

STATE OF ILLINOIS
97th GENERAL ASSEMBLY
REGULAR SESSION
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132nd Legislative Day

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PRESIDING OFFICER: (SENATOR SULLIVAN)

The regular Session of the 97th General Assembly will please come to order. Will all the Members be at their desks? Will our guests in the galleries please rise? The invocation today will be given by Major Paul E. Logan, Salvation Army, Springfield, Illinois. Major Logan.

MAJOR PAUL E. LOGAN:

(Prayer by Major Paul E. Logan)

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please remain standing for the Pledge of Allegiance. Senator Jacobs, to lead us in the Pledge.

SENATOR JACOBS:

(Pledge of Allegiance, led by Senator Jacobs)

PRESIDING OFFICER: (SENATOR SULLIVAN)

Mr. Secretary, Reading and Approval of the Journal.

SECRETARY ANDERSON:

Senate Journal of Wednesday, November 28th, 2012.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter.

SENATOR HUNTER:

...you -- thank you, Mr. President. I move to postpone the reading and approval of the Journal just read by the Secretary, pending the arrival of the printed transcript.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objection, so ordered. Mr. Secretary, Resolutions.

SECRETARY ANDERSON:

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Senate Resolution 1009, offered by Senator McCann and all Members.

Senate Resolution 1010, offered by Senator McCann and all Members.

Senate Resolution 1011, offered by Senator McCann and all Members.

Senate Resolution 1012, offered by Senator McCann and all Members.

They're all death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Resolutions Consent Calendar.

SECRETARY ANDERSON:

Senate Resolution 1008, offered by Senator Link.

It is substantive.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Seth Perlman with Associated Press requests permission to take still photographs. Seeing no objection, leave is granted. Mr. Secretary, Committee Reports.

SECRETARY ANDERSON:

Senator Haine, Chairperson of the Committee on Insurance, reports House Bill 2065 Do Pass, as Amended.

Senator Harmon, Chairperson of the Committee on Executive, reports Senate Amendments 2 and 3 to Senate Bill 957, Senate Amendment 3 to Senate Bill 1076; Motions to Concur: House Amendments 1 and 2 to Senate Bill 547, House Amendment 1 to Senate Bill 3338 recommended Do Adopt.

Senator Martinez, Chairperson of the Committee on Licensed Activities, reports Senate Amendment 2 to Senate Bill 2936 recommend Do Adopt.

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PRESIDING OFFICER: (SENATOR SULLIVAN)

Mr. Secretary, Introduction of Senate Bills.

SECRETARY ANDERSON:

Senate Bill 3941, offered by Senator Kotowski.

(Secretary reads title of bill)

1st Reading of this Senate bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Hunter, for what purpose do you rise?

SENATOR HUNTER:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point, Senator Hunter.

SENATOR HUNTER:

Thank you, Mr. President. Sitting in the balcony are some friends of mine who have been down all week. They're colon therapists - Dr. -- Dr. Milton Chandler and his wife, Dorothy, and then - who lives in Senator Harmon's district, by the way - and then Darlene Anderson, who lives right here in Springfield. They're all colon therapists and they're down here trying to educate us on what colon therapy is. So, would you like to stand so we can welcome you guys to the Chamber, please?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Will our guests please rise? Welcome to the Illinois State Senate. Great to have you here today as our guests, guests of Senator Hunter. Senator Sandack, for what purpose do you rise?

SENATOR SANDACK:

Good morning, Mr. President. On a point of personal privilege, please.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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Please state your point, Senator Sandack.

SENATOR SANDACK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. With me is Jenna Mitchell. Jenna -- Jenna is a constituent, a proud graduate of Downers Grove North High School. She's in her senior year at Eastern Illinois. She's shadowing me today. She's hopefully a candidate for the Illinois -- I'm sorry, the Illinois Legislative Study {sic} (Studies) Internship Program at UIS. I'm hoping we can give her a warm welcome from the Senate.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Jenna, welcome to the Illinois State Senate. Great to have you here today. Senator Christine Johnson, for what purpose do you rise?

SENATOR C. JOHNSON:

I would like to request that my vote recorded for Senate Bill 1566 be recorded as a Yes.

PRESIDING OFFICER: (SENATOR SULLIVAN)

The record will so indicate your intentions. Senator Kotowski, for what purpose do you rise?

SENATOR KOTOWSKI:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Please state your point, Senator Kotowski.

SENATOR KOTOWSKI:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. I'm very honored today to have the privilege of introducing some guests, who came all the way from Park Ridge, from the Kalo Foundation. It's Herbert and Barbara Zuegel. And

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-- and please stand up. Give 'em a round of applause. The Kalo Foundation is going to get the Governor's Hometown Award today and I just want to read to you why, because it's very impressive, and I don't believe we're moving forward in a lot of aggressive action right now at this time, Mr. President. Basically, the Kalo Foundation was founded in Park Ridge in 2006 to safeguard the rich artistic legacy of the city through education, advocacy, and preservation, as well as promoting the arts and crafts as an integral part of our modern lives. Alfonsi -- Alfonsi {sic} (Alfonso) Iannelli would come to Chicago in 1914 to sculpt the Sprites for Frank Lloyd Wright's famous Midway Gardens; chose Park Ridge as a permanent place to settle. He and his artistic wife, Margaret, bought the home and former blacksmith shop in 1919, establishing one of the regions most famous and successful commercial art firms. Iannelli, in his last and largest sculptural commission, created a relief of the Rock of Gibraltar on the face of the Prudential Tower, then Chicago's largest skyscraper. His work is also widely held by museums, including the Metropolitan and the Museum of Modern Art in New York, the Art Institute of Chicago, the Musée d'Orsay in Paris, and the Victoria and Albert Museum in London. The Kalo Foundation saved the -- the Iannelli Studio as one of the last remaining vestiges of the town's history at the turn of the 20th century. Kalo plans to transform the home and studio into a gathering place for classes, gallery exhibits, a gift shop, library resources, while drawing visitors from all over the world to learn about Park Ridge's town's art colony legacy. Herb and his -- and his wife and all the people on the board of directors are so dedicated and so involved in their -- they have

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such a vested interest in this. I think they deserve a great, great Springfield welcome and a wonderful round of applause for all the work they're doing to preserve the artistic tradition in the State of Illinois. Please give 'em a round of applause.

