

STATE OF ILLINOIS
95th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

174th Legislative Day

11/12/2008

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PRESIDENT JONES:

The regular Session of the 95th General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? The invocation today will be given by Reverend Jeff Chitwood, South Side Christian Church, Springfield.

THE REVEREND JEFF CHITWOOD:

(Prayer by the Reverend Jeff Chitwood)

PRESIDENT JONES:

Please remain standing for the Pledge of Allegiance. Senator Maloney.

SENATOR MALONEY:

(Pledge of Allegiance, led by Senator Maloney)

PRESIDENT JONES:

Madam Secretary, Reading and Approval of the Journal.

SECRETARY SHIPLEY:

Senate Journals of September 23rd and November 5th, 2008.

PRESIDENT JONES:

Senator Hunter.

SENATOR HUNTER:

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

PRESIDENT JONES:

Senator Hunter moves to approve the Journals just read by the Secretary. There being no objection, so ordered. Madam Secretary, Resolutions.

SECRETARY SHIPLEY:

Senate Resolution 917, offered by Senator Link and all

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Members.

And Senate Resolutions 918 and 919, offered by Senator Crotty and all Members.

They're all death resolutions, Mr. President.

PRESIDENT JONES:

Consent Calendar.

SECRETARY SHIPLEY:

And Senate Joint Resolution 108, offered by Senator Haine.

And Senator -- and Senate Joint Resolution 109, offered by Senator Lightford.

They're both substantive.

PRESIDENT JONES:

Madam Secretary, Communications.

SECRETARY SHIPLEY:

Yes. I have a letter dated November 12th, 2008.

To the Honorable President of the Senate:

Sir - In compliance with the provisions of the Constitution of the State of Illinois, I am forwarding herewith the enclosed Senate bills from the 95th General Assembly that are being returned by the Governor with specific recommendations for change.

Senate Bills 2636 and 2718.

Respectfully, Jesse White, Secretary of State.

PRESIDENT JONES:

Madam Secretary, Introduction of Bills.

SECRETARY SHIPLEY:

Senate Bill 3067, offered by Senator Demuzio.

(Secretary reads title of bill)

Senate Bill 3068, offered by Senators Watson, Bivins,

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Risinger, Burzynski and Righter.

(Secretary reads title of bill)

Senate Bill 3069, offered by Senator Garrett.

(Secretary reads title of bill)

Senate Bill 3070, offered by Senator Bomke.

(Secretary reads title of bill)

Senate Bill 3071, offered by Senator Haine.

(Secretary reads title of bill)

Senate Bill 3072, offered by Senator Garrett.

(Secretary reads title of bill)

Senate Bill 3073, offered by Senator Haine.

(Secretary reads title of bill)

And Senate Bill 3074, offered by Senator Haine.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT JONES:

Madam Secretary, House Bills 1st Reading.

SECRETARY SHIPLEY:

House Bill 3218, offered by Senator -- Senator DeLeo.

(Secretary reads title of bill)

House Bill 3602 -- House Bill 3602, offered by Senator
Righter.

(Secretary reads title of bill)

House Bill 4613, offered by Senator Martinez.

(Secretary reads title of bill)

And House Bill -- 6350, offered by Senator Hunter.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDENT JONES:

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Madam Secretary, have we received any messages regarding the Governor's specific recommendation for change of legislation?

SECRETARY SHIPLEY:

The following motions have been filed with respect to the Governor's action on the following Senate bills to override specific recommendations for change: Senate Bill 2636, filed by Senator Harmon.

PRESIDENT JONES:

Let them be printed on the Calendar.

SECRETARY SHIPLEY:

And a second motion to accept the specific recommendations for change: Senate Bill 2718, filed by Senator Wilhelmi.

PRESIDENT JONES:

Will all the members of the Rules Committee please convene in the Antechamber? All the members of the Rules Committee, please convene in the Antechamber.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDENT JONES:

Madam Secretary, Committee Reports.

SECRETARY SHIPLEY:

Senator Hendon, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Motion to Accept Specific Recommendations for Change to Senate Bill 2718.

...by Senator Rickey Hendon, Chairman. November 12th, 2008.

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WICS-TV seeks leave to record proceedings. ABC 7 Chicago seeks leave to -- to record. ABC NewsChannel 20 also seeks leave. WCIA also wants leave. And the Associated Press. All seek leave to record proceedings. Seeing no objection, so ordered. Senator Radogno, what purpose you rise?

SENATOR RADOGNO:

Point of personal privilege.

PRESIDENT JONES:

State your point.

