House Bill 923
 Senate Committee Amendment No. 1 to House Bill 1057
 Senate Committee Amendment No. 2 to House Bill 1322
 Senate Committee Amendment No. 1 to House Bill 2325
 Senate Committee Amendment No. 2 to House Bill 2335
 Senate Committee Amendment No. 1 to House Bill 2369
 Senate Committee Amendment No. 1 to House Bill 2465
 Senate Committee Amendment No. 1 to House Bill 2542
 Senate Committee Amendment No. 2 to House Bill 2557
 Senate Committee Amendment No. 1 to House Bill 3795
 Senate Committee Amendment No. 1 to House Bill 3840
 Senate Committee Amendment No. 1 to House Bill 3854
 Senate Committee Amendment No. 2 to House Bill 4011
 Senate Committee Amendment No. 1 to House Bill 4237

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

Senate Floor Amendment No. 1 to House Bill 621
 Senate Floor Amendment No. 1 to House Bill 2686
 Senate Floor Amendment No. 2 to House Bill 3874
 Senate Floor Amendment No. 3 to House Bill 3874
 Senate Floor Amendment No. 1 to House Bill 4236

REPORTS FROM STANDING COMMITTEES

Senator Frerichs, Chairperson of the Committee on Agriculture and Conservation, to which was referred **House Bills Numbered 36, 4030 and 4036**, reported the same back with the recommendation that the bills do pass.

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

Senator Delgado, Chairperson of the Committee on Public Health, to which was referred **House Bills Numbered 9, 208, 277, 497, 542, 838, 1033, 2244, 3649, 3994 and 4318**, reported the same back with the recommendation that the bills do pass.

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

Senator Delgado, Chairperson of the Committee on Public Health, to which was referred **House Bills Numbered 404, 746, 921, 3767, 3878 and 3922**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Crotty, Chairperson of the Committee on Elections, to which was referred **House Bills Numbered 477 and 3972**, reported the same back with the recommendation that the bills do pass.

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

Senator Crotty, Chairperson of the Committee on Elections, to which was referred **House Bill No. 85**, 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 Hunter, Chairperson of the Committee on Human Services, to which was referred **House Bills Numbered 745, 2279 and 3641**, reported the same back with the recommendation that the bills do pass.

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

Senator Hunter, Chairperson of the Committee on Human Services, to which was referred **House Bills Numbered 917, 2280, 3642, 3981 and 4054**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Hunter, Chairperson of the Committee on Human Services, to which was referred **Senate Joint Resolution No. 54**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 54** was placed on the Secretary's Desk.

Senator Wilhelmi, Chairperson of the Committee on Judiciary, to which was referred **House Bills Numbered 155, 574, 821, 1202, 2290, 2424 and 4212**, reported the same back with the recommendation that the bills do pass.

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

Senator Wilhelmi, Chairperson of the Committee on Judiciary, to which was referred **House Bills Numbered 236, 271, 2335, 3863 and 3950**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Maloney, Chairperson of the Committee on Higher Education, to which was referred **House Bills Numbered 168, 1035, 3600 and 4039**, reported the same back with the recommendation that the bills do pass.

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

Senator Maloney, Chairperson of the Committee on Higher Education, to which was referred **House Bills Numbered 437, 1143 and 2573**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Maloney, Chairperson of the Committee on Higher Education, to which was referred **Senate Resolution No. 190**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 190** was placed on the Secretary's Desk.

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred **House Bills Numbered 43, 52, 641, 669, 797, 942, 2592, 3787 and 4048**, reported the same back with the recommendation that the bills do pass.

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

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred **House Bills Numbered 72, 853, 2296 and 3832**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred **Senate Joint Resolution No. 51**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 51** was placed on the Secretary's Desk.

Senator Meeks, Chairperson of the Committee on Education, to which was referred **House Bills Numbered 272, 363, 628, 809, 979, 1335, 2530, 2619 and 3673**, reported the same back with the recommendation that the bills do pass.

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

Senator Meeks, Chairperson of the Committee on Education, to which was referred **House Bills Numbered 2448, 2675 and 3245**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Meeks, Chairperson of the Committee on Education, to which was referred **Senate Resolution No. 231**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Resolution No. 231** was placed on the Secretary's Desk.

Senator Meeks, Chairperson of the Committee on Education, to which was referred **Senate Joint Resolution No. 55**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 55** was placed on the Secretary's Desk.

Senator Garrett, Chairperson of the Committee on Environment, to which was referred **House Bills Numbered 170 and 4021**, reported the same back with the recommendation that the bills do pass.

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

Senator Garrett, Chairperson of the Committee on Environment, to which was referred **House Bill No. 2491**, 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 Koehler, Chairperson of the Committee on Local Government, to which was referred **House Bills Numbered 460, 564, 667, 1003, 3729 and 3971**, reported the same back with the recommendation that the bills do pass.