PRESIDING OFFICER: (SENATOR SULLIVAN)

So great to have you here today. Welcome to the Illinois State Senate. Thank you very much. Ladies and Gentlemen, we're going to be going to the -- doing substantive action here shortly. We're going to begin on the top of page 22 of your printed Calendars. We have one bill on 2nd Reading and then we're going -- two bills on 2nd Reading -- on page 2 of the printed Calendar, excuse me, at the top of that page, and then we will be going to Senate Bills 3rd Reading and House Bills 3rd Reading. So will all Members please come to the Senate Floor immediately? Ladies and Gentlemen, on the top of page 2 of the printed Calendar, on the Order of Senate Bills 2nd Reading, we have Senate Bill 3925. Senator Link. Indicates he wishes to proceed. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 3925.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Executive adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Have there been any Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

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3rd Reading. Ladies and Gentlemen, if you'll turn to -- to the middle of page 3 of the printed Calendar. These will be House Bills 2nd Reading. We have House Bill 3816. Senator Holmes. Senator Holmes, on House Bill 3816. Indicates she wishes -- wishes to proceed. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 3816.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Executive adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Next up is House Bill 4866. Senator Martinez. Indicates she wishes to proceed. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 4866.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Executive adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Have there been any Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

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PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. House Bill 5151. Senator Jacobs. Move it to -- indicates he wishes to proceed. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 5151.

(Secretary reads title of bill)

2nd Reading of the bill. Committee on Executive adopted Amendment No. 1.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Have there been any Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Senator Kotowski, for what purpose do you rise?

SENATOR KOTOWSKI:

Thank you very much. I just wanted to supplement what I was saying before - words about the Kalo Foundation. We also have Dick and Karen Larsen - please stand up - from the Kalo Foundation as well. Want to compliment them on their terrific work. As you know, the Kalo Foundation is getting the Governor's Hometown Award today. Congratulations to you and thank you for all that you've done. Please give 'em a great Springfield welcome and a wonderful round of applause.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Welcome to the Illinois State Senate. Great to have you here today. Thank you. Ladies and Gentlemen, with leave of the

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Body, we will -- on page 2 of the printed Calendar, down towards the bottom, we have Senate Bill 2936. Senator Martinez, do you wish to proceed? Senator Martinez seeks leave of the Body to return Senate Bill 2936 to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 2936. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 2, offered by Senator Martinez.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Martinez, on Floor Amendment 2.

SENATOR MARTINEZ:

Thank you, Mr. President, Members of the Senate. I'll be happy to discuss the bill, as amended, on 3rd Reading.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion on the amendment? Is there any discussion on the amendment? Seeing none, 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 ANDERSON:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is Senate Bill 2936. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 2936.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President and Members of the Senate. As amended, it extends the sunset for the Dietetic {sic} (Dietitian) Nutritionist Practice Act and creates a pathway to licensure for nutritionists. The amendment makes technical changes suggested by the Department of Financial and Professional Regulations {sic} (Regulation) and increases fines for violation from five thousand to ten thousand. It also clarifies exemption assuring no undue restrictions for businesses, including health food stores and their employees who respond to consumer questions regarding nutrition and dietary supplement information. The amendment provides for changes to the makeup of the Dietician Nutritionist Practice Board, providing a balanced representation of dieticians and nutritionists. During the summer, we had numerous meetings and we agreed on many things, but we couldn't agree on a couple of things. I am -- this bill will go over to the House and we're going to try to work the dieticians' concern the best that we can, but let me just say that we have tried everything, long hours in a bipartisan fashion, and I really believe that this bill, at the end of the day, takes care of the consumer, gives the protection, gives the department what they need to make sure that we can ensure the quality of health care for our consumers out there. And I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Senator Althoff, for what purpose do you rise?

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SENATOR ALTHOFF:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill, Senator Althoff.

SENATOR ALTHOFF:

Thank you. When Senator Martinez refers to "we", please let me note that it is a bipartisan "we". She engaged both the committee chair, Senator Sandack, and myself in the negotiations. I would tell you that she bent over backwards to accommodate both sides of the stakeholders. What we did was a decent piece of legislation and she did make the -- the commitment - not once, but three times - continue to work with the stakeholders as this piece of legislation moves forward in the House. I would urge a very strong Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Further discussion? Senator Hunter, for what purpose do you rise?

SENATOR HUNTER:

Comments on the bill. I -- I ditto Senator Althoff's comments. I'd like to commend the sponsor for working diligently all during the summer and -- and -- and fall break and bringing all the different parties together and various organizations and other concerns. And so, thank you very much for all of your efforts, Senator Martinez.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you, Senator Hunter. Seeing no further discussion, do you wish to close? Ladies and Gentlemen, the question is, shall Senate Bill 2936 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish?

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Have all voted who wish? Have all voted who wish? Mr. Secretary, take the record. On that question, there are 51 voting Aye, 0 voting Nay, 0 voting Present. Senate Bill 2936, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, on the bottom of page 2 of your printed Calendar, on the Order of House Bills 3rd Reading, we have House Bill 506. Senator Muñoz. Mr. Secretary, Senator Muñoz seeks leave of the Body to return House Bill 506 to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is House Bill 506. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 4, offered by Senator Muñoz.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Muñoz, on Amendment 4.

SENATOR MUÑOZ:

Thank you, Mr. President. The amendment just removes the effective date. It doesn't change anything else in the original bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Is there any discussion on the amendment? Seeing none, 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 ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is House Bill

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506. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 506.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Muñoz.

