



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIFTH GENERAL ASSEMBLY

151ST LEGISLATIVE DAY

WEDNESDAY, APRIL 30, 2008

12:44 O'CLOCK P.M.

SENATE
Daily Journal Index
151st Legislative Day

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The Senate met pursuant to adjournment.
Senator Rickey R. Hendon, Chicago, Illinois, presiding.
Prayer by Father Richard Chiola, St. Frances Cabrini Church, Springfield, Illinois.
Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, April 29, 2008, was being read when on motion of Senator Hunter, further reading of same was dispensed with, and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

MESSAGE FROM THE PRESIDENT

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

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

April 30, 2008

Ms. Deborah Shipley
Secretary of the Senate
403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 3-2(c), I hereby appoint Senator Donne Trotter to temporarily replace Senator Ira Silverstein as a member of the Executive Committee. This appointment is effective immediately.

Very truly yours,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 1 to Senate Bill 1106
Senate Floor Amendment No. 2 to Senate Bill 1908
Senate Floor Amendment No. 1 to Senate Bill 2691

The following Floor amendments to the House Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Senate Floor Amendment No. 2 to House Bill 1702
Senate Floor Amendment No. 3 to House Bill 1702

The following Committee amendment to the House Resolution listed below has been filed with the Secretary and referred to the Committee on Rules:

Senate Committee Amendment No. 1 to House Joint Resolution 78

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PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 682

Offered by Senator Wilhelmi and all Senators:
Mourns the death of Beverly J. Wheeler of Joliet.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

Senator Delgado offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 683

WHEREAS, Violence in Chicago has increased drastically over recent years; and

WHEREAS, Chicago communities have been seeking ways to improve services that are necessary for the health, welfare, safety, and quality of life of their residents and other members of their communities; and

WHEREAS, Front line staff, including outreach workers, at the community level are integral to the success of these efforts and programs; and

WHEREAS, The Alliance of Local Service Organizations (ALSO) builds local and national connections between organizations, schools, private industry, churches, law enforcement, government agencies, and community members to promote the safety and well-being of children and families by creating and sharing knowledge, improving services, and building capacities to address both community and family violence; and

WHEREAS, The Alliance of Local Service Organizations received State funding from the Illinois State Board of Education in the form of grants totaling \$125,000 in Fiscal Year 2006; and

WHEREAS, The Alliance of Local Service Organizations receives State funding from the Department of Human Services for the "Teen Reach" Program; and

WHEREAS, The Alliance of Local Service Organizations receives State funding as part of the CeaseFire program; and an audit published August 2007 raised issues of concern with that program; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Auditor General is directed to conduct a performance audit of the State moneys provided by or through State agencies to the Alliance of Local Service Organizations under contracts or grant agreements from Fiscal Year 2005 through Fiscal Year 2008; and be it further

RESOLVED, That this performance audit include, but not be limited to the following determinations:

(1) the purposes for which State moneys were provided to the Alliance of Local Service Organizations, for each State agency and for each amount transferred;

(2) the nature and extent of monitoring by State agencies of how the Alliance of Local Service Organizations used the State-provided moneys;

(3) the actual use of State moneys by the Alliance of Local Service Organizations Services;

(4) whether, through a review of available documentation, the Alliance of Local Service Organizations has met or is meeting the purposes for which the State moneys were provided, with specific information concerning the Alliance of Local Service Organizations' staffing levels and its compensation of management employees; and

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(5) whether the Alliance of Local Service Organizations is in compliance with the applicable laws, regulations, contracts, and grant agreements pertaining to the Alliance of Local Service Organizations' receipt of State moneys; and be it further

RESOLVED, That the Alliance of Local Service Organizations and any State or local agency that may have information relevant to this audit cooperate fully and promptly with the Auditor General's office in its audit; and be it further

RESOLVED, That the Auditor General commence the audit as soon as possible and report his findings and recommendations upon completion in accordance with the provisions of Section 3-14 of the Illinois State Auditing Act; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Auditor General.

Senator Meeks offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 97

WHEREAS, The United States Congress has introduced legislation in the 110th Congress creating the Credit Cardholders' Bill of Rights Act, which would help protect cardholders from unfair practices and abolish major industry abuses that hurt consumers while fostering fair competition and free market values; and

WHEREAS, Consumers deserve the right to be able to understand their accounts and be empowered to control them; and

WHEREAS, The Credit Cardholders' Bill of Rights takes a moderate and balanced approach to reforming major credit card industry abuses and improving consumer protections without resorting to price controls, rate caps, or fee setting; and

WHEREAS, The credit card industry earns more than one trillion dollars each year, yet it continues to adopt tactics to further increase their revenues; and