SENATOR RADOGNO:

Thank you, Mr. President and Members of the Chamber. I just wanted to update everyone on Senator Watson's condition. I spoke with him this morning and he asked me to send his greetings. He wishes he was here. He is intently interested in all that's going on and very much up on everything that's happening and -- and he's following it closely. As you all know, he's got some work to do to recover. They're still predicting a one-hundred-percent recovery. But it takes a lot of work and a lot of effort in order to get there. So he is concentrating on that right now. The one piece of advice he had for all of us is don't ignore your health. I mean, he said this has been an unbelievable wake-up call for him, and -- and he wants us all to -- to pay attention to that and take care of ourselves. But he sends his greetings and he's doing well and he'll be watching us. He probably has the computer on right now. So be on good behavior. Thanks.

PRESIDENT JONES:

Yeah. Thank you, Senator. I'm quite certain all the Members wish our colleague a full recovery. So, Frank, if

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you're watching us, we look forward to seeing you in the very near future. God bless you. Senator Wilhelmi.

SENATOR WILHELMI:

Mr. President, a point of personal privilege. I have a -- the great family of -- from Bolingbrook, the Oliver family, in the President's Gallery. That's Paul and Maripat, with their children, Hannah, Natalie, David and Zachary. Maripat Oliver is here today to be a -- she's an appointee to the DCFS Advisory Council. I ask that we give them a warm Senate welcome.

PRESIDENT JONES:

Will our guests in the gallery please rise and be recognized by the Senate? Senator Clayborne.

SENATOR CLAYBORNE:

I move to suspend the rules for the purpose of the immediate consideration and adoption of House Joint Resolution 142.

PRESIDENT JONES:

Senator Haine -- Senator Clayborne moves to -- to suspend the rules for the purpose of immediate consideration and adoption of House Joint Resolution 142. All those in favor, say Aye. Opposed, Nay. The Ayes have it. And the rules are suspended. Madam Secretary, please read the resolution.

SECRETARY SHIPLEY:

House Joint Resolution 142, offered by Senator Clayborne.
No committee or Floor amendments reported.

PRESIDENT JONES:

Senator Clayborne, to explain the resolution.

SENATOR CLAYBORNE:

Thank you, Mr. President. The General Assembly shall

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reappoint Thomas J. Homer as the Legislative Inspector General for a term ending July -- I mean - I'm sorry - June 30th, 2013.

PRESIDENT JONES:

Is there any discussion? Any discussion? Seeing none, Senator Clayborne moves to -- adoption of Senate {sic} Resolution 142. This resolution regarding the Legislative Inspector General requires a roll call vote must be taken. A three-fifths majority vote is required for passage. Those in favor of the resolution will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 voting Aye, no Nays, none voting Present. This resolution, having received the required constitutional majority, is declared passed. Senator -- Senator Peterson. Senator Peterson. Supplemental Calendar No. 1 has been distributed. We will proceed to Senate Bill 2636 on the... We'll proceed to Senate Bill 2718 on the Supplemental Calendar. Senator Wilhelmi. Madam Secretary, read the motion.

SECRETARY SHIPLEY:

I move that Senate Bill 2636 do pass, notwithstanding the specific recommendations of the Governor.

Filed by Senator Don Harmon.

I apologize, that was the wrong motion.

I move to accept the specific recommendations of the Governor as to Senate Bill 2718 in manner and form as follows:

Amendment to Senate Bill 2718

Filed by Senator A.J. Wilhelmi.

PRESIDENT JONES:

Senator Wilhelmi, to explain the motion.

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SENATOR WILHELMI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. On Senate Bill 2718, I move to accept the specific recommendations of the Governor. And it's very simple. The amendatory veto of the Governor makes this bill effective immediately. And that is the only change. As you may recall, this is the limited hearsay exception, known as forfeiture by wrongdoing. I ask my colleagues to please vote Aye and -- accepting the specific recommendations of the Governor.

PRESIDENT JONES:

Senator Wilhelmi moves to accept the specific recommendation of the Governor as regard to Senate Bill 2718. Is there any discussion? Any discussion? Seeing none, the question is... Senator Righter. Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. Will the sponsor yield, please?

PRESIDENT JONES:

He indicates he will.

SENATOR RIGHTER:

Thank you, Mr. President. Senator Wilhelmi, for those of us who are growing older by the day and our memories are fading a little bit, can you just walk through very briefly what the legislation does? Just kind of remind the Body. Thank you.

PRESIDENT JONES:

Senator Wilhelmi.