SENATOR MUÑOZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 506, as amended, creates a procedure for an assessor to determine if an exemption was granted erroneously and recover the amount of taxes that should have been paid. The property owner may owe interest and penalties, depending on the number of erroneous homestead exemptions they received. Currently, right now, there is no law that allows assessors to recover money, say, through fraudulent exemptions. And let me repeat, this is a permissive bill that would give county assessors the option to go after those who fraudulently receive exemptions. If the county does not decide to utilize this new law, then they don't have to do it. But I can tell you this, based on LexisNexis, a hundred and nineteen million would be recovered statewide if counties wanted to opt in to utilize this law - and sixty percent of that goes to schools. Sixty percent of a hundred and nineteen million would go to schools -- for municipalities throughout the State and the counties. You can utilize it for schools, parks, libraries, and other local bodies who often have to extend lines of credit that incur interest in order to manage their finances. Right now, the liens are a concern to the Realtors, but under current law, when a homeowner

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fails to pay property taxes, a lien is automatically placed on their property. The same would hold true under this bill. Homeowners would also have the right to appeal their case. A lien will not be placed on their property until the claim is adjudicated. Again, there will not be a lien unless -- until the claim is adjudicated. Penalties and interest will be waived on erroneous exemptions if the property was inherited by a spouse. Right now, they're saying that you're automatically going to be placed on -- a lien on you if you just received the property that you inherited. It is not true. You will not have that problem. And sometimes it's a spouse, child, grandchild, brother, sister or nephew. Interest would not begin to accrue unless a lien was placed on the property for failure to pay back taxes. I will answer any questions.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Senator -- Leader Radogno, for what purpose do you rise?

SENATOR RADOGNO:

Excuse me. To the bill, please.

PRESIDING OFFICER: (SENATOR SULLIVAN)

To the bill, Senator Radogno.

SENATOR RADOGNO:

You know, I think, policywise, addressing the issue of fraudulent and -- assessments, or, rather, exemptions being claimed is a good policy issue and we should address it. The difficulty I have is that in committee and as we've discussed this over the last couple years, there's some very real problems in this particular approach. And the Realtors are still opposed to this. The Taxpayer {sic} (Taxpayers') Federation is still

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opposed to it. And I think everyone agrees we need to address it, but I think that it can be done in a better manner, essentially where we are more careful upfront about granting the assessment so we don't have to come after people on the back end. That's what happens in other states. So I would ask that people vote No, not against the concept at all - we need to do this - but against this particular bill so that we can do it better and make sure that -- that we're not putting our citizens in harm's way by being inappropriately charged with penalties. Thank you.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any further discussion? Seeing none, Senator Muñoz, do you wish to close? Senator Muñoz.

SENATOR MUÑOZ:

Thank you, Mr. President. One last thing, because of the tax cheats, every homeowner pays an additional sixty dollars a year. And again, this is a permissive bill. If a county does not want to utilize this law, they don't have to, but shame on them for not going after the cheats and giving back to the school funding, which we so poorly need funding for schools right now. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Ladies and Gentlemen, the question is, shall House Bill 506 pass. 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? Mr. Secretary, take the record. On that question, there are 27 voting Aye, 20 voting Nay, 3 voting Present. House Bill 506, having not received the required constitutional majority, is hereby declared failed.

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Senator Muñoz.

SENATOR MUÑOZ:

Postponed Consideration on that bill, please.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Muñoz would like to place the bill on Postponed Consideration. The bill will be placed on the Order of Postponed Consideration. Ladies and Gentlemen, if you will turn to the top of page 3 of your printed Calendar - again, we're still on the Order of House Bills 3rd Reading - we have House Bill 2083. We'll let it get up on the board. There it is. Senator Link, do you wish to proceed? Indicates that he does. Senator Link seeks leave of the Body to return House Bill 2083 to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is House Bill 2083. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 1, offered by Senator Kotowski.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski, on Floor Amendment No. 1.

SENATOR KOTOWSKI:

...you -- thank you, Mr. President. I want to move to withdraw Floor Amendment No. 1 for consideration.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Kotowski withdraws Floor -- his motion for Floor Amendment 1. Mr. Secretary, are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 3, offered by Senator Link.

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PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Link, on Amendment 3.

SENATOR LINK:

Thank you, Mr. President. Amendment 3 just extends the date from July -- or clarifies -- extends the date from January 1 to July 1, 2013, and also -- fixes a drafting error in Section 26-7 {sic} (26.7) of the Act.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion on the amendment? Seeing none, all those in favor will say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Mr. Secretary, are there any further Floor amendments approved for consideration?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SULLIVAN)

3rd Reading. Now on the Order of 3rd Reading is House Bill 2083. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 2083.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Link.

SENATOR LINK:

Thank you, Mr. President. Basically, the bill is -- it's exactly as I said before. It extends the date from January 1 to July 1st, 2013, and clarifies a drafting error. I know of no opposition to the bill.

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PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any discussion? Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

Will the sponsor yield, please, Mr. President?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Indicates he will yield, Senator Righter.

SENATOR RIGHTER:

Thank you. Senator Link, this is a gaming bill, but it's not "the" gaming bill to the extent that we can find one bill that fits that label and only one bill. I mean, can you -- but it is a deadline extension. Can you walk through for the Members a little bit of the process as it's gone so far, and why specifically you're seeking the deadline and what you hope to achieve by the end of the deadline?

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Link.

SENATOR LINK:

This is not a gaming bill. This is the ADW, advance deposit wagering, bill that we discussed about. That's what this bill is. It's to help the horse racing industry and -- that they get their money and we don't have to take it out of General Revenue funds, which I don't think we want to do.