WHEREAS, Congress should provide better oversight that is well overdue of the credit card industry and comprehensive credit card reform legislation aimed at leveling the playing field between credit card companies and consumers; and

WHEREAS, Passage of the Credit Cardholders' Bill of Rights Act is necessary because in recent years cardholders have lost the ability to say no to unfair interest rate increases and bogus fees while the average household pays \$83.33 in credit card interest per month; and

WHEREAS, Nationally, the average American household with at least one credit card has nearly \$9,200 in credit card debt; and

WHEREAS, This legislation would have a positive impact on a large percentage of the American population; and

WHEREAS, The median U.S. household income is currently \$43,200 and the typical family's credit card balance is now almost 5 percent of their annual income; and

WHEREAS, Credit card debt is a significant problem and immediate action should be taken to help consumers reduce their credit card debt; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Illinois General Assembly urges the members of United States Congress to give full consideration to the

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passage of the Credit Cardholders' Bill of Rights Act as represented in this Senate Joint Resolution; and be it further

RESOLVED, That suitable copies of the resolution be delivered to the Chairman of the House Financial Institutions Committee and each member of the Illinois congressional delegation.

REPORT FROM STANDING COMMITTEE

Senator Meeks, Chairperson of the Committee on Human Services, to which was referred **House Bills Numbered 4190, 4456 and 5017**, reported the same back with the recommendation that the bills do pass.

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

Senator Meeks, Chairperson of the Committee on Human Services, to which was referred **House Bill No. 3508**, 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.

MESSAGE FROM THE HOUSE

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 House Joint Resolution Constitutional Amendment of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 44

HC0044

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Sections 2 and 3 of Article IV of the Illinois Constitution as follows:

ARTICLE IV THE LEGISLATURE

SECTION 2. LEGISLATIVE COMPOSITION

(a) One Senator shall be elected from each Legislative District. Immediately following each decennial redistricting, the ~~Senate, by resolution, General Assembly by law~~ shall divide the Legislative Districts as equally as possible into three groups. Senators from one group shall be elected for terms of four years, four years and two years; Senators from the second group, for terms of four years, two years and four years; and Senators from the third group, for terms of two years, four years and four years. The Legislative Districts in each group shall be distributed substantially equally over the State.

(b) ~~Each Legislative District shall be divided into two Representative Districts.~~ In 2012 1982 and every two years thereafter one Representative shall be elected from each Representative District for a term of two years.

(c) To be eligible to serve as a member of the General Assembly, a person must be a United States citizen, at least 21 years old, and for the two years preceding his election or appointment a resident of the district which he is to represent. In the general election following a redistricting, a candidate for the General Assembly may be elected from any district which contains a part of the district in which he resided at the time of the redistricting and reelected if a resident of the new district he represents for 18 months prior to reelection.

(d) Within thirty days after a vacancy occurs, it shall be filled by appointment as provided by law. If the vacancy is in a Senatorial office with more than twenty-eight months remaining in the term, the appointed Senator shall serve until the next general election, at which time a Senator shall be elected to

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serve for the remainder of the term. If the vacancy is in a Representative office or in any other Senatorial office, the appointment shall be for the remainder of the term. An appointee to fill a vacancy shall be a member of the same political party as the person he succeeds.

(e) No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly.

No member of the General Assembly during the term for which he was elected or appointed shall be appointed to a public office which shall have been created or the compensation for which shall have been increased by the General Assembly during that term.

(Source: Amendment adopted at general election November 4, 1980.)

SECTION 3. LEGISLATIVE REDISTRICTING

(a) Legislative Districts shall be compact, ~~be~~ contiguous, ~~be and~~ substantially equal in population, ~~reflect minority voting strengths, and consider political boundaries.~~ Representative Districts shall be compact, ~~be~~ contiguous, ~~be and~~ substantially equal in population, ~~reflect minority voting strengths, and consider political boundaries.~~ A Representative District need not be entirely within a single Legislative District.

(b) In the year following each Federal decennial census year, ~~the Senate, by resolution adopted by a record vote of three-fifths of the members elected, General Assembly by law~~ shall redistrict the Legislative Districts, ~~and the House of Representatives, by resolution adopted by a record vote of three-fifths of the members elected, shall redistrict~~ the Representative Districts. ~~An adopted redistricting resolution shall be filed with the Secretary of State by the presiding officer of the house that adopted the resolution. Each house shall file an adopted resolution not later than June 30.~~

(c) ~~A~~ ~~if no redistricting plan becomes effective by June 30 of that year,~~ a Legislative District Redistricting Commission shall be constituted by ~~April 1 of the year following each Federal decennial census year not later than July 10.~~ The Commission shall consist of ~~four~~ ~~eight~~ members, no more than ~~two~~ ~~four~~ of whom shall be members of the same political party.

