



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-EIGHTH GENERAL ASSEMBLY

89TH LEGISLATIVE DAY

WEDNESDAY, FEBRUARY 26, 2014

12:10 O'CLOCK P.M.

SENATE
Daily Journal Index
89th Legislative Day

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The Senate met pursuant to adjournment.
Senator John M. Sullivan, Rushville, Illinois, presiding.
Prayer by Chaplain Greg Stafford, Memorial Medical Center, Springfield, Illinois.
Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Tuesday, February 25, 2014, be postponed, pending arrival of the printed Journal.
The motion prevailed.

LEGISLATIVE MEASURES FILED

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

Senate Committee Amendment No. 2 to Senate Bill 2586
Senate Committee Amendment No. 1 to Senate Bill 3030
Senate Committee Amendment No. 1 to Senate Bill 3283
Senate Committee Amendment No. 1 to Senate Bill 3285
Senate Committee Amendment No. 1 to Senate Bill 3413

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

Senate Floor Amendment No. 1 to Senate Bill 739

MESSAGE FROM THE PRESIDENT

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

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

February 26, 2014

Mr. Tim Anderson
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Pat McGuire to temporarily replace Senator Michael Hastings as a member of the Senate State Government and Veterans Affairs Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate State Government and Veterans Committee.

Sincerely,
s/John J. Cullerton
John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

PRESENTATION OF RESOLUTIONS

[February 26, 2014]

SENATE RESOLUTION NO. 955

Offered by Senator Harris and all Senators:
Mourns the death of Jeanette Wright of Blue Island.

SENATE RESOLUTION NO. 956

Offered by Senator John Cullerton and all Senators:
Mourns the death of Geraldine “Gerri” E. Wood of Springfield.

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

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

SENATE RESOLUTION NO. 957

WHEREAS, The State of Illinois has a strategic interest in developing the best possible economic development strategy to create the most jobs for the least amount of taxpayer money, particularly as the State suffers from a relatively high unemployment rate; and

WHEREAS, One of the programs that the State of Illinois currently administers is the EDGE (Economic Development for a Growing Economy) tax credit program that authorizes the Illinois Department of Commerce and Economic Opportunity to craft agreements with for-profit companies to reduce or eliminate State corporate income taxes in exchange for the companies hiring and retaining Illinois employees; and

WHEREAS, There is no statutory cap on the amount of EDGE tax credits that can be awarded to companies by the Department of Commerce and Economic Opportunity; and

WHEREAS, According to the Chicago Tribune, the Department authorized \$161 million of EDGE tax credits in 2011; and

WHEREAS, The Department reported in June of 2013 that 82 separate agreements were reached that include in the aggregate the creation of 3,581 jobs and the retention of 15,215 jobs; and

WHEREAS, The Department does not report the cost per job for each of those 82 separate agreements; and

WHEREAS, The Department does not report the annual amount of tax credits that were authorized as part of their annual report; and

WHEREAS, It is of crucial importance for policymakers to understand whether the cost of the EDGE tax credit program in the aggregate and each of these agreements is justified based on the job creation and retention benefits generated from the agreements; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Auditor General is directed to conduct a program audit of the Illinois Department of Commerce and Economic Opportunity to examine the operations and management of the Department as it relates to the administration of the EDGE (Economic Development for a Growing Economy) tax credit program and to report the findings to the Illinois General Assembly; and be it further

RESOLVED, That the Auditor General answer the question in his report whether the job creation and job retention benefits from the EDGE tax credit program is worth the cost to taxpayers; and be it further

RESOLVED, That the Department of Commerce and Economic Opportunity fully cooperate with the audit and turn over any materials requested by the Auditor General; and be it further

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RESOLVED, That the Auditor General is further directed to commence this audit as soon as possible and, upon completion, distribute a report in accordance with Section 3-14 of the Illinois State Auditing Act; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the Auditor General and to all 4 legislative leaders of the Illinois General Assembly.

REPORT FROM STANDING COMMITTEES

Senator Koehler, Chairperson of the Committee on Agriculture and Conservation, to which was referred **Senate Bill No. 2903**, reported the same back with the recommendation that the bill do pass.