PRESIDING OFFICER: (SENATOR SULLIVAN)

Thank you. Is there any further discussion? Seeing none, Senator Link, do you wish to close? Ladies and Gentlemen, the question is, shall House Bill 2083 pass. 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

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wish? Mr. Secretary, take the record. On that question, there are 36 voting Aye, 14 voting Nay, 0 voting Present. House Bill 2083, having received the required constitutional majority, is declared passed. Senator Schoenberg in the Chair.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

We will continue on the Order of House Bills 3rd Reading, page 3 of your printed Calendar. House Bill 4074. Senator Sullivan, do you wish to proceed? He wishes to proceed. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

House Bill 4074.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President, Members of the Senate. The bill does two things. First of all, it amends the Patients' Right to Know Act by extending a physician's required disclosure period from five years to ten years. And secondly, it also is an -- it's an agreement worked out between the auctioneers and the Realtors with regard to -- it allows an auctioneer without a real estate license to perform certain activities regarding a real estate auction as long as the auctioneer holds a auction license and obtains a real estate auction certification under the Real Estate License Act. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any discussion? Is there any discussion? Seeing

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none, Senator Sullivan, do you wish to close? The question is, shall House Bill 4074 pass. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 50 voting Aye, none voting Nay, none voting Present. House Bill 4074, having received the required constitutional majority, is hereby declared passed. Senator Hutchinson, for what purpose do you seek recognition?

SENATOR HUTCHINSON:

Thank you, Mr. President. I did not make it back to my button in time and I want the record to record that my intention was to vote Yes on House Bill 4074.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

The record will so reflect. Thank you very much. We'll next proceed to page 4 on your printed Calendar, the Order of Secretary's Desk, Resolutions. Senate Joint Resolution 80. Senator Sullivan. He wishes to proceed. Mr. Secretary, please read the resolution.

SECRETARY ANDERSON:

Senate Joint Resolution 80, offered by Senator Sullivan.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen. Obviously, the Midwest has suffered through some drought weather here over the last year, year and a half and it's caused the water levels in many of the main rivers to drop, including, of course, the Mississippi River. There's actually a situation right now with

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the Missouri River that flows into the Mississippi River that the Corps of Engineers is holding some water back, and the fear is, is that it's not going to allow barge traffic to go up and down the Mississippi from St. Louis on south. Obviously, the impact of that could be very detrimental to the entire business community, certainly to the farm community which exports -- transports much of their grain down the Mississippi River. So this resolution talks about the -- the problems that have been created by the low water levels and the drought, and it -- and it urges the President of the United States to take emergency action to ensure water levels do not fall below a level needed by commercial navigation on the Mississippi River and it urges the administration to direct the Army Corps of Engineers to avert what is potentially an economic disaster for the American farmers. And I'd be more than happy to answer any questions. Ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any discussion? Is there any discussion? Seeing none, Senator Sullivan, do you wish to close? The question is, shall Senate Joint Resolution 80 pass. All those in favor, vote Aye. Opposed, Nay. Opinion of the Chair, the Ayes have it, and the resolution is adopted. Thank you. President Cullerton.

SENATOR CULLERTON:

Yes, thank you, Mr. President. I'd like to make an announcement concerning our schedule. It appears that we will be able to cancel next Thursday's Session. That would be December 6th. We'll be able to cancel next Thursday. We will be in Tuesday and Wednesday, though. Thank you.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

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Continuing on the Order of Secretary's Desk, Resolutions, we'll now proceed to Senate Resolution 821. President Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President. Senate Resolution 821 passed unanimously yesterday in the Executive Committee. It expresses the serious concern of the..

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Pardon me, President Cullerton. I had neglected to ask the Secretary to read the resolution. I apologize. Senate Resolution 821. Mr. Secretary, please read the resolution.

SECRETARY ANDERSON:

Senate Resolution 821, offered by President Cullerton.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

President Cullerton. Thank you.

SENATOR CULLERTON:

Yes, thank you. Senate Resolution 821 expresses the serious concern of the Senate over the Illinois Commerce Commission's orders implementing the Energy Infrastructure Modernization Act, commonly known as the "smart grid bill", as it related to Commonwealth Edison and Ameren. The resolution outlines three issues which are of particular importance, dealing with pension asset, rate base, and interest rate on reconciliation, while mentioning that there are -- were numerous other issues within the ICC orders that failed to reflect the statutory directives and intent of the General Assembly. I would hope that we can get a unanimous vote on this resolution.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any discussion? Is there any discussion? Senator

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Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. I would just like to add to what President Cullerton had mentioned. Initially, this was not legislation that I supported, but clearly this legislation is -- is passed and I am supporting this resolution because it is following what -- the intent of the legislation as passed. Too often here we pass legislation and when it gets interpreted at another level it's totally different than what the intent was. And clearly what this resolution is saying is that we need to follow the intent of what that original legislation was. Plus, it's important that we send certainty to not only taxpayers, but we send certainty to the business community, and that's why I think this is a -- a good resolution and I appreciate the -- the President's leadership in bringing it forward.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Resolution.

SENATOR LIGHTFORD:

To the resolution, Mr. President. I rise in support of Senate Resolution 821 and would like to remind the Body that the Energy Infrastructure Modernization Act provides an extraordinary value to the entire State of Illinois, not just to the utilities, but to millions of residents and businesses they serve. I represent a district that started with the pilot program and -- and they installed the smart meters in our homes

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and businesses, and it went over very well and I was looking forward to this pilot program being implemented throughout the region. Thus far, ComEd has had success and exceeded their own goals in reducing outages by seven hundred thousand this year and with an estimation of a hundred million in savings for customers. I'd hoped that the ICC will begin to do the right thing and follow the legislation and the law that we have already passed both Chambers and by passing this resolution. Again, I urge an Aye vote and look forward to ComEd moving forward on this initiative. Thank you.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Thank you. Senator Lightford -- Senator Muñoz.

SENATOR MUÑOZ:

Thank you, Mr. President. To the resolution.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Resolution.

SENATOR MUÑOZ:

I -- I rise in support of the resolution. When we passed the bill in -- in its form, it was going to create two thousand-plus jobs. You know, ComEd has lived up to their word by providing seven hundred jobs through our -- to our State, and now we're -- they're not getting any of the funding. The ICC stopped it. Well, guess what, there's no more jobs. The people that did get hired are possibly going to lose their jobs, and it's a shame. It shouldn't be that way. The bill passed out of both Chambers and it should become law. So, please, vote Aye for this resolution.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any further discussion? Any further discussion?

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Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate.
To the bill -- or, to the resolution.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

To the resolution.

