

STATE OF ILLINOIS
96th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

38th Legislative Day

4/22/2009

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

The regular Session of the 96th General Assembly will please come to order. Will the Members please be at their desk? Will our guests in the galleries please rise? The invocation today will be given by Colonel Daniel Krumrei, Parkway Christian Church, Springfield, Illinois. Colonel Krumrei.

COLONEL DANIEL KRUMREI:

(Prayer by Colonel Daniel Krumrei)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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

SENATOR JACOBS:

(Pledge of Allegiance, led by Senator Jacobs)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Madam Secretary, Reading and Approval of the Journal.

SECRETARY ROCK:

Senate Journal of April 21st, 2009.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hunter.

SENATOR HUNTER:

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

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. Senator Hunter moves to approve the Journal just read by the Secretary. There being no objection, so ordered. Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Crotty, Chairperson of the Committee on Elections,

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reports House Bill 3785 Do Pass.

Senator Delgado, Chairperson of the Committee on Public Health, reports House Bills 185, 748, 805, 818 and 1112 Do Pass; and House Bill 3779 Do Pass, as Amended.

Senator Maloney, Chairperson of the Committee on Higher Education, reports House Bills 2507, 2661 and 4094 Do Pass.

Senator Hunter, Chairperson of the Committee on Human Services, reports House Bills 399, 416, 804, 2414 and 3843 Do Pass; and Senate Resolution 105 Be Adopted.

Senator Wilhelmi, Chairperson of the Committee on Judiciary, reports House Bills 151, 759, 1065, 1336, 2289, 3726 and 3918 Do Pass; House Bill 2539 Do Pass, as Amended; and Senate Amendment 1 to Senate Bill 1716 recommended Do Adopt.

Senator Sandoval, Chairperson of the Committee on Transportation, reports House Bills 931, 1181, 2535 and 3730 Do Pass.

Senator Meeks, Chairperson of the Committee on -- on Education, reports House Bills 725, 737, 900, 944, 972, 973, 1190, 2362, 2674, 3731, 4038, 4117 and 4223 Do Pass; Senate Amendment 1 to Senate Bill 611 and Senate Amendment 1 to Senate Joint Resolution 52 recommended Do Adopt.

Senator Koehler, Chairperson of the Committee on Local Government, reports House Bills 301, 621, 719, 743 and 1306 Do Pass.

Senator Garrett, Chairperson of the Committee on Environment, reports House Bills 696, 1013, 2429 and 3828 Do Pass.

Senator Noland, Chairperson of the Committee on Criminal Law, reports House Bills 865, 914, 1314, 1348, 2281, 2574, 2650,

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3697, 3897, 4066, 4081, 4169 and 4173 Do Pass.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Garrett, for what purpose do you rise?

SENATOR GARRETT:

Yes. Thank you, Madam President. For purpose of announcement.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please state your announcement.

SENATOR GARRETT:

Yes. I would like to welcome the students from the Lake Forest Montessori School. They are up in the gallery. And I would hope that the Senate Chamber will give them a big warm welcome.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Welcome, Lake Counties {sic} Montessori School. If you can please rise and be recognized by the Senate. Thank you for being here. Senator Collins, for what purpose do you rise?

SENATOR COLLINS:

For a point of personal privilege.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please state your point.

SENATOR COLLINS:

Thank you, Madam President and Members of the Senate. I would like for you to join with Senator Duffy and Senator Cronin and myself to welcome three outstanding scholars from Northwestern University, who are visiting here today as a part of the Student Lobby Day. I have Neal Sales-Griffin of Chicago, the former student government president. He's joined by Mike McGee of Freeport, Illinois. He's the newly elected student

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government president. And Paul David Shrader of California. And I'm -- the reason I mentioned Senator Duffy, Neal Sales-Griffin is an alum of Mount Carmel in Chicago, as well as Senator Duffy. And Senator Cronin and I are both alums of Northwestern University. So we would like for you to give them a warm welcome.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Will you please rise and be recognized by the Illinois Senate? Thank you for being here. Senator Bomke, for what purpose do you rise?

SENATOR BOMKE:

Thank you, Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please state your point.

SENATOR BOMKE:

Thank you. I have with me today a Page for the day, Allison Brenner {sic} (Benner), who is from the West Lincoln-Broadwell School. She is accompanied by her teacher, Heather Baker. And Heather has a job shadow today by the name of Taylor Chaney. And they're behind the Democrats. And standing beside me, of course, is Allison, my Page for the day.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

If you could please rise and be welcomed to the Illinois Senate. And I hope your Page has a wonderful experience here today. Thank you for being here. Senator Hutchinson, for what purpose do you rise?