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

Senator Delgado, Chairperson of the Committee on Education, to which was referred **Senate Bills Numbered 2647 and 3113**, reported the same back with the recommendation that the bills do pass.

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

Senator Mulroe, Chairperson of the Committee on Public Health, to which was referred **Senate Bills Numbered 2928, 3028, 3035 and 3048**, reported the same back with the recommendation that the bills do pass.

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

Senator Mulroe, Chairperson of the Committee on Public Health, to which was referred **Senate Bill No. 2968**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Hunter, Chairperson of the Committee on Human Services, to which was referred **Senate Bill No. 2773**, reported the same back with the recommendation that the bill do pass.

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

Senator Raoul, Chairperson of the Committee on Judiciary, to which was referred **Senate Bills Numbered 2952, 2985, 3022 and 3040**, reported the same back with the recommendation that the bills do pass.

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

Senator Raoul, Chairperson of the Committee on Judiciary, to which was referred **Senate Bills Numbered 2656, 2939 and 3057**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred **Senate Bills Numbered 2717 and 2978**, reported the same back with the recommendation that the bills do pass.

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

Senator Sandoval, Chairperson of the Committee on Transportation, to which was referred **Senate Bill No. 2932**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator E. Jones III, Chairperson of the Committee on Local Government, to which was referred **Senate Bills Numbered 2975, 2980, 2991, 3036, 3071 and 3135**, reported the same back with the recommendation that the bills do pass.

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

Senator E. Jones III, Chairperson of the Committee on Local Government, to which was referred **Senate Bill No. 3056**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator E. Jones III, Chairperson of the Committee on Local Government, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 3 to Senate Bill 1681

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Collins, Chairperson of the Committee on Financial Institutions, to which was referred **Senate Bill No. 3029**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

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

Senator Noland, Chairperson of the Committee on Criminal Law, to which was referred **Senate Bills Numbered 2941, 2992 and 3074**, reported the same back with the recommendation that the bills do pass.

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

Senator Noland, Chairperson of the Committee on Criminal Law, to which was referred **Senate Bills Numbered 2609 and 2771**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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

Senator Noland, Chairperson of the Committee on Criminal Law, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2694

Senate Amendment No. 2 to Senate Bill 2695

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

MESSAGE FROM THE HOUSE

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 NO. 80

WHEREAS, Under subsection (b) of Section 2 of Article VIII of the Illinois Constitution, appropriations for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year; therefore, be it

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RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the House of Representatives estimates the general funds to be available during State fiscal year 2015 as follows:

<u>Revenue Sources</u> <u>(in millions)</u>	<u>House Estimate</u>
State Taxes	
Personal Income Tax (net of refunds)	\$14,649
Corporate Income Tax (net of refunds)	\$2,810
Sales Tax	\$7,842
Public Utility (regular)	\$995
Cigarette Tax	\$355
Liquor Gallonage Taxes	\$165
Vehicle Use Tax	\$29
Inheritance Tax (gross)	\$205
Insurance Taxes & Fees	\$330
Corporate Franchise Tax & Fees	\$205
Interest on State Funds & Investments	\$25
Cook County Intergovernmental Transfer	\$244
<u>Other Sources</u>	<u>\$486</u>
Subtotal	\$28,340
Transfers	
Lottery	\$682
Riverboat transfers and receipts	\$310
<u>Other</u>	<u>\$890</u>
Total State Sources	\$30,222
Federal Sources	\$4,273
Total Federal & State Sources	\$34,495

Adopted by the House, February 25, 2014.

TIMOTHY D. MAPES, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 80 was referred to the Committee on Assignments.

SENATE BILL RECALLED

On motion of Senator Hutchinson, as chief co-sponsor pursuant to Senate Rule 5-1(b)(i), **Senate Bill No. 2694** was recalled from the order of third reading to the order of second reading.

Senator Hastings offered the following amendment and Senator Hutchinson moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2694

AMENDMENT NO. 2. Amend Senate Bill 2694, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 2012 is amended by changing Section 11-23 as follows:
(720 ILCS 5/11-23)

Sec. 11-23. Posting of identifying or graphic information on a pornographic Internet site or possessing graphic information with pornographic material; posting private material.