SENATOR TROTTER:

Yes. I -- I rise also in strong support of this job creation bill. The deal is, is here in the Illinois General Assembly, we make some hard votes and not often do we vote on a perfect bill, a bill that's going to basically enhance the quality of life for the entire State. This is one that does that. This bill has guaranteed that, one, it will ensure or at least try to ensure to deal with those outages that come as a force of nature and do it in a timely manner, do it using the latest technology for that to happen, by being on a smart grid. It talks about hiring two thousand people. It talks about ensuring -- creating permanent, good wages that people can raise their families on. This is a -- a -- a community bill. It's a people's bill. It's your bill. The ICC, once again, has arbitrarily used some powers that they were not given to stop this bill from going forward. I think by passage of this resolution, once again it is telling the ICC, stay with your job - regulate, don't try to legislate. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any further discussion? Any further discussion? President Cullerton, do you wish to close? The question is, shall Senate Resolution 821 pass. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who

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wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 47 voting Aye, 4 voting Nay, 2 voting Present. Senate Resolution 821, having received the required constitutional majority, is hereby declared adopted. With leave of the Body, we will next go to page 2 of your printed Calendar, Senate Bill 3rd Reading. Senate Bill 1076. Senator Haine, do you wish to proceed? He indicates that he does. Senator Haine seeks leave of the Body to return Senate Bill 1076 to the Order of 2nd Reading. Seeing no objection, leave is granted. Now on the Order of 2nd Reading is Senate Bill 1076. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY ANDERSON:

Floor Amendment No. 1, offered by Senator Haine.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Haine, on Floor Amendment No. 1.

SENATOR HAINE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We -- I -- I -- we -- I want to withdraw that or table it. We only want to proceed on Amendment No. 3, I think, isn't it?

PRESIDING OFFICER: (SENATOR SCHOENBERG)

One moment, please. We are currently checking on the status of the amendments. Amendment 1 has been withdrawn. Are there any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY ANDERSON:

Floor Amendment No. 2, offered by Senator Haine.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

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Senator Haine, on Floor Amendment No. 2.

SENATOR HAINE:

Mr. President, I would withdraw that amendment also.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Haine wishes to withdraw Floor Amendment No. 2 as well to Senate Bill 1076. Are there any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY ANDERSON:

Floor Amendment No. 3, offered by Senator Haine.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Haine, on Floor Amendment No. 3.

SENATOR HAINE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a -- a -- a bill which affects the Village of Maryville in my district and this involves a -- a fifteen-acre - - fifteen-plus-some-acre parcel in the middle of the Village, which was deeded to the Village of Maryville some years ago, fifteen/twenty years ago. My predecessor, Senator Bowles, brought this before the Senate and passed at that time and it allowed the Village to use this parcel for a public purpose. It was an old structure owned by the State, former DCFS headquarters, and the State wanted to get rid of it and they deeded it to the Village and they -- the Village took it with a right of reverter. They had to -- they were mandated to use it only for a public purpose with a right of reverter to the State if it ceased to be used for a public purpose. Since that time, they've maintained the village hall there. They rehabbed the building, added a police station on the back portion of this fifteen-acre parcel. The remainder, they wish to use for a

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public library, the Maryville library, a small little library, give it to the library, and the rest of it, the frontage along 159, they wish to have in fee simple, have it outright with the proviso that if they sell it, there has to be a -- three appraisals done to determine fair market value. That's the essence of the bill.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any discussion? Is there any discussion? Seeing none, all those in favor will say Aye. Opposed, Nay. In the opinion of the Chair, the Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY ANDERSON:

No further amendments reported.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

3rd Reading. Now on the Order of 3rd Reading, we have Senate Bill 1076. Mr. Secretary, please read the bill.

SECRETARY ANDERSON:

Senate Bill 1076.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Haine.

SENATOR HAINE:

...you -- thank you, Mr. President. This is the gist of the bill. Maryville's a small, little town. Doesn't have -- the tax base is just this commercial strip, as well as real estate. It doesn't have a large tax base. It's -- it's a very well-run town, very responsible. And I would ask that this be done. It

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would enhance the Village, as well as the area along 159, which would increase property tax revenues to the local school district, Collinsville Unit schools, as well as to the State, because of the sales tax that would be generated by any development.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any discussion? Is there any discussion? Senator Righter.

SENATOR RIGHTER:

To the bill, if I might, Mr. President.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

To the bill.

SENATOR RIGHTER:

Thank you, Mr. President, Ladies and Gentlemen of the Chamber. I rise in opposition to Senate Bill 1076, not because I have any issue, certainly, with the sponsor or the citizens or the -- or the people who serve in elective office in the -- in the Village that he represents and he's trying to do this for, but for the precedent it sets. It is commonplace in this State for State government, the State's taxpayers, to convey to local governments, through the Legislature, property that has what's called a reverter clause. For the non-real estate lawyers in the room, that means a clause that says the local -- the unit of local government has to use the property for a public purpose and, if they do not, then the property reverts back to the State's taxpayers. The property to which Senator Haine's bill refers has just such a reverter clause. The bill, in its final form now, strips the reverter clause out of -- out of -- out of this conveyance. And here's the effect of this. It's been the

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State's policy, and I'm not aware and Senator Haine at the time of committee was not aware - maybe he's got one now - of an example ever before where the State has conveyed property to a unit of local government, saying you're going to use this for a public purpose - okay, we're giving it away; the State's taxpayers are giving it away - and then later came back and said, "Ah, you know what? We changed our mind. You guys just go ahead and do what you want with it, including, if you so choose, sell it for a profit to the unit of local government." Now we all like to help our units of local government that we represent. We all like to help the units of local government that our friends here in the Senate represent. But it sets a precedent whereby the State's taxpayers are giving property away and then telling others, you can turn around and sell that for a profit and you can keep the profit. Now, if the Village of Maryville wants to sell this to a developer and make all kinds of money -- and I'm familiar with the strip of land to which Senator Haine's bill refers, and it's fifteen-plus acres and that is valuable land. It's along -- it's along a very busy high -- highway route down there. If they want to sell it for development, I'm all for that. I'm all for the development that can come there. But I think the State's taxpayers, who gave the property away in the first place, ought to have a share in that. And under the bill as it stands now, they get nothing. And I think that's the wrong road down which to go. It sets a precedent, that we'll have other instances where people will come back and they'll cite this and they'll say, "oh, come on, my village needs it", "my hometown needs it", and I don't think the State's taxpayers ought to start giving property away and