SENATOR HUTCHINSON:

Thank you, Madam President. Wonderful to see you in the Chair. Point of personal privilege.

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please state your point.

SENATOR HUTCHINSON:

Members of the Senate, I would like to have you join me in welcoming some constituents and students of mine from the Kankakee Community College. They are Eddie Price, Leonard -- and Dr. Leonard Porter, also with the Dean, Cathy Robinson. They're here with a program that's part of a national organization called Brother 2 Brother, which is a program that's designed to increase the retention of African-Americans in college. So I'd like you to join with me in giving them a warm Springfield welcome to the Illinois Senate.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you. Will our guests in the gallery please rise and be welcomed by the Illinois General Assembly? Senator Link, for what purpose do you rise?

SENATOR LINK:

Thank you, Madam President. A point of personal privilege.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please state your point.

SENATOR LINK:

I have with me today one of my favorite mayors, the Mayor of North Chicago, Mayor Leon Rockingham, and his assistant, Deb Waszak. And I'd like the Senate to welcome them to Springfield.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please welcome the Mayor from North Chicago, Senator Link's guests to the Illinois General Assembly. Thank you for being here. Senator Murphy, for what purpose do you rise?

SENATOR MURPHY:

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Point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please state your point.

SENATOR MURPHY:

I'd like to introduce my Page for today, Paige Cannell. Paige is from Highland, Illinois, in Senator McCarter's district. And she is here today with her mother, Hillary, and her aunt, my friend Amy Turnbaugh, up in the gallery on our side of the aisle. She is a seventh grader and really a -- a sweet girl. And I'd like us all to give her a warm Senate welcome.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please welcome Senator Murphy's guests to the Illinois General Assembly. Thanks for being here. Senator Wilhelmi, for what purpose do you rise?

SENATOR WILHELMI:

Thank you, Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

State your point, Senator.

SENATOR WILHELMI:

Thank you. Ladies and Gentlemen of the Senate, I'm happy to have with me a Page today as well. Her name is Taylor Matichak, from Plainfield. So, she's technically from Senator Holmes' district. She's joined today by her grandmother and her grandfather who are behind me in the gallery, Dr. and Mrs. Streitz. Dr. Streitz is a dentist and practiced in Joliet - still practices in Joliet - with my dad for forty years. He's still practicing. My dad is not. If you'd please give them a warm Springfield welcome.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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Sure. Will our guests in the galleries please rise? And welcome our Page for today, Taylor, from Plainfield. Senator Rutherford, for what purpose do you rise?

SENATOR RUTHERFORD:

Thank you, Madam President. For a point of personal privilege, if I may, please.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Absolutely. State your point.

SENATOR RUTHERFORD:

Thank you, Madam President. I also am very fortunate to have a Page with us today. His name is Mr. Mitch Howell. He goes to Saint Thomas More High School in Champaign. He is a sophomore. But, Madam President, the important thing is, I think that -- to note that he's sixteen years old, and I reminded him that both you and I and Senator Frerichs used to be sixteen years old as well. Would you please welcome our Page from Champaign?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Welcome to the Illinois General Assembly. May I please have your -- your attention, please? Thank you very much. Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Madam President and Ladies and Gentlemen of the Senate. For the last, almost eleven years, I've stand before the Senate to talk about...

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Excuse me a moment, Senator Silverstein. Ladies and Gentlemen of the Senate, may I please have your attention? Senator Silverstein would like to share with us some very

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important information. And if you could please have it quiet. Thank you very much. Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, again. Almost eleven years, I've been doing this. Today, we mark the anniversary or the remembrance of the Holocaust, Yom HaShoah, which was yesterday, but we had a service today at the Old State Capitol today. This year it's very important to me and has special meaning to me, 'cause this year, on my way to Israel, I stopped in Amsterdam and -- for sixteen hours, and my wife and I visited the Anne Frank's house, a very moving house, an historical house. And what struck me about the house is that they show footage of how it was those years when Anne Franks {sic} lived in that house and what she saw. And she saw thousands, if not hundreds of thousands, of Jews being cattled off down the street. And you walk out the house -- out of the house and that is the same street. You walk the same pavements. You see the same buildings that occurred over some sixty years ago. And you say to yourself, how can this happen? Anti-Semitism, unfortunately, is still going on today. The President of Iran called Israel, quote, "a cruel and repressive racist regime" - going on today. And more specifically, in my district this past winter, several synagogues were vandalized with the words painted on 'em "death to Jews". So, we have these services and it's something that we have to do because we have to educate. Unfortunately, Anti-Semitism is unfortunately still alive. But I'm hoping with the education that people will -- will -- will -- will see that there is a light at the end of the tunnel. And I'm hoping that one day that we don't have to have these services. But until

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that day comes, we still must remember the past. Thank you very much.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator. Madam Secretary, Resolutions.