(a) A person at least 17 years of age who knowingly discloses on an adult obscenity or child pornography Internet site the name, address, telephone number, or e-mail address of a person under 17 years of age at the time of the commission of the offense or of a person at least 17 years of age without the consent of the

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person at least 17 years of age is guilty of posting of identifying information on a pornographic Internet site.

(a-5) Any person who knowingly places, posts, reproduces, or maintains on an adult obscenity or child pornography Internet site a photograph, video, or digital image of a person under 18 years of age that is not child pornography under Section 11-20.1, without the knowledge and consent of the person under 18 years of age, is guilty of posting of graphic information on a pornographic Internet site. This provision applies even if the person under 18 years of age is fully or properly clothed in the photograph, video, or digital image.

(a-10) Any person who knowingly places, posts, reproduces, or maintains on an adult obscenity or child pornography Internet site, or possesses with obscene or child pornographic material a photograph, video, or digital image of a person under 18 years of age in which the child is posed in a suggestive manner with the focus or concentration of the image on the child's clothed genitals, clothed pubic area, clothed buttocks area, or if the child is female, the breast exposed through transparent clothing, and the photograph, video, or digital image is not child pornography under Section 11-20.1, is guilty of posting of graphic information on a pornographic Internet site or possessing graphic information with pornographic material.

(a-15)(1) Any person who knowingly, with intent to cause emotional distress, places, posts, or reproduces on an Internet site a photograph, video, or digital image of a person, who is 18 years of age or older, in a state of nudity, in a state of sexual excitement, or engaged in any act of sexual conduct or sexual penetration, without the knowledge and consent of that person, is guilty of posting private material.

(2) Nothing in this subsection (a-15) shall be construed to impose liability for content or information provided by another person upon:

(A) an interactive computer service, as defined in 47 U.S.C. 230 (f)(2);

(B) a provider of public or private mobile service, as defined in Section 13-214 of the Public Utilities Act; or

(C) a telecommunications network provider.

(3) Nothing in this subsection (a-15) shall be construed to impose liability on the news media for publication of images or videos that are of substantial public interest.

(b) Sentence. A person who violates subsection (a) of this Section is guilty of a Class 4 felony if the victim is at least 17 years of age at the time of the offense and a Class 3 felony if the victim is under 17 years of age at the time of the offense. A person who violates subsection (a-5) or (a-15) of this Section is guilty of a Class 4 felony. A person who violates subsection (a-10) of this Section is guilty of a Class 3 felony.

(c) Definitions. For purposes of this Section:

(1) "Adult obscenity or child pornography Internet site" means a site on the Internet that contains material that is obscene as defined in Section 11-20 of this Code or that is child pornography as defined in Section 11-20.1 of this Code.

(2) "Internet" has the meaning set forth in Section 16-0.1 of this Code.

(3) "News media" means a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)"

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

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

The motion prevailed.

Senator Barickman moved that Senate Joint Resolution No. 46 be adopted.

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

YEAS 57; NAYS None.

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The following voted in the affirmative:

Althoff	Forby	Link	Raoul
Barickman	Frerichs	Luechtefeld	Rezin
Bertino-Tarrant	Haine	Manar	Righter
Biss	Harmon	Martinez	Rose
Bivins	Harris	McCann	Sandoval
Brady	Holmes	McCarter	Silverstein
Bush	Hunter	McConnaughay	Stadelman
Clayborne	Hutchinson	McGuire	Steans
Collins	Jacobs	Morrison	Sullivan
Connelly	Jones, E.	Mulroe	Trotter
Cullerton, T.	Koehler	Muñoz	Van Pelt
Cunningham	Kotowski	Murphy	Mr. President
Delgado	LaHood	Noland	
Dillard	Landek	Oberweis	
Duffy	Lightford	Radogno	

The motion prevailed.

And the resolution was adopted.

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

Senator McCarter moved that **House Joint Resolution No. 52**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator McCarter moved that House Joint Resolution No. 52 be adopted.