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saying, "you know what, we really don't care whether or not it's used for a public purpose." So for those reasons, Mr. President, I would urge a No vote on Senate Bill 1076. Thank you.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any further discussion? Any further discussion? I'm sorry, Senator -- Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. And -- and, you know, for the most part, I would agree with the last speaker that we should not -- if there's a reverter clause and the property has not been used for a public purpose, then we should not do this. But, however, as Senator Haine says, this is an old DCFS building. They've made it into a library. They've made it into a police station. So they've actually used it for twenty years as -- for a public purpose, which is consistent - consistent - with what was originally the -- the original transaction. Now that you have this police station and you have this -- this library, there's excess land. There's an excess piece of property. So what do you do? Do you keep it off the tax rolls - really? - in a time in which all of us are talking about creating jobs? We should be in favor of this. I think this is a very unique situation in that there's property left over after they've used it for twenty years - twenty years. So now they have an opportunity to create development that benefits the taxpayers - creates jobs, construction jobs; creates a real estate transfer that benefits the citizens. It creates income through the jobs. And now, as it exists, there's no property tax being paid on that land. So once it transfers to a

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developer, I definitely believe that this will create jobs and it will benefit the taxpayers, as well as benefit the State of Illinois through the income that will be generated. I think this is a great bill and I support the sponsor on this bill.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Thank you. Is there any further discussion? Senator Tom Johnson.

SENATOR T. JOHNSON:

Will the sponsor yield for a question or two?

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Indicates that he'll yield. Senator Tom Johnson.

SENATOR T. JOHNSON:

Senator, I'm trying to understand. I presume, at some point, some private citizen or somebody deeded this property to the city of Maryville with a reverter clause. Is that correctly {sic}? How -- how did the city end up with this?

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Haine.

SENATOR HAINE:

Hello? Okay, thanks, Senator Johnson, for your question. This was deeded by the -- the action of the Illinois General Assembly, signed by the Governor, to the Village of Maryville. It was surplus land. They had -- the State of Illinois had an old DCFS structure on this land. At that time, this entire area was a different area and they deeded it to the Village, which has a low tax base and they needed a village hall and police station. So the Village took it from the State, the entire parcel, and they put in a right of reverter, that if it's not used for a public purpose, it would revert back to the State.

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This was done years ago, back in the nineties. And what -- what has happened since then is that the library, the local library, wants to use a portion of it. The -- the Village is still using the back portion. But the frontage road, they would like to put it out for bid for a developer at some point in the future - there are no plans now. And -- and that's on 1 -- 159, which is a changed road, of course. The whole area has grown -- grown up. So what this would do is -- with the conditions set forth in the bill, it would remove the reverter and allow the Village to -- as the Majority Leader indicated a moment ago, it would allow the Village to enhance the highest and best use and the entire tax base.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Tom Senator Johnson.

SENATOR T. JOHNSON:

Is there any opposition from the State to doing this?

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Haine.

SENATOR HAINE:

No. No, there's -- there's -- there is no opposition, Senator.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Tom Johnson.

SENATOR T. JOHNSON:

To the bill: Thank you for the explanation, because I agree with my colleague, Senator Righter, in terms of precedent and so on. I -- if this ever applied -- or we could do this to me who deeds my property to a public entity with a reverter and then come to the Legislature and later change it, that's a

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little different for me than where there's actually a reverter from one public agency to another and if there is no objection by the State. What the State is really doing here is giving up a right to get the profits of that money and giving it to Maryville. That to me is a little bit different and I don't really have a problem with this. Thank you.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Thank you. Is there any further discussion? Any further discussion? Senator Haine, do you wish to close? Senator Haine.

SENATOR HAINE:

Mr. President and Ladies and Gentlemen of the Senate, thank you for the -- the questions. I frankly don't know the precedent here. The State, over the last two hundred years -- almost two hundred years, I'm certain there have been instances where we've transferred property to local units of government for a wide variety of purposes and they've gone on to use them for whatever or sell them. We have incentives to private business. We build highways which enhance private people, as well as villages. This is important to my district. It's important to my little Village of Maryville. It is a -- it's land that's lying fallow because of this reverter clause. It's lain fallow for twenty years except through the old structure of the village hall, which was the DCFS headquarters. As my distinguished colleague, the Majority Leader, indicated to you, this will allow the Village to use part of it for a public library and the -- the rest of it, make it into the highest and best use, which would enhance the sales tax revenues to the State, as well as local units of government and the property tax

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base to the Collinsville Community Unit School District, which seems to me to be absolutely win-win for everybody. And I would ask for an Aye vote - respectfully ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Thank you, Senator Haine. The Chair wishes to inform the Body that since Senate Bill 1076 has an immediate effective date, thirty-six votes are required for passage. The question is, shall Senate Bill 1076 pass. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 40 voting Aye, 11 voting Nay, 1 voting Present. Senate Bill 1076, having received the required supermajority, is hereby declared passed. With leave of the Body, we'll now proceed to Supplemental Calendar No. 1, which has been printed and distributed to your desks, the Order of Secretary's Desk, Concurrence. Senate Bill 547. Senator Martinez. Senator Martinez, do you wish to proceed? She wishes to proceed. Mr. Secretary, please read the motion.

SECRETARY ANDERSON:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 547.

Signed by Senator Martinez.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Martinez.