SECRETARY ROCK:

Senate Resolution 221, offered by Senator Hunter and all Members.

Senate Resolution 222, offered by Senator Hunter and all Members.

Senate Resolution 223, offered by Senator Noland and all Members.

Senate Resolution 224, offered by Senator Murphy and all Members.

Senate Resolution 225, offered by Senator Murphy and all Members.

Senate Resolution 226, offered by Senator Wilhelmi and all Members.

Senate Resolution 227, offered by Senator Dahl and all Members.

Senate Resolution 228, offered by Senator Dahl and all Members.

Senate Resolution 229, offered by Senator Collins and all Members.

Senate Resolution 230, offered by Senator Demuzio and all Members.

They're all death resolutions, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Those items will be on the Resolution {sic} (Resolutions) Consent Calendar. Madam Secretary.

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SECRETARY ROCK:

Senate Resolution 231, offered by Senator Raoul.

And Senate Joint Resolution 60, offered by Senator Hultgren.

They are substantive, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Silverstein.

SENATOR SILVERSTEIN:

Thank you, Madam President. Point of personal privilege, if I may.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please state your point, Senator.

SENATOR SILVERSTEIN:

On a lighter note, over six years ago I took over the helm of the Senate Executive Committee, and there's a young woman who -- to my right who - come here, Sam - who was my legislative assistant. She -- she really ran the committee. And Sam is leaving us this week and I -- I'm really going to miss her. But what makes this day very special is our former staff member, Jon Wolff, finally had enough brains to propose to her, which I've been lobbying for the last six or seven years. So, for a woman who I've seen develop and is really aspiring to what she's done -- now she's a lawyer; she came in with -- not a lawyer, now she's got her degree. She's moving on. You're going to be sorely missed. I know you're going to shoot me, Sam. But you do good work and we'll hopefully see good things from you in the near future. Congratulations.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Congratulations, Sam. We will miss you. And

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congratulations on your engagement. Senator Haine, for what purpose do you rise?

SENATOR HAINE:

Point of personal privilege. I, too, wish to join Senator Silverstein in thanking Sam for her work. Samantha's been a continued voice of reason and good advice, good counsel over the years I've been here. And she will be missed. Congratulations on your new venture. And I also want to express my appreciation to Senator Silverstein for being a yenta.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you. Sam, you will truly be missed. You're a fine, fine employee. And we're -- we're happy that you'll still be around, but in a different capacity. And congratulations on your engagement. Larry Corley, WAND-TV, seeks leave to videotape the proceedings. Is there any objections? Seeing no objections, leave is granted. Madam Secretary, Introduction of Bills.

SECRETARY ROCK:

Senate Bill 2451, offered by Senator Haine.

(Secretary reads title of bill)

Senate Bill 2452, offered by Senator Demuzio.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Madam Secretary, Message from the Governor.

SECRETARY ROCK:

I have a Message dated March 9th, 2009. Message for the Governor by Sean Vinck, Chief Legislative Counsel.

Mr. President - The Governor directs me to lay before the Senate the following Message:

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To the Honorable Members of the Senate, 96th General Assembly - I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable Body.

Pat Quinn, Governor.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter, for what purpose do you rise?

SENATOR RIGHTER:

Thank you, Madam President. Point of personal privilege, please.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please state your point.

SENATOR RIGHTER:

Thank you, Madam President, Ladies and Gentlemen of the Chamber. I'd like to take this opportunity to introduce you to Sergeant First Class Joel Jessup. Sergeant Jessup is -- and his family are from my district in Mahomet. He is, and has been since the summer of 1998, a member of the Illinois Army National Guard. He is currently on his third overseas tour of duty - first in Kuwait, second in Germany, and now he is on -- home right now on leave from Afghanistan. I wonder if the Senate would be so kind as to give him a warm welcome and thank him for his service to the State and to this country.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please -- please welcome our Sergeant here. The Senate will stand at ease for a few minutes to allow the Committee on Assignments to meet. The members of the Committee on Assignments will come to the President's Anteroom immediately.

