

STATE OF ILLINOIS
96th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

143rd Legislative Day

1/10/2011

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PRESIDING OFFICER: (SENATOR HARMON)

The 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 galleries please rise? The invocation this -- today will be given by Pastor John Smith of United Methodist Church, in Springfield, Illinois. Pastor Smith.

PASTOR JOHN SMITH:

(Prayer by Pastor John Smith)

PRESIDING OFFICER: (SENATOR HARMON)

Please remain standing for the Pledge of Allegiance. Senator Jacobs, would you please lead us in the Pledge?

SENATOR JACOBS:

(Pledge of Allegiance, led by Senator Jacobs)

PRESIDING OFFICER: (SENATOR HARMON)

Madam Secretary, Reading and Approval of the Journal.

SECRETARY ROCK:

Senate Journals of May 4th and May 5th, 2010.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hunter.

SENATOR HUNTER:

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

PRESIDING OFFICER: (SENATOR HARMON)

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

SECRETARY ROCK:

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Senate Journal of Thursday, January 6, 2011.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hunter.

SENATOR HUNTER:

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

PRESIDING OFFICER: (SENATOR HARMON)

Senator Hunter moves to postpone the reading and approval of the Journal, pending arrival of the printed transcript. There being no objection, so ordered. Madam Secretary, Communications from the Secretary of State.

SECRETARY ROCK:

I have a letter dated January 5th, 2011.

Honorable Jillayne Rock, Secretary of the Senate.

This office is forwarding herewith a copy of a Notification of Vacancy from the Legislative Committee of the Republican Party of the 53rd Legislative District declaring the existence of a vacancy in the Office of State Senator for the 48th {sic} Legislative District of 96th and 97th General Assembly, as a result of the resignation of Senator Dan Rutherford, effective January 9th, 2011. Also enclosed is a copy of the Legislative Committee's Certificate of Appointment for Shane Cultra, 400 North Poplar, Onarga, Illinois, who was appointed to fill the vacancy in the Office of State Senator in the 53rd Legislative District for the 96th and 97th General Assembly.

Yours truly, Jesse White, Secretary of State.

PRESIDING OFFICER: (SENATOR HARMON)

Madam Secretary, Resolutions.

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SECRETARY ROCK:

Senate Resolution 1149, offered by Senator Lauzen and all Members.

Senate Resolution 1150, offered by Senator Koehler and all Members.

Senate Resolution 1151, offered by Senator Hunter and all Members.

Senate Resolution 1152, offered by Senator Emil Jones, III and all Members.

Senate Resolution 1153, offered by Senator Dillard and all Members.

They are death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Resolutions Consent Calendar. Madam Secretary, Messages.

SECRETARY ROCK:

A Message from the House by Mr. Mahoney, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 1927.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment 1, House Amendment 2 and House Amendment 3.

They passed the House, as amended, January 7th, 2011.

We have received a like Message on Senate Bill 3778, with House Amendment 1, which passed the House, as amended, January 9th, 2011. Mark Mahoney, Clerk of the House.

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PRESIDING OFFICER: (SENATOR HARMON)

Madam Secretary, House Bills 1st Reading.

SECRETARY ROCK:

House Bill 1760, offered by Senator Forby.

(Secretary reads title of bill)

1st Reading of this House bill.

PRESIDING OFFICER: (SENATOR HARMON)

Madam Secretary, Resolutions.

SECRETARY ROCK:

Senate Resolution 1154, offered by President Cullerton.

It is substantive.

PRESIDING OFFICER: (SENATOR HARMON)

Ladies and Gentlemen of the Senate, the Senate will stand at ease for a few moments to allow the Committee on Assignments to meet. Will all members on the Committee on Assignments report to the President's Anteroom immediately? The Senate will stand at ease for a few moments to allow the Committee on Assignments to meet. Will all members of the Committee on Assignments report to the President's Anteroom immediately? (At ease) Ladies and Gentlemen, the Committee on Assignments will meet in the President's Anteroom immediately. Will the Members of the Committee on Assignments please report to the President's Anteroom immediately? The Senate will stand at ease.

(SENATE STANDS AT EASE)

PRESIDING OFFICER: (SENATOR SULLIVAN)

Senator Sullivan in the Chair. Senator Harmon back in the Chair.

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(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HARMON)

The Senate will come to order. Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to the Executive Committee - Motion to Concur with House Amendment 1, House Amendment 2 and House Amendment 3 to Senate Bill 1927, Motion to Concur with House Amendment 1 to Senate Bill 3778, and Senate Resolution 1154.

Signed by Senator James F. Clayborne, Chairman.

PRESIDING OFFICER: (SENATOR HARMON)

Ladies and Gentlemen of the Senate, for purposes of an announcement. The Senate Executive Committee will meet today at 4:35 p.m. in Room 212. The Senate Executive Committee will meet today at -- at 4:35 p.m. in Room 212. Senator Cullerton, for what purpose do you seek recognition?