~~The Speaker and Minority Leader of the House of Representatives shall each appoint to the Commission one Representative and one person who is not a member of the General Assembly. The President and Minority Leader of the Senate shall each appoint two persons to the Commission one Senator and one person who is not a member of the General Assembly.~~

The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission. ~~The Commission may hold public hearings and collect information regarding the redistricting of Legislative Districts.~~

~~If the Senate has failed to file a redistricting resolution with the Secretary of State by June 30, the Commission, by resolution adopted by record vote of at least three Commissioners, shall redistrict the Legislative Districts.~~

~~Not later than July 31, the Commission shall file an adopted resolution with the Secretary of State. If the Commission fails to file an adopted resolution by July 31, the Chief Justice of the Supreme Court and a Supreme Court Judge selected by the Supreme Court Judges from a political party other than the political party of the Chief Justice shall jointly appoint one person to act as Special Master to redistrict the Legislative Districts, who may not be the same person appointed Special Master under subsection~~

~~(d). The Special Master shall be appointed and certified to the Secretary of State not later than August 10. The Special Master shall file a redistricting map of the Legislative Districts with the Secretary of State not later than September 5.~~

~~(d) A Representative District Redistricting Commission shall be constituted by April 1 of the year following each Federal decennial census year. The Commission shall consist of four members, no more than two of whom shall be members of the same political party.~~

~~The Speaker and Minority Leader of the House of Representatives shall each appoint two persons to the Commission.~~

~~The members shall be certified to the Secretary of State by the appointing authorities. A vacancy on the Commission shall be filled within five days by the authority that made the original appointment. A Chairman and Vice Chairman shall be chosen by a majority of all members of the Commission. The Commission may hold public hearings and collect information regarding the redistricting of Representative Districts.~~

~~If the House of Representatives has failed to file a redistricting resolution with the Secretary of State by June 30, the Commission, by resolution adopted by record vote of at least three Commissioners, shall redistrict the Representative Districts.~~

Not later than July 31, the Commission shall file an adopted resolution with the Secretary of State. If the Commission fails to file an adopted resolution by July 31, the Chief Justice of the Supreme Court and a Supreme Court Judge selected by the Supreme Court Judges from a political party other than the political party of the Chief Justice shall jointly appoint one person to act as Special Master to redistrict the Representative Districts, who may not be the same person appointed Special Master under subsection (c). The Special Master shall be appointed and certified to the Secretary of State not later than August 10. The Special Master shall file a redistricting map of the Representative Districts with the Secretary of State not later than September 5.

~~Not later than August 10, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.~~

~~If the Commission fails to file an approved redistricting plan, the Supreme Court shall submit the names of two persons, not of the same political party, to the Secretary of State not later than September 4.~~

~~Not later than September 5, the Secretary of State publicly shall draw by random selection the name of one of the two persons to serve as the ninth member of the Commission.~~

~~Not later than October 5, the Commission shall file with the Secretary of State a redistricting plan approved by at least five members.~~

~~(e) An approved redistricting resolution or redistricting map plan~~ filed with the Secretary of State shall be presumed valid, shall have the force and effect of law and shall be published promptly by the Secretary of State.

The Supreme Court shall have original and exclusive jurisdiction over actions concerning redistricting the House and Senate, which shall be initiated in the name of the People of the State by the Attorney General.

(Source: Amendment adopted at general election November 4, 1980.)

SCHEDULE

The State Board of Elections shall proceed, as soon as all the returns are received but no later than 31 days after the election, to canvass the votes given for and against this Constitutional Amendment, as shown by the abstracts of votes cast. If this Constitutional Amendment is approved by either three-fifths of those voting on the question or a majority of those voting in the election, then the State Board of Elections shall declare the adoption of this Constitutional Amendment and it shall, upon declaration of its adoption, take effect and become a part of the Constitution of this State. This Schedule supersedes and applies notwithstanding any statute to the contrary, and no other requirements, including without limitation proclamation of the results of the vote or notice by publication, are necessary for its effectiveness. This Constitutional Amendment applies to redistricting beginning in 2011 and to the election of members of the General Assembly beginning in 2012.

Passed the House, April 29, 2008.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution Constitutional Amendment No. 44 was referred to the Committee on Rules.