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The Senate will stand at ease.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Mike Brooks, UICS {sic} (WICS) seeks leave to videotape the proceedings. Is there any objection? Seeing no objection, leave is granted. Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to Agriculture and Conservation Committee - House Bills -- House Bills 36, 78, 229, 338, 543, 872, 998, 1087, 1204, 2251, 2546, 3685, 3990, 4030, 4036 and 4245; refer to the Appropriations I Committee - House Bills 83, 609, 612, 859, 928, 991, 1053, 2270, 2314, 2469, 2640 and 3841; refer to the Appropriations II Committee - House Bills 84, 278, 962 and 2328; refer to the Commerce Committee - House Bills 264, 436, 442, 607, 624, 796, 852, 3637 and 4186; refer to the Consumer Protection Committee - House Bills 446, 490, 813, 964, 1142, 1793, 2247, 2286, 2688 and 4088; refer to the Criminal Law Committee - House Bills 10, 69, 164, 182, 184, 192, 202, 224, 253, 265, 327, 370, 396, 445, 550, 557, 584, 594, 596, 597, 610, 648, 656, 675, 682, 693, 710, 721, 761, 799, 867, 869, 881, 934, 1105, 1116, 2245, 2253, 2332, 2353, 2450, 2474, 2541, 2610, 2660, 2669, 2678, 2680, 3676, 3677, 3681, 3714, 3716, 3717, 3795, 3877, 3885, 3909, 3934, 3961, 3962, 3991, 4008, 4013, 4049, 4122, 4177 and 4198; refer to the Education Committee - House Bills 16, 272, 281, 288, 325, 363, 380, 392, 475, 548,

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605, 628, 645, 684, 740, 806, 979, 999, 1107, 1313, 1335, 2321, 2386, 2448, 2530, 2619, 2871, 3245 and 3982; refer to the Elections Committee - House Bills 85, 267, 268, 477, 567, 704, 723, 1131, 2465, 3972, 4051 and 4077; refer to the Energy Committee - House Bills 3217, 3854 and 4251; refer to the Environment Committee - House Bills 170, 266, 402, 1042, 2491, 2664, 3859, 3987 and 4021; refer to the Executive Committee - House Bills 5, 7, 35, 47, 80, 88, 146, 194, 470, 547, 569, 571, 773, 1115, 1322, 1345, 2370, 2428, 2544, 2547, 2626, 3923, 4075, 4078, Senate Bill 1362, Senate Joint Resolution 34, and Motion to Concur with House Amendments 1 and 2 to Senate Bill 366; refer to the Financial Institutions Committee - House Bills 348, 537, 705, 2005, 3806 and 4011; refer to the Gaming Committee - House Bills 14, 26, 261 and 467; refer to the Higher Education Committee - House Bills 150, 168, 336, 364, 382, 437, 461, 862, 898, 899, 1035, 1079, 1143, 2235, 2330, 2573, 2686, 3600, 3999, 4039 and 4209; refer to the Human Services Committee - House Bills 30, 39, 204, 366, 415, 497, 520, 562, 726, 745, 758, 760, 808, 917, 976, 2365, 2383, 2388, 2653, 3641, 3642, 3844, 3925, 3967, 3981, 3999 {sic} (3997) and 4054; refer to the Insurance Committee - House Bills 70, 150 {sic} (152), 244, 394, 650, 812, 2275, 2325, 2343, 2652, 2687 and 3650; refer to the Judiciary Committee - House Bills 59, 153, 155, 236, 271, 529, 574, 688, 756, 821, 2266, 2290, 2335, 2405, 2424, 2782, 2845, 3690, 3691, 3794, 3863 and 4214 {sic} (4212); refer to the Labor Committee - House Bills 163, 762, 866, 952, 2445 and 3634; refer to the Licensed Activities Committee - House Bills 68, 496, 786, 880, 1088, 1150, 1175, 2331, 2440, 3874, Floor Amendment 2 to Senate Bill 149, Committee Amendment 1 to House Bill 1293 and Committee

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Amendment 1 to House Bill 1329; refer to the Local Government Committee - House Bills 38, 61, 151 {sic} (159), 211, 347, 460, 466, 483, 585, 587, 606, 629, 644, 666, 667, 771, 793, 849, 883, 1003, 1597, 2295, 2409, 2425, 2451, 3112, 3630, 3746, 3986 and 4151; refer to the Pensions and Investments Committee - House Bills 895, 923, 1041, 1099, 1148, 1291, 2540, 2557, 2582, 2643, 3606, 3656, 3661, 3840, 3900 and 3964; refer to the Public Health Committee - House Bills 9, 208, 342, 404, 488, 542, 546, 658, 746, 752, 838, 921, 926, 1033, 1188, 1292, 1327, 2244, 2285, 2318, 2481, 3649, 3767, 3878, 3994, 4047, 4182 and 4318; refer to the Revenue Committee - House Bills 75, 174, 212, 241, 242, 255, 303, 441, 471, 472, 473, 665, 870, 1004, 1055, 1086, 1137, 1197, 1628, 2263, 2394, 3666, 3682, 3872, 4120 and 4326; refer to the State Government and Veterans Affairs Committee - House Bills 22, 49, 50, 77, 177, 282, 379, 457, 480, 489, 655, 706, 820, 897, 1075, 1200, 1332, 1994, 2302, 2369, 2376, 2400, 2435, 2644, 3670, 3970, 4027, 4099, 4153, 4197, 4199, 4213, Senate Resolution 137, Senate Joint Resolution 48, and Floor Amendment 1 to Senate Bill 2167; refer to the Telecommunications and Information Technology Committee - House Bills 617 and 3718; refer to the Transportation Committee - House Bills 43, 52, 71, 72, 156, 228, 247, 353, 476, 641, 707, 795, 853, 942, 2455, 2625, 2750, 3322, 3325, 3705, 3721, 3787, 3889, 3956 and 4327.