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

YEAS 57; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Link	Raoul
Barickman	Frerichs	Luechtefeld	Rezin
Bertino-Tarrant	Haine	Manar	Righter
Biss	Harmon	Martinez	Rose
Bivins	Harris	McCann	Sandoval
Brady	Holmes	McCarter	Silverstein
Bush	Hunter	McConnaughay	Stadelman
Clayborne	Hutchinson	McGuire	Steans
Collins	Jacobs	Morrison	Sullivan
Connelly	Jones, E.	Mulroe	Trotter
Cullerton, T.	Koehler	Muñoz	Van Pelt
Cunningham	Kotowski	Murphy	Mr. President
Delgado	LaHood	Noland	
Dillard	Landek	Oberweis	
Duffy	Lightford	Radogno	

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

Senator McCarter moved that **House Joint Resolution No. 53**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator McCarter moved that House Joint Resolution No. 53 be adopted.

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

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Luechtefeld	Rezin
Barickman	Frerichs	Manar	Righter
Bertino-Tarrant	Haine	Martinez	Rose
Biss	Harmon	McCann	Sandoval
Bivins	Harris	McCarter	Silverstein
Brady	Holmes	McConnaughay	Stadelman
Bush	Hunter	McGuire	Steans
Clayborne	Hutchinson	Morrison	Sullivan
Collins	Jones, E.	Mulroe	Trotter
Connelly	Koehler	Muñoz	Van Pelt
Cullerton, T.	Kotowski	Murphy	Mr. President
Cunningham	LaHood	Noland	
Delgado	Landek	Oberweis	
Dillard	Lightford	Radogno	
Duffy	Link	Raoul	

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 12:50 o'clock p.m., the Chair announced that the Senate stand at ease.

AT EASE

At the hour of 1:02 o'clock p.m., the Senate resumed consideration of business.

Senator Sullivan, presiding.

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, IL 62706
217-782-2728

February 26, 2014

Mr. Tim Anderson
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to Rule 3-5(c), I hereby appoint Senator Don Harmon to temporarily replace Senator James Clayborne as Chairman of the Senate Committee on Assignments. In addition, I hereby appoint Senator Terry Link to temporarily replace Senator James Clayborne as a member of the Senate Committee on Assignments. This appointment will expire upon adjournment of the Senate Committee on Assignments.

Sincerely,
s/John J. Cullerton
John J. Cullerton

[February 26, 2014]

Senate President

cc: Senate Republican Leader Christine Radogno

MESSAGE FROM THE HOUSE

A message from the House by

Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 4208

A bill for AN ACT concerning government.

HOUSE BILL NO. 5017

A bill for AN ACT concerning gaming.

Passed the House, February 26, 2014.

TIMOTHY D. MAPES, Clerk of the House

The foregoing **House Bills Numbered 4208 and 5017** were taken up, ordered printed and placed on first reading.

REPORT FROM COMMITTEE ON ASSIGNMENTS

Senator Harmon, Chairperson of the Committee on Assignments, during its February 26, 2014 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Energy: **Senate Committee Amendment No. 1 to Senate Bill 3090.**Environment: **Senate Committee Amendment No. 1 to Senate Bill 2671.**

Revenue: **Senate Floor Amendment No. 1 to Senate Bill 343; Senate Committee Amendment No. 1 to Senate Bill 2977.**

State Government and Veterans Affairs: **Committee Amendment No. 1 to Senate Bill 2641.**

Senator Harmon, Chairperson of the Committee on Assignments, during its February 26, 2014 meeting, reported the following Resolution has been assigned to the indicated Standing Committee of the Senate:

Revenue: **House Joint Resolution No. 80.**

Senator Harmon, Chairperson of the Committee on Assignments, during its February 26, 2014 meeting, to which was referred **Senate Bill No. 640** on April 16, 2013, reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **Senate Bill No. 640** was returned to the order of third reading.

At the hour of 1:05 o'clock p.m., the Chair announced the Senate stand adjourned until Thursday, February 27, 2014, at 12:00 o'clock noon.

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