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 1 to Senate Bill 751
 Senate Floor Amendment No. 1 to Senate Bill 761
 Senate Floor Amendment No. 1 to Senate Bill 804
 Senate Floor Amendment No. 1 to Senate Bill 813
 Senate Floor Amendment No. 1 to Senate Bill 886
 Senate Floor Amendment No. 1 to Senate Bill 887

INTRODUCTION OF BILLS

[April 30, 2008]

SENATE BILL NO. 3035. Introduced by Senator Schoenberg, a bill for AN ACT concerning appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 3036. Introduced by Senator Schoenberg, a bill for AN ACT concerning State government.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 3037. Introduced by Senators Garrett - Frerichs - Lightford, a bill for AN ACT concerning regulation.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 4605, sponsored by Senator Sullivan, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4714, sponsored by Senator Raoul, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4813, sponsored by Senator Wilhelmi, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4814, sponsored by Senator Wilhelmi, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 4956, sponsored by Senator Crotty, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5188, sponsored by Senator Cronin, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5238, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5611, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5928, sponsored by Senator Martinez, was taken up, read by title a first time and referred to the Committee on Rules.

READING CONSTITUTIONAL AMENDMENT A SECOND TIME

On motion of Senator Cronin, Senate Joint Resolution Constitutional Amendment No. 70, as amended, having been printed, was again taken, read in full a second time and ordered to a third reading.

At the hour of 1:02 o'clock p.m., Senator Martinez presiding.

REPORTS FROM RULES COMMITTEE

[April 30, 2008]

Senator Halvorson, Chairperson of the Committee on Rules, during its April 30, 2008 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Education: **HOUSE BILLS 4159, 4252 and 5399.**

Executive: **HOUSE BILLS 4726 and 5494.**

Higher Education: **HOUSE BILL 3286, 3677, 5074.**

Housing and Community Affairs: **HOUSE BILLS 4178 and 4611.**

Human Services: **HOUSE BILLS 5318 and 5983.**

Insurance: **HOUSE BILL 5285.**

Judiciary Civil Law: **HOUSE BILLS 4869 and 5121.**

Judiciary Criminal Law: **HOUSE BILLS 4203, 4206, 4506, 5082, 5603 and 5653.**

Labor: **HOUSE BILL 5141; Senate Committee Amendment No. 1 to House Bill 773.**

Local Government: **HOUSE BILLS 4132, 4674, 4700, 4766, 4931, 4936, 5022 and 5195.**

Revenue: **HOUSE BILLS 4175 and 4788.**

State Government and Veterans Affairs: **HOUSE BILLS 4369, 4811, 5596 and 5904.**

Transportation: **HOUSE BILLS 946, 4221, 4839, 5607 and 5907.**

Senator Halvorson, Chairperson of the Committee on Rules, to which was referred **Senate Bills Numbered 751, 761, 804, 813, 886 and 887** on December 3, 2007, pursuant to Rule 3-9(b), reported that the Committee recommends that the bills be approved for consideration and returned to the calendar in their former position.

The report of the Committee was concurred in.

And **Senate Bills Numbered 751, 761, 804, 813, 886 and 887** were returned to the order of third reading.

Senator Halvorson, Chairperson of the Committee on Rules, during its April 30, 2008 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Higher Education: **Senate Floor Amendment No. 1 to Senate Bill 2691.**

Judiciary Criminal Law: **Senate Floor Amendment No. 1 to Senate Bill 751.**

Licensed Activities: **Senate Floor Amendment No. 1 to Senate Bill 886; Senate Floor Amendment No. 1 to Senate Bill 887.**

Local Government: **Senate Floor Amendment No. 1 to Senate Bill 761.**

Pensions and Investments: **Senate Floor Amendment No. 1 to Senate Bill 813.**

Revenue: **Senate Floor Amendment No. 1 to Senate Bill 804.**

At the hour of 1:17 o'clock p.m., Senator Hendon presiding.

[April 30, 2008]

EXCUSED FROM ATTENDANCE

On motion of Senator Risinger, Senator Burzynski was excused from attendance due to personal business.

MESSAGES FROM THE PRESIDENT

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

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

April 30, 2008

Ms. Deborah Shipley
Secretary of the Senate
403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to the provisions of Senate Rule 2-10, I hereby establish May 31, 2008 as the Third Reading deadline for the following Senate Bills:

751, 761, 804, 813, 886, 887, 2691,2692 and 2693

Sincerely,
s/Emil Jones, Jr.
Senate President

cc: Senate Minority Leader Frank Watson

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

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
Springfield, Illinois 62706

April 30, 2008

Ms. Deborah Shipley
Secretary of the Senate
403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Senate Rule 2-10, please be advised that I am canceling session for Tuesday, May 6, 2008. The Senate will convene at 12:00 noon on Wednesday, May 7, 2008.

Sincerely,
s/Emil Jones, Jr.
Senate President

[April 30, 2008]

cc: Senate Republican Leader Frank Watson

At the hour of 1:23 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, May 1, 2008, at 11:30 o'clock a.m.

[April 30, 2008]