Senator James F. Clayborne, Chairman. April 22nd, 2009.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Noland, for what purpose do you rise?

SENATOR NOLAND:

Thank you, Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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Please state your point, Senator.

SENATOR NOLAND:

Thank you. Today, we're very honored to have a small contingent, in our gallery to -- to my left, known as the Garbage Patch Girls from Elgin High School. These folks are all very concerned about recycling matters and other environmental issues. They're here for their public service day. And their names -- I would like to make a special note that we have -- well, let me just start with the seniors, with the students. We have Alex Smith, Kathy Grimmette, Ingris Sandoval. We also have as their chaperon, Anita Forte-Scott. And we have -- I'd like to make a special welcome to Deb Perryman, 2005 Illinois Teacher of the Year. So if you would give them a warm Senate welcome. Thank you very much.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please stand and be recognized. Welcome to the Illinois General Assembly. Senator John Jones, for what purpose do you rise?

SENATOR J. JONES:

Thank you, Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please state your point, Senator.

SENATOR J. JONES:

Thank you, Madam President. Up in the gallery here, in the President's Gallery right above me here, I have the Mayor of Salem, Illinois, and his wife, Carol. Leonard Ferguson and -- and his wife, Carol.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

If our guests in the galleries will please rise. And

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welcome, Mayor of Salem. Thanks for being here. On page 80 of your Calendars - on page 80 - is the Order of Resolutions. This is final action. Senate Joint Resolution 35. Senator Hutchinson. Madam Secretary, read the resolution.

SECRETARY ROCK:

Senate Joint Resolution 35.

No committee or Floor amendments reported.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson.

SENATOR HUTCHINSON:

Thank you, Madam President and Members of the Senate. Senate Joint Resolution 35 supports the provisions of the Employee Free Choice Act. This will determine that the Senate and the House support the provisions of the Employee Free Choice Act, which would authorize the National Labor Relations Board to certify a union as a bargaining representative when a majority of employees voluntarily sign authorization cards designating the union they wish to representative them. It provides for first contract mediation and arbitration, and establishes meaningful penalties for violations of a worker's freedom to choose a union. This is a resolution which would urge Congress to support this, to enact this into federal law. And I ask for all of your support. I'd be happy for any questions.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is there any discussion? Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. First, I would request a roll call on the adoption of this resolution.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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That's in order, Senator. Would you like for the sponsor to yield?

SENATOR RIGHTER:

I'm sorry. I would. I'm sorry, I didn't -- my light's on. Excuse me. Yes, will the sponsor of the resolution yield? Thank you, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

She indicates she will. Senator Righter.

SENATOR RIGHTER:

Senator, how would this change federal law if this resolution -- I mean, the -- the resolution obviously won't change federal law. If the - as you term it - the Employee Free Choice Act becomes law, how will that change federal law?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson.

SENATOR HUTCHINSON:

Thank you, Senator Righter. What this does, would establish that if fifty percent of the people in the workplace would like to have a union, they could sign up on their -- on the cards voluntarily on their own and that would be enough to establish the union in that site.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter.

SENATOR RIGHTER:

Current federal law, Senator, allows for or requires a secret ballot, isn't that correct?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson.

SENATOR HUTCHINSON:

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That's correct, Senator.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter.

SENATOR RIGHTER:

And this would remove that option, would it not, Senator?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson.

SENATOR HUTCHINSON:

Not necessarily, Senator. Actually, people would have the option to go on ahead and sign this card in the privacy of their own home if they wanted to. You could sign it wherever you wanted to and slip it in. Does not necessarily take away a silent-ballot option.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Righter.

SENATOR RIGHTER:

Thank you, Madam President. To the resolution, if I might very briefly. Ladies and Gentlemen of the Senate, this is a signature issue for many. And the question that's posed by this resolution and by the federal legislation that's at issue is whether or not we are going to allow people to cast their ballots in secret, in privacy, like we do in the elections that send -- send us all here to Springfield, or whether or not we're going to do it by some other method, some method that will expose employees to pressure from both labor and from their employers. I would suggest that is not the route we want to take and I would urge a No vote on the resolution. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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Senator Dillard.