SENATOR MARTINEZ:

Thank you, Mr. President and Members of the Senate. This is just a concurrence on -- on the bill that was discussed on the Floor yesterday regarding the school closures and -- and the

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fact that we worked things out. This bill came over from the House. The House bill came over, but since they have left, we want to concur with the Senate bill, which is Senate Bill 57. So I ask -- 547, I'm sorry. So I ask for an Aye vote on the concurrence.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any discussion? Is there any discussion? Seeing none, Senator Martinez, do you wish to close? The question is, shall the Senate concur in Amendments 1 -- in House Amendments 1 and 2 to Senate Bill 547. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 51 voting Aye, none voting Nay, none voting Present. Having received the required constitutional majority, the Senate does concur in House Amendments No. 1 and 2 to Senate Bill 547, and the bill is declared passed. Next on the Order of Secretary's Desk, Concurrence, on Supplemental Calendar No. 1, Senate Bill 3338. President Pro Tem Harmon. Do you wish to proceed? He does. Mr. Secretary, please read the motion.

SECRETARY ANDERSON:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 3338.

Signed by Senator Harmon.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Harmon.

SENATOR HARMON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The House amended Senate Bill 3338 to deal with two

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pressing election law matters. First, it corrects the anomaly in our election law calendar that would provide the last day of filing petitions for the April election to fall on Christmas Eve. It extends it until the day after Christmas to accommodate the real world concerns of clerks across the State. Second, it sets the election calendar for the special election for the vacancy in the 2nd Congressional District. I'm not aware of any opposition or concerns and I ask for your Aye votes.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any discussion? Is there any discussion? Senator Harmon, do you wish to close? The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 3338. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 53 voting Aye, none voting Nay, none voting Present. Having received the required constitutional supermajority, the Senate does concur in House Amendment No. 1 to Senate Bill 33 -- 3338, and the bill is declared passed. We'll stand at ease for a couple moments. (at ease) We will next proceed to the Order of Supplemental Calendar No. 2, which has been printed and distributed. On the Order of Total Vetoes, Senate Bill 3442. Senator Link, do you wish to proceed? He wishes to proceed. Mr. Secretary, please read the motion.

SECRETARY ANDERSON:

I move that Senate Bill 3442 do pass, notwithstanding the veto of the Governor.

Signed by Senator Link.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

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Senator Link, on the motion.

SENATOR LINK:

Thank you, Mr. President. In this bill, the Governor indicated that he supported the intent of this bill, but he didn't believe it would increase the rate of recycling. He also further cited that local authorities and environmental community opposed it because home rule preemption -- it prevented more stringent local regulations. Moreover, he contended that the bill restricted municipalities. It would be -- that the bill would -- is more restrictive on municipalities than any other plastic bag regulations in the nation. Well, let me explain a few things in this. It will increase recycling in this State, because we actually haven't been doing anything on plastic bags in the State of Illinois when it comes to recycling. And we're doing something right now with this -- passing of this legislation, which we did in May. Also, when it said we would be - citing local authorities - from exempting the home rule preemption: Yes, we're doing this in a negotiated bill. But, do you know what? Five years ago, I introduced a pilot program for Lake County and it was very successful in Lake County. And the last two years, I've negotiated this bill with all concerns. And in those five years, one community - one community - Highland Park was the only community in the State of Illinois that adopted a program. No other community adopted it in those five years, or in a hundred years. But in the last five years, since we introduced it, did one community adopt a program. When I was walking into committee to introduce this bill, one community came up to me with the environmental groups and said, "We don't like the bill because we're thinking of doing

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something." Well, they had all these years to do something. They had all these years to talk about it, but on the twelfth hour, they're thinking about doing something. Well, here's the alternative, Ladies and Gentlemen, we either act as statesmen in this State and do something statewide - and I will match my environmental voting record with anybody in the Illinois State Senate or in the House of Representatives and tell you this is an environmental bill - because we will be taking plastic bags out of landfill sites and we will be taking it out for generations and generations. But if we don't override this bill, guess what, we're going to come back and we're going to hear, "Well, these communities are thinking about doing something." We have eight hundred and some municipalities in the State of Illinois and, I guarantee you, we'll be lucky if a handful of 'em in the next ten years does anything about this. And I'm glad at least I woke 'em up about it. But I doubt if they will do anything. And you know we will never pass a total ban on plastic bags in this Chamber or any other Chamber or the next General Assembly or the General Assembly after 'em will never pass a total ban. And even if those local municipalities pass a ban, we will never be able to do what we can do in this bill about taking the film, the plastic film, and recycling it and doing the manufacturing over and creating jobs, what we can do at a statewide way of doing this. This is a positive environmental and jobs bill all in one. You passed it out with a supermajority in May. We should be overriding this in a supermajority. You've been told a lot of things by people. Well, you know what, actions speak louder than words. Here's the action. It's a statewide action. Let's get it done. Let's

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do it for the people of the State of Illinois. I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Thank you. Is there any discussion? Is there any discussion? Senator Frerichs.

SENATOR FRERICHS:

There is, Mr. President. To the bill.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

To the motion.

SENATOR FRERICHS:

To the motion. There was some points made about how one community in the State is thinking about doing this. I think I know which community he's referring to, because it -- it's in my district. The City of Champaign has been thinking about doing this for some time. But when this bill was introduced and it would prohibit a home rule community from being able to do this, they put it on the back burner, because it didn't make any sense going forward if it was going to be -- if they were going to take that responsibility from them. I share the sponsor's belief that we need to do more to recycle plastic bags and plastic films, and I know that some people have been willing to work with him and to increase those standards, because if we're serious, I think we can reach a higher standard. But for many of you, I just want to remind you, Illinois has had a strong history of upholding home rule authority in local governments. Local elected officials are best prepared and most experienced at offering recycling and waste reduction solutions that meet the needs of their residents. Let's set an example for other states by continuing to support local efforts to reduce waste.

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If you believe in the concept of home rule and you believe in local rule, then this is a bad bill and I would encourage you to vote against this -- this override. Thank you.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Thank you. Is there any further discussion? Any further discussion? Senator Righter.

SENATOR RIGHTER:

To the gentleman's motion, if I might, Mr. President.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

...the motion.

