

STATE OF ILLINOIS  
95th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

6/27/2007

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PRESIDING OFFICER: (SENATOR MARTINEZ)

The regular Session of the 95th 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 Thomas Eggle, from the First Baptist Church, St. -- I mean, Petersburg, Illinois. Pastor.

PASTOR THOMAS EGGLEY:

(Prayer by Pastor Thomas Eggle)

PRESIDING OFFICER: (SENATOR MARTINEZ)

Please remain standing for the Pledge Allegiance. Senator Maloney.

SENATOR MALONEY:

(Pledge of Allegiance, led by Senator Maloney)

PRESIDING OFFICER: (SENATOR MARTINEZ)

Madam Secretary, Reading and Approval of the Journal.

SECRETARY SHIPLEY:

Senate Journal of Wednesday, June 20th, 2007.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Hunter.

SENATOR HUNTER:

Madam President, I move that the Journal just read by the Secretary be approved, unless some Senators has additions or corrections to offer.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Hunter moves to approve the Journals just read by the Secretary. There being no objection, so ordered. Would all Members within the sound of my voice please come to the Senate Floor for final action? Would all Members in the offices please come to the Senate Floor for Floor action? Madam Secretary,

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Resolutions.

SECRETARY SHIPLEY:

Senate Resolutions 259 through 262, offered by Senator Haine and all Members.

Senate Resolution 263, offered by Senator Harmon and all Members.

Senate Resolution 264, offered by Senator Sullivan and all Members.

Senate Resolution 265, offered by Senator Demuzio and all Members.

Senator -- Senate Resolution 266, offered by Senator Collins and all Members.

Senate Resolutions 267 through 272, offered by Senator Haine and all Members.

And Senate Resolution 273, offered by Senator Watson, Brady and all Members.

They're all death resolutions, Madam Secretary.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Resolutions Consent Calendar. Channel 20, here from Springfield, seeks permission to videotape the proceedings. Seeing no objection, leave is granted. Madam Secretary, Messages.

SECRETARY SHIPLEY:

A Message from the House by Mr. Mahoney, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 581, together with the following amendment which is attached, in the adoption of which I am

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instructed to ask the concurrence of the Senate, to wit:

House Amendment No. 1 to Senate Bill 581.

We've received like Messages on Senate Bill 1446, with House Amendment No. 2.

Both -- both passed the House, as amended, June 20th, 2007.

And also like Messages on Senate Bill 119, with House Amendment No. 1, and Senate Bill 259, with House Amendment No. 1. Both passed the House, as amended, June 21st, 2007. Mark Mahoney, Clerk of 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 passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 128.

Passed the House, June 20th, 2007. Mark Mahoney, Clerk of the House.

And a last 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 49.

Offered by Senators Harmon, Clayborne, Murphy and Althoff. Adopted by the House, June 21st, 2007. Mark Mahoney, Clerk of the House.

It is substantive, Madam President.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Madam Secretary, Introduction of Bills.

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SECRETARY SHIPLEY:

Senate Bill 1846, offered by Senator Dahl and Senator John Jones and Senator Pankau.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Can I have your attention, please? Would all Members in their offices please come down to the Senate Floor? We are going to final action. All Members, please come to the Senate Chamber. We are going to final action. Senator Maloney, for what purpose do you rise?

SENATOR MALONEY:

Point of personal privilege, -- Madam President.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Please state your point.

SENATOR MALONEY:

Madam President, sometimes being honorable comes with being humiliated. So, in -- in trying to be honorable, I'm embarrassed and humiliated. But here goes: Go Cubs go. Go Cubs go. Hey, Chicago, what do you say? Go Cubs go.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Frerichs, for what purpose do you rise?

SENATOR FRERICHS:

I rise for a point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Please state your point.

SENATOR FRERICHS:

I want to acknowledge some guests here in the gallery today. We have people who have traveled all the way from the great State

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of Arizona to witness how the Illinois State Senate works in overtime. Up in the gallery, we have Karen Dean and Heather Frazier, here from Phoenix, Arizona. And I ask my colleagues to join me in welcoming them.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Will the guests please rise? Will our Members please welcome them to the Senate? We are going to the Order of Concurrences. We're going to go down to page -- the bottom of the page 35. Senate Bill 13. Senator Link. Senate Bill 153. Senator Sieben. Senate Bill 1327. Senator Schoenberg. Out of the record. Senator Clayborne, on Senate Bill 1366. Madam Secretary, read the bill -- read the motion.