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

Senator Koehler, Chairperson of the Committee on Local Government, to which was referred **House Bill No. 793**, 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.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 258

Offered by Senator Haine and all Senators:

Mourns the death of Billie L. Schuler of Granite City.

SENATE RESOLUTION NO. 259

Offered by Senator Haine and all Senators:

Mourns the death of John L. Holmes of Bethalto.

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

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

SENATE RESOLUTION NO. 260

WHEREAS, In January of 2000, former Illinois Governor George Ryan declared a moratorium on executions in Illinois; before the moratorium, 13 death row inmates were exonerated and found innocent of the crime for which they were originally sentenced to death; and

WHEREAS, Since 2000, 6 more death row inmates have been exonerated and found innocent of the crime for which they were originally sentenced to death; most recently, Nathson Fields was acquitted on April 8, 2009; the current number of exonerations in Illinois is 19, and Illinois is second only to Florida in number of exonerations from death row; and

WHEREAS, There is no safeguard that an innocent person would not be put on death row; the Illinois Commission on Capital Punishment formed by Governor Ryan in 2000 to study the death penalty in Illinois concluded that "no system, given human nature and frailties, could ever be devised or constructed that would work perfectly and guarantee absolutely that no innocent person is ever again sentenced to death"; and

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WHEREAS, Despite the implementation of reforms to Illinois' death penalty system by both the Illinois General Assembly and the Illinois Supreme Court, there remains no sufficient safeguard against additional innocent persons being convicted of murder and sentenced to death; and

WHEREAS, The death penalty is not a deterrent; in the last twenty years, states with the death penalty have a higher murder rate than states which do not; in Illinois, Cook County, the county with the highest murder rate, has also committed the most people to death row with no apparent effect on homicides; in fact, the murder rate in Illinois has gone down since the moratorium on executions has been in place; and

WHEREAS, The cost of the death penalty is prohibitive; the average cost of a trial in a federal death case is about 8 times that of a federal murder case in which the death penalty is not sought; every state that has done a cost study has found death penalty cases cost millions to hundreds of millions more than non-death cases, including cases in which the defendant receives life without parole; and

WHEREAS, The State of Illinois can no longer afford to waste its scarce resources on the death penalty; and

WHEREAS, The Cook County Public Defender routinely depletes its annual funds to pay for capital cases before the end of the fiscal year, and without the funds, the office is unable to pay for the help of expert witnesses, as well as the other additional costs of a death penalty case; the Cook County Public Defender's 2009 allotment of \$1.75 million was exhausted this month, in large part because 60 percent of the money went to cover unpaid bills from 2008; and

WHEREAS, The State's budget for Fiscal Year 2009 includes \$10,642,100 for the Capital Litigation Trust Fund, created by the General Assembly in 2000; the Governor's proposed budget for Fiscal Year 2010 includes \$11,642,100 for the Fund; over the past 6 fiscal years, the Fund has been allocated just under \$89 million; nevertheless, the Fund's expenditures account for only part of the true cost of maintaining capital punishment in Illinois - a cost that is difficult to estimate without conducting an expensive and comprehensive cost study; and

WHEREAS, A cost study done in the State of New Jersey found the death penalty has cost New Jersey taxpayers \$253 million more than the costs that would have been incurred in a system with a maximum sentence of life without parole; the study examined the costs of death penalty cases to prosecutor offices, public defender offices, courts, and correctional facilities, and the report's authors wrote that the cost estimate is "very conservative" because other significant costs uniquely associated with the death penalty were not available and, "from a strictly financial perspective, it is hard to reach a conclusion other than this: New Jersey taxpayers over the last 23 years have paid more than a quarter billion dollars on a capital punishment system that has executed no one," the report concluded; since 1982, there have been 197 capital trials in New Jersey and 60 death sentences imposed, of which 50 were subsequently reversed; there have been no executions, and 10 men are housed on the death row; Michael Murphy, former Morris County prosecutor, remarked: "If you were to ask me how \$11 million a year could best protect the people of New Jersey, I would tell you by giving the law enforcement community more resources; I'm not interested in hypotheticals or abstractions, I want the tools for law enforcement to do their job, and \$11 million can buy a lot of tools"; and

WHEREAS, Death penalty cases are more expensive at every stage of the judicial process than similar non-death cases; death penalty cases cost more to try, hear, appeal and incarcerate than non-death cases; a new study in the State of Maryland released by the Urban Institute on March 6, 2008 forecasted that the lifetime expenses of capitally-prosecuted cases since 1978 will cost Maryland taxpayers \$186 million; the study estimates that the average cost to Maryland taxpayers for reaching a single death sentence is \$3 million - \$1.9 million more than the cost of a non-death penalty case; the study examined 162 capital cases that were prosecuted between 1978 and 1999 and found that those cases cost \$186 million more than what those cases would have cost had the death penalty not existed as a punishment; at every phase of a case, according to the study, capital murder cases cost more than non-capital murder cases; the 106 cases in which a death sentence was sought but not handed down in Maryland cost the state an additional \$71 million and those costs were incurred simply to seek the death penalty even though the ultimate outcome was a life or long-term prison sentence; and