SENATOR DILLARD:

Thank you. I'll be quick, 'cause we're just an advisory Body to the United States Congress. But as Senator Righter said, this takes away the most sacred of American safeguards, and that's the right to cast your vote in private. And while Senator Hutchinson said you can vote of the privacy of your kitchen or your home, when that vote is cast, it's going to be public. You're putting it on a card. Maybe the union official shows up at three o'clock in the morning and taps on your door and says, "Hey, sign the card, ma'am." And another thing that is unfair, aside from taking away people's privacy rights when they cast the ballot, is you can't uncertify or decertify the union by this method. I mean, if you're going to allow 'em to get in the union by this method, you ought to allow 'em to get out of a union by this method as well. So, the -- the way this mechanism is set up is unfair. But most objectionable of all is that people give up the American right to cast their vote in private. And this is something that we shouldn't be tinkering with. It's going to be hard enough for the United States Congress to decide this. As a word of warning to my Democrat colleagues, this has caused great consternation for the -- the -- what I would call the more conservative southern Democrats of the United States. And most southern Democrats, the more conservative Democrats, have fled this particular proposal. So this is unfair. It's un-American. It takes away people's right of privacy. We shouldn't be dealing with this at all. And I'd urge a No vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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Senator Hutchinson.

SENATOR HUTCHINSON:

While I understand those concerns - I've heard them as well - I do want to make clear that the process of union decertification does not change under the Employee Free Choice Act. It would not change. You -- when the majority of the people otherwise demonstrate that they no longer want to be represented by a union, their decertification process remains the same. The other thing is that under -- with thirty people who want to sign up for a union, they still have the option for a secret ballot. Fifty-one percent would be an easier option to do this. And this is the way most unions were started in the beginning anyway. What we're urging right now is for Congress to enact safety and -- and -- safety things for people who are intimidated and harassed into not joining a union. We want to give choice back to workers; that when they want to be represented by a union, they have that option. Right now, the penalties are not strong enough for when employers harass and intimidate and take away the right of union -- union people to want to organize. So I ask for all of your support on this. This is not -- we're not passing an action right in here that -- we are really simply urging Congress to enact this into federal law. This is a very serious priority to most of our union membership. And I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Further discussion? Senator Pankau, for what purpose do you rise?

SENATOR PANKAU:

Thank you, Madam President. First, an inquiry of the

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Chair. Has anyone requested a roll call vote on this resolution?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Yes. Senator Righter requested a roll call, and that is in order.

SENATOR PANKAU:

Thank you. This came before the Labor Committee and, as usual, it passed out on a bipartisan {sic} level. I think the main issue here is not necessarily the intimidation of one of your coworkers standing there with a card in front of them and say, "Please sign that." I think all of us have felt that when people have -- you're going into a building and they have a petition out there and they say, "Here, sign this. This is what this going to do." And sometimes, just to get them out of your face or whatever, you sign and off you go. This says a lot -- yes, it's advisory, but it has a lot more emphasis to it. And I believe the central core of this is privacy. We like privacy in the way we vote, normally. It's a secret ballot when you go into that polling booth. No one knows what you're doing. So many of our privacies are being taken away right now, why would we want to encourage one more to be taken away from us? I think it's time that we guard the privacies that we do have. I urge a No vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Harmon, for what purpose do you rise?

SENATOR HARMON:

Thank you, Madam President. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

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She indicates she will. Senator Harmon.

SENATOR HARMON:

Thank you, Madam President. I -- we -- we've talked a great deal about the -- the sacred American right to vote in secret, and I'm looking at my copy of the U.S. Constitution, Senator, and I'm not finding a secret-vote proposal or provision of the U.S. Constitution. Have you found this right to vote in secret in union elections in the U.S. Constitution?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson.

SENATOR HUTCHINSON:

No, Senator, I haven't.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Harmon. Senator Harmon. Just one moment, Senator.

SENATOR HARMON:

Thank you, Madam President. Senator, when -- when we voted on the election of the Senate President here in the Chamber, we voted aloud and in public, did we not?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson.

SENATOR HUTCHINSON:

We absolutely did, Senator Harmon.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Harmon.