SECRETARY SHIPLEY:

I move to concur with the House in the adoption of Amendments 1, 4 and 5 to Senate Bill 1366.

Filed by Senator James Clayborne.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you. This was a concurrence -- this is a concurrence on several amendments that were made in the House. One was to insert provisions that the underlying bill adds a new provision exempting retail customers that are either a political subdivision or a public institution of higher learning managing facilities for electric power distribution. Another amendment was that it would delete the provision that required licensed agent or brokers to disclose any potential customers other -- of their existing contracts or retail suppliers, as well as other electric -- retail electric suppliers authorized to serve that

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person. It adds a requirement that it disclose in plain language in writing the total anticipated remuneration to be paid by any third party over the length of the contract. And it also requires -- no longer requires that any person or entity attempting to procure or sell electricity to a third party with an aggregate billing demand in Illinois of more than fifteen hundred kilowatts. Again, this bill was designed to require licensing of those third-party entities that expect to provide retail -- retail services -- electricity services to -- to our consumers.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Is there any discussion? Seeing none, this is final action. The question is, shall the Senate concur in House Amendments No. 1, 4 and 5 to Senate Bill 1366. All those in favor will vote Aye. Opposed, Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On the question, there are 51 voting Aye, 0 voting Nay, 0 voting Present. The Senate concurs in House Amendments No. 1, 4 and 5 to Senate Bill 1366. And the bill, having received the required constitutional -- constitutional majority, is declared passed. Senator Koehler, for what purpose do you rise?

SENATOR KOEHLER:

Madam President, a point of personal privilege.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Please state your point.

SENATOR KOEHLER:

With me today is a young man from my neighborhood. I'd like to have you help me welcome him to the Senate. His name is

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Cameron Hobson. He's a -- going to be a sophomore at Woodruff High School. And this is his first trip to Springfield, so he's just soaking it all in. But please help me give him a welcome.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Will our guest please rise? Will the Senate please welcome him? Ladies and Gentlemen, we are going to the Order of 3rd Reading. Please turn your booklet to page 12. On the top of page 12, with leave of the Body, we will go to Senate Bill 866. Senator Lightford. Senator Lightford seeks leave of the Body to return Senate Bill 866 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of -- on the Order of 2nd Reading is Senate Bill 866. Madam Secretary, are there any amendments approved for consideration?

SECRETARY SHIPLEY:

Floor Amendment No. 1, offered by Senator Lightford.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 866, Floor Amendment No. 1, it's a piece of legislation that -- that protects health care workers. It's providing background checks. It's an initiative of the Department of Public Health, AARP, the Illinois Health Care Association and the Illinois Long Term Care Association. And in addition to adding the background checks for health care workers, we're also looking to include students in nursing aide training programs. I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR MARTINEZ)



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Can I get a little quiet in here? Senator Lightford moves the adoption of Amendment No. 1 to Senate Bill 866. 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 SHIPLEY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR MARTINEZ)

3rd Reading. Now on the Order of 3rd Reading, Senate Bill 866. Senator Lightford, do you wish to proceed? Madam Secretary, please read the bill.

SECRETARY SHIPLEY:

Senate Bill 866.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Madam President. Ladies and Gentlemen of the Senate, I basically explained the bill with the amendment. It is an initiative of AARP, with the support of the State Police, Department of Public Health, to include background checks on health care workers and to also include students in nursing aide training programs. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Is there any question? Seeing none, the question is shall Senate Bill 866 pass. Those in favor will vote Aye. Opposed, Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On

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the question, there are 51 voting Aye, 0 voting Nay, 0 voting Present. House Bill 866, having received the required -- I'm sorry. Senate Bill 866, having received the required constitutional majority, is declared passed. With leave of the Body, we're -- we'll now proceed to page 20. Senator Lightford, on Senate Bill 997, do you wish to proceed? Senator Lightford seeks leave of the Body to return Senate Bill 997 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 997. Madam Secretary, are there any amendments approved for consideration?