SENATOR RIGHTER:

Thank you, Mr. President. I rise in opposition to the gentleman's motion and would support the comments of my colleague from Champaign, Senator Frerichs. The simple fact is, this statewide one-size-fits-all solution that the bill proposes, that the Governor rejected, isn't going to take one single bag out of a landfill. All right? This is a denial of home rule powers. So those communities and -- that are thinking about or working on plans for a recycling program, if this motion carries and carries in the House, then they don't need to think about it anymore, because the State's going to take it over. And I'm not sure how encouraged we should be that the State is going to be able to implement a statewide recycling program. I appreciate Senator Link's frustration that some of the municipalities or most of the municipalities in his home county didn't take it up, but that doesn't speak for Senator Frerichs' home county, nor mine, nor the rest of yours. And I think that we ought to give 'em that chance. As Senator Frerichs said, this State has a very strong tradition of

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upholding the right of local governments to make these kinds of decisions. Please vote No on this motion and continue to uphold that right. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Thank you. Is there any further discussion? Any further discussion? Senator Millner.

SENATOR MILLNER:

Excuse me. To the motion, if I may.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

To the motion.

SENATOR MILLNER:

Yeah, I rise in strong support of this legislation, because if you listen to what Senator Link had said, five years went by when he started doing this and there were communities that maybe think about it. But the point is, will communities do it? Maybe, but is it going to be the top priority for these communities to put plastic bags as their big agenda with all these budgetary concerns and all the other concerns that every municipality has? Really not. Point is, his bill is an excellent piece of legislation because it will take bills out of our landfills -- bags, rather, plastic bags out of our landfills. It will, because there's going to be forced recycling; you have all the other mandates within the bill. It -- I don't know even how you negotiated this thing. I applaud you for your efforts. This is really good legislation. It's something I think we should all support in this Chamber and I urge an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Thank you. Is there any further discussion? Any further

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discussion? Seeing none, Senator Link, do you wish to close?

SENATOR LINK:

Briefly, I just want to say - and I just want to correct one of the previous speakers - Lake County had a positive recycling pilot program. And the only county -- the only city that did do it was in Lake County that did do this. I think Lake County showed that this is possible. The -- the retail merchants that were involved in it participated very strongly in this. It showed that recycling can work. It showed that retailers are willing to work together on this and that's why we continued this to do it statewide. The whole idea of this concept is, if we keep these plastic bags in our landfill site, we're helping destroy the environment and I don't think anyone who has any concept or any feelings towards the environment wants to destroy the environment over this. This is probably one of the strongest environmental bills that we could possibly pass in this General Assembly. I know there's been talk about it for every different way, but if you want to be considered an environmentalist, this is one of the strongest environmental bills you could pass. I would ask for a lot of green lights. Thank you.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Thank you. The question is, shall the -- shall Senate Bill 3442 pass, notwithstanding the veto of the Governor. All those in favor, vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 24 voting Aye, none voting -- 23 voting Nay, 2 voting Present. The motion fails. We will now proceed on

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Supplemental Calendar No. 2, Motions in Writing, Restoring -- Restoring Item Reductions, Senate Bill. Senate Bill 2409. Mr. Secretary, please read the motion.

SECRETARY ANDERSON:

I move that the item on page 6, line 20, of Senate Bill 2409 be restored, notwithstanding the item reduction of the Governor.

Signed by Senator McCarter.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator McCarter.

SENATOR McCARTER:

My apologies. What -- what this bill does is reinstate the money for the Animal -- Disease Control Lab in Centralia. The reason this is critical is because it sits in the middle of the -- in -- in a rural area where it has the -- the largest pork producers in all of the State and it's -- it's a critical facility to where our farmers and ranchers can go and have tests run for a major exporting business overseas of pork. And this is a growing industry. We -- we've proven that this facility has been very competitive with the other facility in Galesburg. We've got -- all the municipalities are required by law to get testing of water. And so it's very valuable to this -- not just to this one city, but all of southern Illinois and, in fact, central Illinois as well. So I would ask for a -- an Aye vote.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Thank you. Is there any discussion? Is there any discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President, Members of the Senate. I -- to

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the bill, please.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

To the motion.

SENATOR LUECHTEFELD:

Yesterday, we restored all of the vetoes of the Governor with regard to the reductions of facilities. This is a facility that is extremely important to this -- the -- our particular area in southern Illinois, and it is amazing now what they will be required to do and how far they will be required to take different animals or even corn -- or corn and beans and crops that maybe have some sort of disease to be tested. And hopefully we will get the same support today that we received yesterday on -- on the reduction of those facilities. So, thank you.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Is there any further discussion? Is there any further discussion? Seeing none, Senator McCarter, do you wish to close?

SENATOR McCARTER:

I'd just like to ask for a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

The question is, shall the item on page 6, line 20, of Senate Bill 2409 be restored, notwithstanding the item reduction of the Governor. All those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Secretary, please take the record. On that question, there are 25 voting Aye, 19 voting Nay, none voting Present. The motion fails. Mr. Secretary, Messages from the House.

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SECRETARY ANDERSON:

A Message from the House by Mr. Mapes, 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 104.

(Secretary reads HJR 104)

Adopted by the House, November 27th, 2012. Timothy D. Mapes, Clerk of the House.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

...now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those resolutions read in today will be added to the... We're going to hold off on that for a moment while we double-check something. As we were saying, we'll now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those resolutions read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY ANDERSON:

No objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Thank you. Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. Opinion of the Chair, the Ayes have it. The motion carries and the resolutions are adopted. On the Order of Resolutions is House Joint Resolution 104. Mr. Secretary, please read the resolution.

SECRETARY ANDERSON:

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House Joint Resolution 104, offered by Senator Crotty.

PRESIDING OFFICER: (SENATOR SCHOENBERG)

Senator Crotty moves to suspend the rules for the purpose of the immediate consideration and adoption of House Joint Resolution 104. Those in favor will say Aye. Opposed Nay. Opinion of the Chair, the Ayes have it and the rules are suspended. Senator Crotty moves for the adoption of House Joint Resolution 104. All those in favor will say Aye. Opposed, Nay. In the opinion of the Chair, the Ayes have it, and the resolution is adopted. There being no further business to come before the Senate, the Senate now stands adjourned until the hour of 12 noon on the 4th day of December, 2012. The Senate stands adjourned.