SENATOR CULLERTON:

Thank you, Mr. President. I move to waive all notice and posting requirements so that Senate Resolution 1154 can be heard on January 10th in the Senate Executive Committee.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Cullerton moves to waive all notice and posting requirements so that Senate Resolution 1154 can be heard on January 10th in the Senate Executive Committee. All those in favor will say Aye. Opposed, Nay. The Ayes have it, and all

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notice and posting requirements have been waived. Senator Radogno, for what purpose do you seek recognition?

SENATOR RADOGNO:

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

PRESIDING OFFICER: (SENATOR HARMON)

Please state your point. And would the Members of the Senate please give Senator Radogno your attention?

SENATOR RADOGNO:

Thank you, Mr. President. I would like to introduce yet another new Senator to the Body - Senator Shane Cultra, who has served in the House and is from Onarga. So he's familiar with our process and is looking forward to being a Member of the Senate. So please give him a warm welcome.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Cultra, welcome to the Senate. Senator Maloney, are you seeking recognition? Senator Althoff, for what purpose do you rise?

SENATOR ALTHOFF:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR HARMON)

Please state your point, Senator.

SENATOR ALTHOFF:

Just real rapidly. In this Chamber, as time passes on, we actually note another full year, and today is Senator Risinger's birthday. And we'd all like to just acknowledge his birthday and say "Hey".

PRESIDING OFFICER: (SENATOR HARMON)

Happy birthday, Senator Risinger. Madam Secretary, Messages from the House.

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SECRETARY ROCK:

A Message from the House by Mr. Mahoney, Clerk.

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

House Bill 1760.

Passed the House, January 7th, 2011. Mark Mahoney, Clerk of the House.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter, for what purpose do you rise?

SENATOR TROTTER:

Thank you very much, Mr. President. For purpose of an announcement.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter, please state your announcement. Will the Ladies and Gentlemen of the Senate please give Senator Trotter your attention.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the Senate. The Senate Democratic -- Democrats will be meeting in the President's Office immediately upon recess.

PRESIDING OFFICER: (SENATOR HARMON)

Senate Democrats will be caucusing in the President's Office immediately upon recess. Senator Syverson, for what purpose do you rise?

SENATOR SYVERSON:

Thank you, Mr. President. The Republicans will caucus in the Leader's Office immediately upon adjournment as well.

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PRESIDING OFFICER: (SENATOR HARMON)

Senate Republicans similarly will caucus in the Leader's Office upon recess. The Senate will stand in recess to the call of the Chair. After committee meetings, the Senate will reconvene to receive committee reports and for further Floor action. The Senate stands in recess.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HARMON)

The Senate will come to order. Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Silverstein, Chairperson of the Committee on Executive, reports Senate -- Senate Resolution 1154 Be Adopted; Motion to Concur with House Amendments 1, 2 and 3 to Senate Bill 1927 recommended Do Adopt; and Motion to Concur with House Amendment 1 to Senate Bill 3778 recommended Do Adopt.

PRESIDING OFFICER: (SENATOR HARMON)

Madam Secretary, Resolutions.

SECRETARY ROCK:

Senate Resolution 1155, offered by Senator Link and all Members.

It is a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Resolution Consent Calendar. Madam Secretary, Introduction of Senate Bills.

SECRETARY ROCK:

Senate Bill 3978, offered by Senator Haine.

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(Secretary reads title of bill)

1st Reading of this bill.

PRESIDING OFFICER: (SENATOR HARMON)

Ladies and Gentlemen of the Senate, if all Members within the sound of my voice could be at their desks. We will be turning shortly to substantive action. We also have a visiting dignitary and there will be a special introduction in the Senate Chamber. If all Members within the sound of my voice could be at their desks. Senator Trotter in the Chair.

SENATOR TROTTER:

Good evening, Members of the Senate. It is my honor today to -- to introduce you to one of the good friends of Illinois. For those -- it's been -- well, as I look around the room, there's been a lot of changes since 1994. But in 1994, then Governor George Ryan went to Johannesburg, South Africa. And in his capacity as the leader of the State of Illinois, he -- he saw all the positive changes that were taking place with the ending of apartheid and he also saw the vision of the South African people. And at that time, he said Illinois needs to be over here; we need to be part of this new renaissance that was on -- ongoing. And what he did was he opened up our first trade office in Johannesburg, South Africa. And in those seventeen years, we have continuously been good friends with South Africa and South Africa good friends of ours. I am honored today to have here with us in the Illinois Senate the Consulate General from South Africa, and that's Ambassador Nomvume Magaqa, is who's here. So will you please join me in welcoming her to the Illinois Senate? And -- and please will you come forward and give us greetings.

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AMBASSADOR NOMVUME MAGAQA:

(Remarks by Ambassador Nomvume Magaqa)

SENATOR TROTTER:

Thank you very much.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Harmon in the Chair. Senator Risinger, for what purpose do you seek recognition?

SENATOR RISINGER:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

State your point, Senator.

SENATOR RISINGER:

In the gallery is the love of my life, my wife of several years, a beautiful woman, Joyce Risinger. Please give her a hand for being in the Senate.