SECRETARY SHIPLEY:

Floor Amendment No. 1, offered by Senator Lightford.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Lightford, to explain your amendment.

SENATOR LIGHTFORD:

Thank you, Madam President. Ladies and Gentlemen of the Senate, this amendment basically shortens the days that the court {sic} has to file their objections for juveniles who have expungement requests, reducing that number from ninety days to forty-five days.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Is there any questions? Senate -- seeing none, Senator Lightford moves the adoption of Amendment No. 1 to -- to Senate Bill 997. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any Floor -- further Floor amendments approved for consideration?

SECRETARY SHIPLEY:

No further amendments reported.

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PRESIDING OFFICER: (SENATOR MARTINEZ)

3rd Reading. Now on the Order of 3rd Reading, Senate Bill 997. Senator Lightford, do you wish to proceed? Madam Secretary, read the bill, please.

SECRETARY SHIPLEY:

Senate Bill 997.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Madam President. Ladies and Gentlemen of the Senate, this legislation amends the Juvenile Court Act regarding expungement of juvenile records. It actually just lengthens {sic} the period from ninety days to forty-five days in which the State's Attorney and the law enforcement agencies can object to the expungement filed by a juvenile court record once the petition has been served. I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. Will sponsor yield, please?

PRESIDING OFFICER: (SENATOR MARTINEZ)

She indicates she will.

SENATOR RIGHTER:

Thank you. Senator Lightford, I think that you just said that the period of time is lengthened, but my information shows that actually you're cutting the period of time in half. What -- can you make it a little more clear for us what exactly the bill

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does, please?

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Madam President. Senator Righter, I -- I'm -- I'm almost certainly sure that I did say we were cutting that number from ninety days, reducing it down to forty-five days, once the juvenile has filed for a petition request to have their record expunged. My understanding is there's a process that the State's Attorneys office goes through. They have ninety days to object to that expungement request. This legislation will reduce that number from ninety days to forty-five days. The proponents is the DuPage Area Project, the Illinois Collaboration on Youth, the Clerk of the Circuit Court, and the Chicago Area Project. So those individuals that are actually involved with juvenile records and expungements, they're -- they're all the proponents that brought this legislation forth. And I don't know of any opponents to this legislation.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. And I'm sorry, Senator. I heard you word -- use the word "lengthen" and that's -- I think that's what threw me off. But that's fine. Can you tell us, first, where are the State's Attorneys -- the State's Attorneys' Association on this? And second, kind of a broader question, why are we doing this? I mean, I -- I get a little wary sometimes, as I think some of us do, about the paperwork we shove upon some of the -- some of the local agencies, including the State's

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Attorney's Office, and whether or not they can handle it in an expedited fashion that comports with all the deadlines we give 'em. Is there a problem? Is there something we're trying to remedy by cutting this in half?

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Lightford.

SENATOR LIGHTFORD:

Senator Righter, it -- my understanding is, if the State's Attorney doesn't object to this, the court can make the decision and it would actually help the State's Attorney's department in the fact that they don't have to go through this process for all the requests in a ninety-day period. Reducing it in half, down to forty-five days, just says if the department doesn't respond within forty-five days, then the courts can take action and respond to the request of a juvenile. I think it's significant to do, considering many young people may make mistakes. They're incarcerated, they're done, they become adults, and now they're just wanting to have a fresh start as an adult, and if they're eligible for expungement, that they'd like to have their records expunged with a significant amount of time to help them gain employment or just get started with their lives as an adult. I was not contacted by the State's Attorneys' department in opposition of this legislation in any way. It passed the House with eighty-nine votes, and I'm just not aware of any opposition.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Righter.

