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REGULAR SESSION  
SENATE TRANSCRIPT

13th Legislative Day

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PRESIDING OFFICER: (SENATOR MUNOZ)

Regular Session of the 96th General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the gallery please rise? The invocation today will be given by Pastor Daniel Shelton, South Side Christian Church {sic} (Major Paul Logan, Salvation Army). Pastor Shelton, please come up.

MAJOR PAUL LOGAN:

(Prayer by Major Paul Logan)

PRESIDING OFFICER: (SENATOR MUNOZ)

Please remain standing. Senator Jacobs, Pledge Allegiance.

SENATOR JACOBS:

(Pledge of Allegiance, led by Senator Jacobs)

PRESIDING OFFICER: (SENATOR MUNOZ)

Please be seated. Madam Secretary, Reading and Approval of the Journal.

SECRETARY SHIPLEY:

Senate Journal of February 10th, 2009.

PRESIDING OFFICER: (SENATOR MUNOZ)

Senator Hunter.

SENATOR HUNTER:

You look good -- you look good up there, Mr. President. I'd like to move that the Journal just read by the Secretary be approved, unless some Senators has additions or corrections to offer.

PRESIDING OFFICER: (SENATOR MUNOZ)

Thank you, Senator. Senator Hunter moves to approve the Journals just read by the Secretary. There being no objection, so ordered. Alexandria Davis, WICS-TV, seeks leave to

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photograph or videotape the proceedings. Is there any objection? Seeing no objection, leave is granted. Madam Secretary, Committee Reports.

SECRETARY SHIPLEY:

Senator Sandoval, Chairperson of the Committee on Transportation, reports Senate Bill 30 Do Pass.

Senator Meeks, Chairperson of the Committee on Education, reports Senate Bills 79 and 153 Do Pass; and Senate Bills 35 and 152 Do Pass, as Amended.

And Senator Noland, Chairperson of the Committee on Criminal Law, reports Senate Bills 100, 101, 145 and 156 Do Pass.

PRESIDING OFFICER: (SENATOR MUNOZ)

Madam Secretary, Resolutions.

SECRETARY SHIPLEY:

Senate Resolution 76, offered by Senator Wilhelmi and all Members.

Senate Resolution 77, offered by Senator Haine and all Members.

Senate Resolution 78, offered by Senator Brady and all Members.

And Senate Resolution 79, offered by Senator Hunter and all Members.

They're all death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR MUNOZ)

Resolutions Consent Calendar.

SECRETARY SHIPLEY:

And Senate Resolution 80, offered by Senator Demuzio.

Senate Resolution 81, offered by Senator Sullivan.

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Senate Resolution 82, offered by Senator Hunter.

Senate Joint Resolution 16, offered by Senator Demuzio.

And Senate Joint Resolution, Constitutional Amendment, 17,  
offered by Senator Noland.

They are all substantive.

PRESIDING OFFICER: (SENATOR MUNOZ)

Madam Secretary, House Bills 1st Reading. Madam Secretary,  
Introduction of Bills.

SECRETARY SHIPLEY:

Senate Bill 1379, offered by Senator Sullivan.

(Secretary reads title of bill)

Senate Bill 1380, offered by Senator Sullivan.

(Secretary reads title of bill)

Senate Bill 1381, offered by Senator Haine.

(Secretary reads title of bill)

Senate Bill 1382, offered by Senator Collins.

(Secretary reads title of bill)

Senate Bill 1383, offered by Senator Haine.

(Secretary reads title of bill)

Senate Bill 1384, offered by Senator Haine.

(Secretary reads title of bill)

Senate Bill 1385, offered by Senator Millner.

(Secretary reads title of bill)

Senate Bill 1386, offered by Senator Millner.

(Secretary reads title of bill)

Senate Bill 1387, offered by Senator Millner.

(Secretary reads title of bill)

Senate Bill 1388, offered by Senator Millner.

(Secretary reads title of bill)

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Senate Bill 1389, offered by Senator Wilhelmi.

(Secretary reads title of bill)

Senate Bill 1390, offered by Senator -- Senators Wilhelmi  
and Dillard.

(Secretary reads title of bill)

Senate Bill 1391, offered by Senator Clayborne.

(Secretary reads title of bill)

Senate Bill 1392, offered by Senator Clayborne.

(Secretary reads title of bill)

Senate Bill 1393, offered by Senator Clayborne.

(Secretary reads title of bill)

Senate Bill 1394, offered by Senator Clayborne.