PRESIDING OFFICER: (SENATOR HARMON)

Welcome to the Senate, Mrs. Risinger. Nice to see you. Ladies and Gentlemen of the Senate, Senate Supplemental Calendar No. 1 has been distributed to the Members' desks. On the Order of Senate Secretary's Desk, Resolutions, is Senate Resolution 1154. Senator Cullerton. Madam Secretary, please read the resolution.

SECRETARY ROCK:

Senate Resolution 1154, offered by President Cullerton.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Cullerton, to explain the resolution.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This resolution creates a committee of the 96th General Assembly with

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the authority to approve the remaining Senate Journals which have not been approved before the Senate adjourns sine die. The resolution also authorizes the committee to review, correct and approve the Journals, transcripts and exhibits from the impeachment trial. Be happy to answer any questions and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Any discussion? Seeing none, the question is, shall Joint -- Senate Resolution 1154 pass. All those in favor will vote Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. I apologize, I've been notified that this requires a roll call vote. The question is, shall Senate Resolution 1154 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 55 voting Aye, none voting Nay, none voting Present. And Senate Resolution 1154 is declared adopted. Senator Meeks, for what purpose do you rise?

SENATOR MEEKS:

Thank you so much, Mr. Chairman {sic}. I was severely distracted by Senator Lightford and I did not push my button Yes. So please indicate that I meant to vote Yes on that last bill {sic}.

PRESIDING OFFICER: (SENATOR HARMON)

Record will reflect your intention. Senator Meeks, are you still seeking recognition? Ladies and Gentlemen of the Senate, on your Supplemental Calendar No. 1, on the Order of Secretary's Desk, Concurrence, is Senate Bill 1927. Senator Clayborne. Senate Bill 3778. Senator Trotter. Do you wish to proceed? Do

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you wish to proceed at this point, Senator? Madam Secretary, please read the motion.

SECRETARY ROCK:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 3778.

Filed by Senator Trotter.

PRESIDING OFFICER: (SENATOR HARMON)

Senator Trotter, to explain your motion.

SENATOR TROTTER:

Thank you very much, Mr. President, Members of the Senate. If I can get your attention, please? This is a issue that we all know about. It's been around now since 2008. It addresses the Seniors Ride Free program. So, for those who are interested in that, please pay attention. What we're trying to do here -- this amendment provides that senior citizens aged sixty-five or older who meet the income eligibility limitations set forth in the Circuit Breaker program, they may still travel free of charge on the RTA, the CTA, Pace, Illinois Public Transportation Association System, and Metra. Seniors that would not qualify would remain eligible for the fifty percent subsidy offered prior to the change in 2008. Both the RTA and the Illinois Public Transportation Association would have six months to implement a new means test. The Department of {sic} (on) Aging will keep records regarding their eligibility. And I'm available for questions.

PRESIDING OFFICER: (SENATOR HARMON)

Is there any discussion? Any discussion? Seeing none, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 3778. All those in favor will vote Aye. Opposed,

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Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 voting Aye, 2 voting No, none voting Present. Having received the required constitutional majority, the Senate does concur in House Amendment No. 1 to Senate Bill 3778, and the bill is declared passed. Ladies and Gentlemen of the Senate, the Senate will stand ease for a few moments to allow the Committee on Assignments to meet. The Committee on Assignments will meet immediately in the President's Anteroom. Will all members of the Committee on Assignments please report to the President's Anteroom? The Senate stands at ease.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR HARMON)

The Senate will come to order. Madam Secretary, Committee Reports.

SECRETARY ROCK:

Senator Clayborne, Chairman of the Committee on Assignments, reports the following Legislative Measures have been assigned: Refer to the Judiciary Committee - Motion to Concur with House Amendment 1 to Senate Bill 3539.

Signed by Senator James F. Clayborne, Chairman

PRESIDING OFFICER: (SENATOR HARMON)

Madam Secretary, Messages. Madam Secretary, we'll... Madam Secretary, we'll return to that order in a moment. Senator Sandack, for what purpose do you seek recognition?

SENATOR SANDACK:

Thank you, Mr. President. To correct the record. My first

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rookie error in voting, an operator error. HB5424 should have been in the affirmative.

PRESIDING OFFICER: (SENATOR HARMON)

The Senate -- or, the record will reflect your intention, Senator. Thank you. Senator Sandack, I'd like to make sure that the record is accurate. Would you please restate your -- your intent?

SENATOR SANDACK:

3778 is the actual bill number, Mr. President. Thank you. I'm two for two.

PRESIDING OFFICER: (SENATOR HARMON)

Thank you, Senator. We want to make sure the record reflects your correct intention. Thank you for that clarification. Ladies and Gentlemen of the Senate, for purposes of an announcement. For all of you ball-goers in particular, the Senate Judiciary Committee will meet tomorrow morning at 8 a.m. in Room -- in Room 400. The Senate Judiciary Committee will meet bright and early tomorrow morning at 8 a.m. in Room 400. Madam Secretary, Resolutions.

SECRETARY ROCK:

Senate Resolution 1156, offered by Senator Muñoz and all Members.

It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR HARMON)

Resolutions Consent Calendar. There being no further business to come before the Senate, the Senate stands adjourned until the hour of 10 a.m. on the 11th day of January, 2011. The Senate stands adjourned.