SENATOR RIGHTER:

Last question. Thank you, Madam President. Senator Lightford, the concern I have is that State's Attorneys have the

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opportunity under the current law, and they still would under your bill if it were law, to object to the expungement of records. Oftentimes State's Attorneys have a hard time getting to that paperwork and reviewing those cases before forty-five days, but they're able to do it within ninety days. That's the concern I got. And I'm curious about the balance, if you will, between making sure that an expungement happens forty-five days sooner, as opposed to the risk that you run in a State's -- the greater probability the State's Attorney's Office is going to miss the time for the shortened time frame and, therefore, not be able to object to an expungement that they think needs to be objected to. That -- that's my concern. You've not heard anyone from the State's Attorneys' Office. Do you recognize that to be a legitimate concern for the prosecutors?

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Lightford.

SENATOR LIGHTFORD:

Senator Righter, in the legislation itself, it -- it explains in some detail that -- that if this offense occurred before the individual's seventeenth, before their seventeenth birthday, there is some eligibility requirements here. It says that the minor was arrested and no petition for delinquency was filed with the clerk of the circuit court; or if the minor was charged with an offense and was found not delinquent of that offense - it's just something lingering on their record that they're not even guilty of; or the minor was placed under supervision pursuant to Section 5-615, and the order of supervision has since been successfully terminated - so they're done with their supervision, have not been incarcerated; and the

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minor was adjudicated for an offense which would be a Class B misdemeanor, a Class C misdemeanor, or a petty or business offense if committed by an adult. So from my understanding of the legislation, is the individual has to only be eligible under these circumstances and none of these circumstances would indicate that the juvenile was this hard-core criminal locked up in prison and all of those things. So I'm hoping that you will take this into account for your question.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Thank -- thank you. Senator Haine, for what purpose do you rise?

SENATOR HAINE:

To the bill, Madam President, Ladies and Gentlemen of the Senate: I rise in support of the bill. The State's Attorneys that I've spoken with have no problem with this bill. They actually prefer the expedited nature of the expungement process. This is juvenile court. If this is a -- an offense for which they would object, they would do so within the forty-five day period. Some of them actually prefer the fact that it's entered without their specific approval, for certain internal reasons. And again, this is a juvenile court record. And of all places, the juvenile court is the proper venue to do an expungement since you have a young person that maybe has benefited from the juvenile court process and has now embarked on a career, and certainly these records would be harmful. So it's a reasonable bill that Senator Lightford's bringing forward. The State's Attorneys of Illinois have no objection to it. And I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR MARTINEZ)

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Any further discussion? Seeing none, Senator Lightford, to close.

SENATOR LIGHTFORD:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Thank you, Senator Righter, for just having clarity on the legislation. I hope any concerns that you have were cleared up. And thanks, Senator Haine, from -- being a State's Attorney, from his perspective on the legislation. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR MARTINEZ)

The question is, shall Senate Bill 997 pass. Those in favor will vote Aye. Opposed, Nay. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On the question, there is 52 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 997, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, our intentions are to go to recess to the call of the Chair. We will be coming back for paperwork. There will be no required Floor action. Our intention is to come back tomorrow at noon to continue the work of the people. Senate -- Senator Link, for what purpose do you rise?

SENATOR LINK:

Thank you, Madam President. I would ask for a Democratic Caucus in the President's Office immediately upon recess.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

Thank you, Madam President. First an announcement, if I might. I'd like to, for the record, announce the absence of four



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of our Members - Senators Althoff, Murphy, Dahl and Rutherford - for purposes of the record. Second, I would also ask for a Senate Republican Caucus immediately in Senator Watson's Office, immediately upon recess, please, Madam President.

PRESIDING OFFICER: (SENATOR MARTINEZ)

Ladies and Gentlemen, hearing that the -- both caucuses are asking for a caucus, we will recess to the call of the Chair. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HALVORSON)

The Senate will come to order. Madam Secretary, Messages.

SECRETARY SHIPLEY:

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 a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 3920.

Passed the House, June 27th, 2007. Mark Mahoney, Clerk of the House.

PRESIDING OFFICER: (SENATOR HALVORSON)

Madam Secretary, House Bills 1st Reading.

SECRETARY SHIPLEY:

House Bill 3920, offered by Senator Trotter.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR HALVORSON)

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There being no further business to come before the Senate, the Senate stands adjourned until the hour of 12 noon, June 28th, 2007. The Senate stands adjourned.