(Secretary reads title of bill)

Senate Bill 1395, offered by Senator Clayborne.

(Secretary reads title of bill)

Senate Bill 1396, offered by Senator Clayborne.

(Secretary reads title of bill)

Senate Bill 1397, offered by Senator Clayborne.

(Secretary reads title of bill)

Senate Bill 1398, offered by Senator Garrett.

(Secretary reads title of bill)

Senate Bill 1399, offered by Senator Garrett.

(Secretary reads title of bill)

Senate Bill 1400, offered by Senator Hunter.

(Secretary reads title of bill)

Senate Bill 1401, offered by Senator Maloney.

(Secretary reads title of bill)

Senate Bill 1402, offered by Senator Crotty.

(Secretary reads title of bill)

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Senate Bill 1403, offered by Senator Jacobs.

(Secretary reads title of bill)

Senate Bill 1404, offered by Senator Raoul.

(Secretary reads title of bill)

Senate Bill 1405, offered by Senator Raoul.

(Secretary reads title of bill)

Senate Bill 1406, offered by Senator Noland.

(Secretary reads title of bill)

Senate Bill 1407, offered by Senator Noland.

(Secretary reads title of bill)

Senate Bill 1408, offered by Senator Noland.

(Secretary reads title of bill)

Senate Bill 1409, offered by Senator Collins.

(Secretary reads title of bill)

Senate Bill 1410, offered by Senator Harmon.

(Secretary reads title of bill)

Senate Bill 1411, offered by Senator Harmon.

(Secretary reads title of bill)

Senate Bill 1412, offered by Senator Harmon.

(Secretary reads title of bill)

Senate Bill 1413, offered by Senator Sullivan.

(Secretary reads title of bill)

Senate Bill 1414, offered by Senator Althoff.

(Secretary reads title of bill)

Senate Bill 1415, offered by Senator Hultgren.

(Secretary reads title of bill)

Senate Bill 1416, offered by Senator Hultgren.

(Secretary reads title of bill)

Senate Bill 1417, offered by Senator Sandoval.

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(Secretary reads title of bill)

Senate Bill 1418, offered by Senator Bivins.

(Secretary reads title of bill)

Senate Bill 1419, offered by Senator Schoenberg.

(Secretary reads title of bill)

Senate Bill 1420, offered by Senator Righter.

(Secretary reads title of bill)

Senate Bill 1421, offered by Senator Link.

(Secretary reads title of bill)

Senate Bill 1422, offered by Senator Link.

(Secretary reads title of bill)

Senate Bill 1423, offered by Senator Link.

(Secretary reads title of bill)

Senate Bill 1424, offered by Senator Frerichs.

(Secretary reads title of bill)

Senate Bill 1425, offered by Senator Demuzio.

(Secretary reads title of bill)

Senate Bill 1426, offered by Senator Murphy.

(Secretary reads title of bill)

Senate Bill 1427, offered by Senator Murphy.

(Secretary reads title of bill)

Senate Bill 1428, offered by Senator Murphy.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR MUNOZ)

Senator Viverito, for what purpose do you rise?

SENATOR VIVERITO:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR MUNOZ)



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State your point.

SENATOR VIVERITO:

I would like very much to call the attention to a young man that worked on our staff for many years. He did an outstanding job for us and today he's the Vice President with the Brookfield Zoo. Matt Mayer. He's on the Republican side. How about a nice round of applause for Matt Mayer?

PRESIDING OFFICER: (SENATOR MUNOZ)

Will you please be -- rise and recognized by the Senate?  
Senator DeLeo.

SENATOR DeLEO:

Thank you very much, Mr. President. Ladies and Gentlemen of the Senate, if I could have your attention for just a moment, please. Today's a very special day in Springfield. We have a colleague that's celebrating a birthday. She has that beautiful green jacket on over there. And we'd like to wish Senator Garrett, on her thirty-ninth birthday, a very happy birthday. And her secretary has informed us that there is some beautiful chocolate chip cookies downstairs to celebrate this wonderful occasion. Senator Garrett, a very happy birthday.

PRESIDING OFFICER: (SENATOR MUNOZ)

Happy birthday, Senator. Senator Delgado.

SENATOR DELGADO:

Thank you, Mr. President. I rise on a personal privilege. I just want to compliment you. You look very good up there. And I'm very proud to see one of our members up there calling the shots today, Mr. President. And on behalf of all of us, congratulations.

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Thank you, Senator. Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR MUNOZ)

State your point.