SENATOR WILHELMI:

Thank you, Mr. President. Senator, as you may recall, under the forfeiture by wrongdoing doctrine, what this bill does specifically is allows for an exception to the hearsay rule if a

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statement is offered against the party that has murdered a witness for the purpose of preventing that witness from testifying in a civil or criminal proceeding. Originally, this was expanded somewhat more to deal with kidnapping or bribery. We limited this to murder only. And we also have a very specific test to ensure the reliability and a court would have to rule that that reliability test has been met before the statement would be offered, and that would happen through a separate hearing on the admissibility of the out-of-court statement.

PRESIDENT JONES:

Any further discussion? Any further discussion? Seeing none, the question is, shall the Senate accept the specific recommendation of the Governor as it relate to Senate Bill 2718. All those -- all those in favor will vote Aye. Opposed, Nay. With this immediate effective date amendment, it takes thirty-six votes. The -- the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Aye, no Nays, none voting Present. The specific recommendations to the Governor as relate to Senate Bill 2718, having received the constitutional majority of votes, is -- is declared passed. Motion in Writing to Override on Senate Bill -- Specific Recommendations of the Governor. Senate Bill 2636. Senator Harmon, do you wish to proceed? He indicates he will. Madam Secretary, read the motion.

SECRETARY SHIPLEY:

I move that Senate Bill 2636 do pass, notwithstanding the specific recommendations of the Governor.

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Filed by Senator Don Harmon.

PRESIDENT JONES:

Senator Harmon, to explain his motion.

SENATOR HARMON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The underlying Senate Bill 2636 regulates the behavior of companies who, for a fee, will reunite Illinois citizens with their lost property. The Governor amendatorily vetoed it to add certain reporting requirements for those companies. It is -- it is my view and -- and I believe the view of the House that the -- the Governor's amendatory veto exceeded his constitutional authority. And in order to ensure that the underlying bill becomes law, I move to override the Governor's amendatory veto.

PRESIDENT JONES:

Senator Harmon moves that Senate Bill 2636 do pass, notwithstanding the specific recommendations of the Governor. Is there any discussion? Any discussion? Senator Murphy.

SENATOR MURPHY:

Thank you, Mr. President. To the motion: I rise in strong support of the motion. Urge an Aye vote on this side of the aisle to all my colleagues hanging on every word.

PRESIDENT JONES:

Any further discussion? Any further discussion? The question is, shall the Senate pass Senate Bill 2636, notwithstanding the specific recommendations of the Governor. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Aye, no Nays, none voting Present. Thirty-six --

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36 or more votes have been received on this bill. On Senate Bill 2636, having received the required three-fifths majority, is declared passed, notwithstanding the veto of the Governor.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator DeLeo in the Chair. WAND-TV requests permission to videotape the proceedings. Seeing no objection, leave is granted. Ladies and Gentlemen, for purposes of an announcement. May I have your attention, please? The Rules Committee will meet immediately in the President's Anteroom. All members of the Rules Committee, please come to the Anteroom immediately. We will stand at ease for just a moment. For further announcement -- can I have everybody's attention, please? I know you'll be very, very disappointed to learn that the President has just notified the Secretary of the Senate that this Friday, November - 13th, is it? - excuse me - 14th -- Friday, November 14th, will be canceled. So, we'll -- I know that's a big disappointment. So, I'd ask all members of the Rules Committee, please come to the President's Anteroom immediately. Thank you. Rules Committee meeting immediately. Rules Committee meeting immediately. All members of the Rules Committee, please report to the room immediately.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DeLEO)

Senate will come to order. Senator Hunter, for what purposes you seeking recognition, ma'am? Senator Hunter.

SENATOR HUNTER:

Thank you, Mr. President and Ladies and Gentlemen of the

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Senate. We have in this -- visiting us in this Chamber twelve wonderful, fabulous women who has been undergoing training under the IWIL organization. And I would like to read -- read their names. We have Geri Arrindell and Katie Pennell, who has been assigned with - can you please stand as I -- as I call your names? - who has been assigned with Senator Demuzio. With Representative {sic} Haine is Kristen Novacich; Senator Martinez, Elizabeth Alexander; Senator Lightford, Nicole Hayes; Senator Steans, Carrie Zalewski; myself, Gloria Pittman and Felicia Simmons-Stovall; Senator Crotty, Laura Fine; Senator Collins, Jackie {sic} (Jamie) Caston; Senator Garrett, Kelly Gilroy; and last but not least, Senator Holmes, Robyn Sutcliff.

PRESIDING OFFICER: (SENATOR DeLEO)

Welcome to the Illinois State Senate. Welcome, ladies. Thank you. Senator Crotty, for what purpose you seek recognition, ma'am?

SENATOR CROTTY:

Well, every so often, we have announcements on things that we're happy about, so we want to share those.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your announcement, ma'am.