SENATOR HARMON:

And when we vote on the Senate Floor, we vote in public. When -- when other organizations vote, when private businesses vote among their partners on business decisions, they often vote in public. The right of a union member or an aspiring union

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member to stand up and say in public "I want to join a union" is a fundamental right as well. I think that's more protected by the U.S. Constitution - the right of free speech, the right of assembly, the right to organize. So I would ask my colleagues to think very carefully about this. There is still a right to have a -- a -- an election with a secret ballot. This is an alternative that allows members -- or employees to choose to vote publicly to join a union. So I would ask you all to think very carefully about that as you weigh your vote. And I encourage our Members to vote Aye.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Further discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Madam President. First of all, some comments about the bill. I -- I just heard an argument by Senator Harmon. I'm impressed a lot of times with his arguments. You -- you do a great job. These are some of the lamest I've heard in a long time. I -- I -- you know, I -- again, I think we -- I -- I -- I know that your side of the aisle basically supports unions and what they want. And -- and we have the reputation of supporting business and what they want. But there are some things that come up that just amaze me. And -- and this is one of 'em. You know, what better way than -- what fairer way is there than simply having a vote? It -- it -- it -- to me, I say to -- and I know that many of you are going to vote that way because you're -- the people who support you want this. But, you know, obviously, the -- the -- the secret ballot isn't working well for the union and they want a better way to do this. And -- and -- and you talk about intimidation, obviously

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there's intimidation from both sides. But I can't imagine more intimidation than -- than the union guy coming up to you and say, "Here, we need your signature." What fairer way would there be to do it than with a secret ballot? You talk about intimidation from business on a secret ballot; they don't know how you vote if it's a secret ballot. But everyone knows how you vote when -- when -- when you do this. So, I'm always amazed at sometimes how votes come down - Democrats on one side, Republicans on the other. This one to me -- I -- I -- I look at many of you, and you're fair people, and I say, this is not right. This is not right. And I honestly believe some of you are going to just turn your head and do it because the union wants it. It's not right. I cannot -- you can't argue to me that it is right. So, again, I'm sure this vote will be that way again. But this one is one that people have to, I think, look at themselves and say, "Is -- is -- is that really right?" And I can't imagine that you really feel it is. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson.

SENATOR HUTCHINSON:

Well, I do -- I would like to make a couple points. Right now, more than half of U.S. workers - almost fifty-eight million people - say they would join a union right now if they could. And it is a fact that the current system for forming unions and bargaining is broken. Every day corporations deny employees the freedom to decide for themselves whether to form unions or bargain for a better life. They routinely intimidate, harass, coerce, and even fire people who try to organize for unions. Seventy-eight percent of private employers require supervisors

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to deliver an antiunion message to the workers whose jobs and pay they control. At the end of the day, we need to work to protect the rights and the -- and the lifestyles of our working people. We have got to -- the middle class is disappearing. This is one more way that we can make sure that people who want to be represented by unions can do so. This does not change the decertification process. It doesn't change a lot of things that are currently in existence right now. What this does is says it'll be a little easier to sign up if you choose to. And I would still ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Further discussion? Senator Murphy.

SENATOR MURPHY:

To the -- to the bill: You know, I am a big proponent of our using props out here. And as a lawyer, I really like it when we use the Constitution. So I -- I, as -- as always, appreciated Senator's -- Senator Harmon's use of the Constitution out here. And I find it interesting, though, that the standard now for what is a right is in the Constitution. I know many of us on this side of the aisle will find that refreshing. I don't see anywhere in the Constitution where there is a constitutional right to health care, but we often hear that that is a right. There is, I've been told by the Supreme Court, a penumbra of rights that create a right to privacy. And, perhaps, maybe a secret ballot could be snuck in under that jurisprudence. So, the notion that just because it's not in the Constitution doesn't mean it isn't a storied tradition and an essential part of our American tradition strikes me as -- as -- as an inadequate reason to support this.

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I see no reason, frankly, to make this resolution. I oppose the resolution. Certainly, the mere fact that the right to a secret ballot is not written in the U.S. Constitution is no reason to defy common sense and oppose this. And I urge everybody on this side of the aisle to vote No.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson.

SENATOR HUTCHINSON:

Thank you, Senator Murphy. One of the things I do want to point out now is that I think this question goes to whether or not -- the majority sign-up process, and what -- what concerns folks have is whether or not this is really democratic. And, yes, majority sign-up is a free and fair way to vote that's always been available under current law, but only if the employer agrees. So, if the employer doesn't agree, is when you walk into the other basket full of intimidation, harassment and potential firings. And, yes, increasingly states have turned to majority sign-up as an effective way to guarantee workers' choice. It's been done in New York, in California and New Jersey for public sector, higher education, non-NLRA private sector and tribal casino workers. And it has been recognized by Congress and the U.S. Supreme Court. This is not a matter of whether or not this option is democratic. It's a matter of whether or not we give our workers the right to choose for themselves how they wish to be represented. And I would still urge an Aye vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Duffy, for what purpose do you rise?

SENATOR DUFFY:

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To the bill.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

To the bill, Senator.