SENATOR LIGHTFORD:

Mr. President, I, too, would like to congratulate you. We came in as classmates and it's an honor to see you presiding over the gallery. And you're a very handsome guy. You -- you do have a full head of hair, and I'm hoping that it remains that way. And I wish you well.

PRESIDING OFFICER: (SENATOR MUNOZ)

Thank you, Senator. Senator Hendon. Senator Hendon, for what purpose do you rise?

SENATOR HENDON:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR MUNOZ)

State your point.

SENATOR HENDON:

What -- did Senator Lightford mention about your style and your grace and how debonair and handsome you look up there, and compared to Miguel del Valle, who had the little receding hairline? I just want to say it's good to see a President up there with a full solid head of black hair. I know you're going to do a wonderful job, Senator. And I just wanted to just compliment you on that. Because you -- you -- you're so striking. You're actually striking up there, Senator.

PRESIDING OFFICER: (SENATOR MUNOZ)

Thank you, Senator. Senator Althoff, for what purpose do

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you rise?

SENATOR ALTHOFF:

Thank you, Mr. President. It's lovely to see you up there. I, too, on a point of personal privilege.

PRESIDING OFFICER: (SENATOR MUNOZ)

State your point.

SENATOR ALTHOFF:

I have guests here with us today, too. They are actually seated in the gallery behind the Senate Dem side. I have Gloria and Jesania Genson. They're here from the district and they're here to celebrate Lincoln's birthday and to see how government works. Can we give 'em a welcome, please?

PRESIDING OFFICER: (SENATOR MUNOZ)

Please rise. And the Senate welcome them. Ladies and Gentlemen of the Senate, we will be going to House Bills 3rd Reading. This is final action. Will all Members please be at their desk? On page 2 of the Calendar is the Order of House Bills 3rd Reading. This is final action. House Bill 308. Senator Cullerton. ...wish to proceed? Madam Secretary, read the bill.

SECRETARY SHIPLEY:

House Bill 308.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MUNOZ)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. House Bill 308 is a response to a request from Governor Quinn. It amends

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the State Budget Law to move the Governor's deadline to submit a budget from February 18th, this year, to March 18th, this year. Obviously, under the circumstances, the Governor needs more time to put his budget together. And this bill has already passed unanimously out of the House and the Judiciary Committee yesterday. Would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR MUNOZ)

Is there any discussion? Seeing none, Senator Cullerton, to close.

SENATOR CULLERTON:

Just ask for an Aye vote. Thank you.

PRESIDING OFFICER: (SENATOR MUNOZ)

The question is, shall House Bill 308 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted a -- who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Aye, 0 voting Nay, 0 voting Present. House Bill 308, having received the required constitutional majority, is declared passed. House Bill 398. Senator Clayborne, do you wish to proceed? Madam Secretary, read the bill.

SECRETARY SHIPLEY:

House Bill 398.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MUNOZ)

Senator Clayborne. Wait. Ladies and Gentlemen, could we have a little quiet, please?

SENATOR CLAYBORNE:

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Thank you. Thank you, Mr. President. House Bill 398 amends the rulemaking procedures of the Administrative Procedure Act to require an administrative agency seeking to promulgate rules to adhere to the rules and procedures of JCAR even if a court finds, for example, JCAR's power to suspend rules is unconstitutional.

PRESIDING OFFICER: (SENATOR MUNOZ)

Is there any discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Just briefly to the issue. I will be voting with it, but just for the record, I wanted to make sure that Governor Quinn hasn't done anything wrong or given us any reason to take any power from him. I guess this is a residual effect from what we just did here with the impeachment of Governor Blagojevich. But it is not - and I ask the sponsor - it is not the intention of this legislation to have JCAR become more powerful than the Executive -- Chief Executive of our State? And I'll be voting for the legislation.

PRESIDING OFFICER: (SENATOR MUNOZ)

Senator Rutherford.

SENATOR RUTHERFORD:

Mr. President, thank you. And I also want to congratulate you being in the Chair, President Munoz. It's nice to see you up there. I -- I've got a couple of -- well, one comment and then a question to Senator Clayborne. To Senator Hendon's comment, I would note that the Joint Committee on Administrative Rules has not met since Governor Quinn has taken the oath of office. So this is in reflection to previous administration, not a reflection on Governor Quinn's administration. I would

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affirm that, Senator Hendon. The Joint Committee meets next Wednesday. Senator Clayborne, two questions. One of them is that this legislation would provide that if rules were promulgated that did not go through the Administrative Code, thus going before the Joint Committee, that they would be determined to be illegal or inappropriate and not applicable. Is that correct, Senator?