SENATOR CROTTY:

Well, I will. If you remember, our -- Joe, who is the Sergeant of Arms here in the Senate, as of this morning, at 9:07, his wife gave birth to a ten-pound, four-ounce baby boy. His name is Joseph Payton Agans-Dominguez. So, mom is doing fine. Dad is doing fine. And he has a daughter at home, Lauren, who is thrilled to death about getting her baby brother. So...

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PRESIDING OFFICER: (SENATOR DeLEO)

Senate would like to welcome another Democrat to this world. Madam Secretary, Committee Reports, please. Madam Secretary, before we do Committee Reports, could we do Communications, please?

SECRETARY SHIPLEY:

Thank you, Mr. President. I have a letter dated November 12th, 2008.

Dear Madam Secretary - Pursuant to the provisions of Senate Rule 2-10, I hereby establish January 13th, 2009, as the committee and 3rd Reading deadline for House Bills 4119, 4613, 4845, 4861 and 5032.

Sincerely, Emil Jones, Jr., Senate President.

PRESIDING OFFICER: (SENATOR DeLEO)

Madam Secretary, now, Committee Reports.

SECRETARY SHIPLEY:

Senator Hendon, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Judiciary-Civil Law Committee - House Bill 4119; refer to Judiciary-Criminal Law Committee - House Bills 4613 and 5032; refer to Licensed Activities Committee - House Bill 4845; refer to Transportation Committee - House Bill 4861; and Be Approved for Consideration - Senate -- Senate Bill 450, Senate Bill 1290, 1450 {sic} (1415), 1890, 1987, 2015, 2031, 2275, 2492, 2536, 2688, 2743, 2860, and House Bills 427, 2973 and 5141.

Senator Rickey Hendon, Chairman. November 12th, 2008.

And a final report by Senator Hendon, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Education Committee - a Motion to

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Concur with House Amendment No. 2 to Senate Bill 2688; refer to Environment and Energy Committee - a Motion to Concur with House Amendments 2, 4 and 5 to Senate Bill 1987; refer to Financial Institutions Committee - Floor Amendment No. 3 to House Bill 2973; refer to Human Services Committee - a Motion to Concur with House Amendment No. 2 to Senate Bill 1415; refer to Judiciary-Criminal Law Committee - a Motion to Concur with House Amendments -- House Amendment 4 to Senate Bill 450, a Motion to Concur with House Amendment No. 1 to Senate Bill 2275, and Floor Amendment No. 1 to House Bill 427; refer to Labor Committee - Floor Amendment No. 1 to House Bill 5141; refer to Local Government Committee - a Motion to Concur with House Amendment No. 1 to Senate Bill 1290, a Motion to Concur with House Amendment No. 1 to Senate Bill 2031, a Motion to Concur with House Amendment No. 1 to Senate Bill 2536 and a Motion to Concur with House Amendment No. 1 to Senate Bill 2743; refer to Public Health Committee - a Motion to Concur with House Amendments 1 and 2 to Senate Bill 2492 and a Motion to Concur with House Amendment No. 1 to -- Senate Bill 2860; refer to Revenue Committee - a Motion to Concur with House Amendment No. -- House Amendments 1 and 2 to Senate Bill 2015; and refer to State Government and Veterans Affairs Committee - a Motion to Concur with House Amendment No. 1 to Senate Bill 1890.

Senator Rickey Hendon, Chairman. November 12th, 2008.

PRESIDING OFFICER: (SENATOR DeLEO)

Okay, Ladies and Gentlemen, for purposes of an announcement. You just heard the committee reports, read by the Secretary, on Rules. To follow that wonderful committee report comes committees. So let me just make the committee

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announcements. Please pay attention. Today at 2 p.m. - today at 2 p.m. is the Executive Appointments Committee. Will meet in Room 212. That's Executive Appointments in Room 212. It had been previously posted. So we -- all requirement -- posting requirements have been met. Following that, today at the hour of 4 p.m. - at 4 p.m. will -- Public Health will meet in Room 400. Public Health will meet in Room 400. And also today at 4 p.m., we will have Local Government meet. Local Government will meet in Room 409. Both of those committees will be posted for 4 p.m. At 4:30 today - at 4:30 today, Judicial-Criminal Law will meet in Room 212 at 4:30. That's Criminal Law-Judiciary today at 4:30 in 212. Tomorrow, November 13th, at the hour of 8:30 a.m., we'll have -- Environmental {sic} and Energy will meet in Room 212. Environmental {sic} and Energy in Room 212 at 8:30 a.m. Also an 8:30 a.m. committee tomorrow in Room 400 will be Senator Meeks and Human Services. Human Services will meet at the hour of 8:30 tomorrow, November 13th. Moving to the 9 o'clock on Thursday - 9 o'clock - Revenue will meet in Room 400. Revenue will meet in Room 400 at 9 a.m., tomorrow, Thursday, November 13th. State Government and Veterans Affairs - State Government and Veterans Affairs will be -- meet in Room 409 - in Room 409. That's also November 13th, Thursday, at 9 a.m. At 9:30 - at 9:30 tomorrow morning, Thursday, November 13th, Education will meet in Room 212. Education will meet in Room 212. Also on November 13th, the 9:30 committees will be Labor. Senator Forby will host the Labor Committee in Room 400 - in Room 400 at 9:30 a.m. And the last committee will be Thursday morning, November 13th, at 9:45. Senator Collins will host the Financial Institutions meeting in Room 400. In Room 400,