SENATOR DUFFY:

The facts are that eight out of ten people in Illinois work for a small business. Seventy-eight percent of all the companies in Illinois have nine or less employees. This idea and legislation would clearly hurt small business owners at a time when we're in really difficult economic straits in Illinois. So I urge a -- a No vote to this. Thank you.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Hutchinson, to close.

SENATOR HUTCHINSON:

Okay. I appreciate all the comments that have been said thus far. But I do want to leave on one -- a couple of final notes. Right now, what's wrong with the current law -- and remember, this is a resolution; we're urging Congress to adopt this. But what's wrong with the current law is that employers right now can refuse to recognize a union even when the majority of workers want it. They can force workers to endure a lengthy, combative, demoralizing National Labor Relations Board process and they can campaign against the union in the workplace whenever and however they choose. This is a provision that would help us stop that. And to close, I would please urge an Aye vote.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

The question is, shall Senate Joint Resolution 35 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted

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who wish? Have all voted who wish? Take the record. On that question, there are 34 voting Aye, 21 voting Nay, 0 voting Present. And the Senate -- Joint Resolution 35, having received the required constitutional majority, is declared adopted. Senator Dillard, for what purpose do you rise?

SENATOR DILLARD:

Thank you. To request a verification of the last roll call, please.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

A verification request is always in order. Will Members please be at their seats? A verification has been requested. Senator Dillard has requested a verification. Will all Members, again, please be in their seats? The Secretary will read the affirmative votes. Does Senator Dillard question the presence of any Members voting in the affirmative? Madam Secretary, if you could please read the presence of the votes -- the affirmative votes.

SECRETARY ROCK:

The following Members voted Aye: Bond, Clayborne, Collins, Crotty, DeLeo, Delgado, Demuzio, Forby, Frerichs, Garrett, Haine, Harmon, Hendon, Holmes, Hunter, Hutchinson, Jacobs, Emil Jones, Koehler, Kotowski, Lightford, Maloney, Martinez, Munoz, Noland, Raoul, Sandoval, Silverstein, Steans, Sullivan, Trotter, Viverito, Wilhelmi and Mr. President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Does Senator Dillard question the presence of any Member voting in the affirmative? Senator Dillard.

SENATOR DILLARD:

How about Senator Bond?

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PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is Senator Bond in the Chamber? Hi, Senator.

SENATOR DILLARD:

Waving to him. He's not in his seat. That's good.
Senator DeLeo?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Is Senator DeLeo -- hi, Senator. Hi, Senator DeLeo.

SENATOR DILLARD:

Down in the Well, working hard.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator's here. Senator Dillard.

SENATOR DILLARD:

Senator Garrett here?

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Senator Garrett. Is Senator Garrett in the Chamber?
Senator Garrett. If not, Madam Secretary, strike the name of
Senator Garrett.

SENATOR DILLARD:

Thank you. We'll do her a favor by taking her name off
that roll call. We're finished. Thank you for your indulgence,
Madam President.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Thank you, Senator Dillard. Thank you for requesting a
verification. It was my first time. On a verified roll call,
there are 33 Ayes, 21 Nays and 0 voting Present. Having
received the required constitutional majority, Senate Resolution
{sic} 35 is declared passed -- is declared adopted. Senator
Crotty, for what purpose do you rise?

SENATOR CROTTY:

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Thank you, Ms. President. On a point of personal privilege.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please state your point, Senator.

SENATOR CROTTY:

Thank you. Today I am -- I'm joined at the -- at my desk by a young man named Mitch. He's an eighth grader. He goes to Saint Dennis. He lives in Lockport. He's a constituent of Senator A.J. Wilhelmi's. And this is his first time here at -- on the Senate Floor. And up in the gallery, we have his grandmother, who is a real good friend of mine - his grandparents have been friends for years - and his mother, Kim. So if everybody would welcome them, I would appreciate that.

PRESIDING OFFICER: (SENATOR LIGHTFORD)

Please -- will our guests in the galleries please rise and be recognized by the Illinois General Assembly? And thank you for being a Page here today. Announcements. Exec Committee will meet immediately following adjournment in Room 212 at 2 o'clock or immediately following adjournment. Licensed Activities will meet also immediately following adjournment in Room 409. And then an hour out, at 3 o'clock, due to some matters being kicked out from Committee -- Assignments, we will address a motion to concur on House Amendment 1 and 2 on Senate Bill 366 - at 3 o'clock, Exec Committee in Room 212. And then Licensed Activities, again at 3 o'clock, will address a Committee Amendment No. 1 to House Bill 1329. Thank you. There being no further business to come before the Senate, the Senate stands adjourned until the hour of 12 p.m. on Thursday, April 23rd, 2009. The Senate stands adjourned till 12 p.m. on

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Thursday.