PRESIDING OFFICER: (SENATOR MUNOZ)

Senator Clayborne.

SENATOR CLAYBORNE:

That -- that's correct.

PRESIDING OFFICER: (SENATOR MUNOZ)

Senator Rutherford.

SENATOR RUTHERFORD:

Thank you, Mr. President. My follow-up question, then, Senator Clayborne: Also, in this legislation, I read that if rules are promulgated and a court finds that the Administrative Code or the Joint Committee invalid -- help me understand the logic how this statute could still have those rules continue to have the force of law.

PRESIDING OFFICER: (SENATOR MUNOZ)

Senator Clayborne.

SENATOR CLAYBORNE:

Well, Senator, I assume that because this is voluntary, that maybe the court will view this a little differently and say that the agency had the ability either not to promulgate rules or to promulgate rules, and when they decide to promulgate rules, then they decided to abide by our existing rules.

PRESIDING OFFICER: (SENATOR MUNOZ)

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Senator Rutherford.

SENATOR RUTHERFORD:

...Mr. President. With deference to Senator Clayborne, I want to congratulate you on that stellar answer. And I'm not going to further this, but I do stand in support of it and look forward to having a discussion with you at the Joint Committee come Wednesday. Thank you.

PRESIDING OFFICER: (SENATOR MUNOZ)

Any further discussion? If not, Senator Clayborne, to close. Oh, I'm sorry. Senator Jacobs, did you...

SENATOR JACOBS:

Just quick question of the sponsor.

PRESIDING OFFICER: (SENATOR MUNOZ)

Sponsor indicate he will yield.

SENATOR JACOBS:

Senator, it says here -- and I might not be reading this right, but it talks about -- on the comment section, it says that even if we pass this bill and it becomes law, that it may not be law. Is that correct? Or am I reading that wrong?

PRESIDING OFFICER: (SENATOR MUNOZ)

Senator Clayborne.

SENATOR CLAYBORNE:

That's similar to what the previous Senator questioned me about. Basically, again, the same answer, is that this is voluntarily. I mean, they can volunteer not to promulgate rules, but if they decide to promulgate rules, then they'll abide by the rules of JCAR.

PRESIDING OFFICER: (SENATOR MUNOZ)

Seeing no further discussion, Senator Clayborne, to close.

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SENATOR CLAYBORNE:

I would ask for your favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR MUNOZ)

The question is, shall House Bill 398 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? Take the record. On that question, there are 57 Ayes, 0 voting Nay, 0 voting Present. House Bill 398, having received the required constitutional majority, is declared passed. The Senate will stand at ease for a couple minutes. We will 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. Madam Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY SHIPLEY:

No objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR MUNOZ)

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. The Ayes have it, and the motion carries. And the resolutions are adopted. Senator Righter.

SENATOR RIGHTER:

Thank you, Mr. President. I -- I apologize. We just -- the din in here is such that we couldn't here what was being read with regards to the resolutions. That's it. Thank you.

PRESIDING OFFICER: (SENATOR MUNOZ)

Senator Righter, the only thing we did was -- did the



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Resolutions Consent Calendar. That's all we did. Ladies and Gentlemen of the Senate, please, I know we have some discussions, but could we keep it down just a little bit? We're going to be moving on shortly. On the Order of Resolution, Senate Joint Resolution 18. Madam Secretary, read the resolution.

SECRETARY SHIPLEY:

Senate Joint Resolution 18, offered by Senator Clayborne.

(Secretary reads SJR No. 18)

PRESIDING OFFICER: (SENATOR MUNOZ)

Senator Clayborne moves to suspend the rules for the purpose of immediate consideration and adoption of Senate Joint Resolution 18. Those in favor will say Aye. Opposed, Nay. The Ayes have it, and the rules are suspended. Senator Clayborne moves for the adoption of Senate Joint Resolution 18. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Senator Syverson, for what purpose do you rise?

SENATOR SYVERSON:

Thank you, Mr. President. At the appropriate time, as when we adjourn here, the Senate Republicans would request a caucus. The caucus will be done before committees start, so it won't affect the committee schedule.

PRESIDING OFFICER: (SENATOR MUNOZ)

Senator Syverson requests a Republican Caucus upon adjournment, but it will not go into committee meetings. There being no further business to come before the Senate, the Senate stands adjourned until the hour of noon on Wednesday, February 18th, 2009. Senate stands adjourned.