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Financial Institutions. That's also November 13th, at 9:45 a.m. Senator -- Senator Meeks, for what purpose you seek recognition, sir? Senator.

SENATOR MEEKS:

Thank you, Mr. President. For the purpose of an announcement.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your announcement, sir.

SENATOR MEEKS:

I would like the Body to recognize a very special gentleman, and a friend of mine, who's visiting the Senate Chambers today. He is the President of the National Baptist Convention and a constituent of Senator Maggie Crotty, and the person's Reverend Stephen Thurston. He's the President of the National Baptist Convention, and he's my guest today.

PRESIDING OFFICER: (SENATOR DeLEO)

Reverend, welcome to the Illinois State Senate. Welcome to Springfield, sir. It's a pleasure to have you. Senator -- President Jones, for what purpose do you rise, sir? President Jones, for what purpose do you rise, sir?

SENATOR E. JONES:

A point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point, sir.

SENATOR E. JONES:

To all of us assembled here, we witnessed something really great this week with the election of our former colleague as President of the United States. Having served in this Body -- he served with many of us in the Body, and he got elected to the

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-- the U.S. Senate in a statewide race, and -- and this past week, the country overwhelmingly elected him the fourth-fourth President of the United States. He was very close to many of us in here. I didn't have an opportunity to play cards with him, but I know Senator Link used to let him win, knowing full well that one day he would be President of the United States. But it's a great feeling for all of us to have someone from Illinois. When he made that big announcement in February of 2007 at the Old State Capitol, and I made sure that our -- our colleague's mother, the mother of Senator Deanna Demuzio -- I wanted her there. We were campaigning for the U.S. Senate and we attended a fundraiser on the farm four years ago in September of '04. It was myself and Barack Obama at Senator Deanna Demuzio's annual fish fry. And I was sitting across the table from Deanna's mother, eating some fish. And her mother said to me, "You know," - I think she said - "I'm eighty-four years old." She said, "I certainly hope I live long enough. This young man" - speaking of Barack - "is going to be President one day, and I want to be around to vote for him." I didn't tell Barack what she said, because I didn't want his head to get big. But she saw all the qualities in him when he was just running for the U.S. Senate. So we are really blessed, we are pleased, we are proud, we are ecstatic over our former colleague, who is now the fourth-fourth President-elect of the United States.

PRESIDING OFFICER: (SENATOR DeLEO)

Senator Hendon, for what purpose do you rise, sir?

SENATOR HENDON:

Just to let you know, I wrote a book about the whole thing.
So...

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PRESIDING OFFICER: (SENATOR DeLEO)

Senator Haine, for what purpose do you rise, sir?

SENATOR HAINE:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR DeLEO)

Please state your point, sir.

SENATOR HAINE:

Well, actually, Mr. President, I have two points. I wanted to reiterate that Kristine {sic} (Kristen) Novacich, who's a member of the Madison County Board, is here with me. She's in this advancement of women in -- in government group that Senator Hunter referred to. I know her entire family and she's an outstanding future leader. Just wanted to say that for the record. Secondly, I wish to remind my Democratic colleagues that there is a very fine dinner scheduled tonight at Saputo's at 5 p.m. - not to forget that. And I understand, Mr. President, that you are going to pay the bill. So we want to have plenty of good food and wine at this bill. And we appreciate your offer to pay very, very much. Thank you, sir.

PRESIDING OFFICER: (SENATOR DeLEO)

Thank you -- thank you, Senator Haine. But in the tradition of the North Shore, separate checks for everybody. Okay, Ladies and Gentlemen, there being no further business to be -- come before the Senate, the Senate will stand adjourned until the hour of 10 a.m., Wednesday -- Thursday -- excuse me, 10 a.m., Thursday, November 13th, the year 2008. The Senate stands adjourned.