WHEREAS, There is broad support for abolition of the death penalty internationally; 137 out of 194

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countries worldwide have abolished the death penalty by law or in practice, including almost all industrialized western democracies, and most recently Uzbekistan and Argentina; no nation can become a member of the European Economic Union without first abolishing capital punishment; nations that have abolished the death penalty include Italy, France, Germany, Mexico, South Africa, Rwanda, Costa Rica and Ireland; according to a recent Amnesty International report, the United States in 2008 had a higher execution rate last year than Pakistan and is ranked the fourth highest executioner on the planet, behind only China, Iran, and Saudi Arabia and ahead of Pakistan, Iraq, Vietnam, Afghanistan, and North Korea; 93% of the world's executions are carried out by the United States, China, Iran, Saudi Arabia, and Pakistan; of the 59 countries which still have the death penalty, only 25 carried out executions last year; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we support the abolition of the death penalty in Illinois.

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

SENATE RESOLUTION NO. 261

WHEREAS, The U.S. Environmental Protection Agency and others are encouraging Americans to switch to compact fluorescent lamps ("CFLs") to save energy and reduce greenhouse gas emissions; and

WHEREAS, CFLs contain a small amount of mercury sealed within glass tubing; and

WHEREAS, Spent CFLs should be recycled rather disposed of in regular household trash to help prevent the release of mercury to the environment; and

WHEREAS, There is not a convenient and widely accessible network of facilities for the collection and recycling of CFLs at the end of their useful life; and

WHEREAS, It is difficult for households and consumers to find specific information on the mercury content of CFLs and options for recycling the spent lamps; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the U.S. Environmental Protection Agency to work with lamp manufacturers, retailers, utilities, and state and local governments to expand the opportunities to recycle spent CFLs generated by households and consumers; and be it further

RESOLVED, That the Federal Trade Commission strengthen the lamp labeling requirements for CFL packaging in a manner that will provide more detailed information about the mercury and lead content of CFLs and advise consumers to recycle spent CFLs instead of placing them in the trash; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the U.S. Environmental Protection Agency and the Federal Trade Commission.

At the hour of 10:57 o'clock a.m., Senator Frerichs, presiding, for a special introduction.

At the hour of 10:59 o'clock a.m., Senator Clayborne, presiding.

At the hour of 11:02 o'clock a.m., Senator Hendon, presiding, and the Senate stood at ease.

AT EASE

At the hour of 11:11 o'clock a.m., Senator Clayborne, presiding, and the Senate resumed consideration of business.

[May 6, 2009]

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Clayborne, Chairperson of the Committee on Assignments, during its May 6, 2009 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Energy: **Senate Committee Amendment No. 1 to House Bill 3854.**

Executive: **Senate Committee Amendment No. 1 to House Bill 47; Senate Committee Amendment No. 2 to House Bill 80; Senate Committee Amendment No. 1 to House Bill 470; Senate Committee Amendment No. 2 to House Bill 1322; Senate Floor Amendment No. 1 to House Bill 4236; HOUSE BILL 344.**

Financial Institutions: **Senate Committee Amendment No. 1 to House Bill 4011; Senate Committee Amendment No. 2 to House Bill 4011.**

Higher Education: **HOUSE BILL 2352.**

Insurance: **Senate Committee Amendment No. 1 to House Bill 152; Senate Committee Amendment No. 1 to House Bill 650; Senate Committee Amendment No. 1 to House Bill 2325.**

Licensed Activities: **Senate Committee Amendment No. 1 to House Bill 496.**

Pensions and Investments: **Senate Committee Amendment No. 1 to House Bill 519; Senate Committee Amendment No. 1 to House Bill 923; Senate Committee Amendment No. 2 to House Bill 2557; Senate Committee Amendment No. 1 to House Bill 3840.**

State Government and Veterans Affairs: **Senate Committee Amendment No. 2 to House Bill 177; Senate Committee Amendment No. 1 to House Bill 2369; Senate Committee Amendment No. 1 to House Bill 4099; Senate Committee Amendment No. 1 to House Bill 4237; Senate Floor Amendment No. 2 to Senate Bill 2167.**

ANNOUNCEMENTS

Senator Muñoz announced a Democratic caucus to begin immediately upon adjournment.

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

The Chair announced that committees will meet this afternoon as previously scheduled.

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 6, 2009

Ms. Jillayne Rock
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

[May 6, 2009]

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Kimberly Lightford to temporarily replace Senator Toi Hutchinson as a member of the Senate State Government Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate State Government Committee.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

At the hour of 11:19 o'clock a.m., the Chair announced that the Senate stand adjourned until Thursday, May 7, 2009, at 12:00 o'clock noon.

[May 6, 2009]