



# **SENATE JOURNAL**

**STATE OF ILLINOIS**

**NINETY-SEVENTH GENERAL ASSEMBLY**

**137TH LEGISLATIVE DAY**

**TUESDAY, JANUARY 8, 2013**

**4:50 O'CLOCK P.M.**

**SENATE**  
**Daily Journal Index**  
**137th Legislative Day**

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SR 1072	Adopted .....	10

The Senate met pursuant to adjournment.  
 Senator M. Maggie Crotty, Oak Forest, Illinois, presiding.  
 Prayer by Chance Newingham, Athens Christian Church, Athens, Illinois.  
 Senator Sullivan led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, November 14, 2012, was being read when on motion of Senator Maloney, 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.

The Journal of Wednesday, November 21, 2012, was being read when on motion of Senator Maloney, 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.

The Journal of Tuesday, November 27, 2012, was being read when on motion of Senator Maloney, 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.

Senator Maloney moved that reading and approval of the Journal of Thursday, January 3, 2013, be postponed, pending arrival of the printed Journal.

The motion prevailed.

### **REPORTS RECEIVED**

The Secretary placed before the Senate the following reports:

Recycling & Recycled Paper Procurement Update, Fiscal Year 2012, submitted by the Department of Central Management Services.

Bilingual Needs and Bilingual Pay Survey Report for Fiscal Year 2012, submitted by the Department of Central Management Services.

Employment Opportunities Grant Program Report, FY 12, submitted by the Department of Commerce and Economic Opportunity.

Urban Weatherization Initiative Report, submitted by the Department of Commerce and Economic Opportunity.

IBHE Annual Report, July 1, 2011 to June 30, 2012, submitted by the Illinois Board of Higher Education.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

### **PRESENTATION OF RESOLUTIONS**

#### **SENATE RESOLUTION NO. 1062**

Offered by Senator Kotowski and all Senators:  
 Mourns the death of Berde Sutchar.

#### **SENATE RESOLUTION NO. 1063**

Offered by Senator Radogno and all Senators:  
 Mourns the death of Sandra J. Mills.

#### **SENATE RESOLUTION NO. 1064**

[January 8, 2013]

Offered by Senator Mulroe and all Senators:  
Mourns the death of Donald T. Meersman of Edison Park.

**SENATE RESOLUTION NO. 1065**

Offered by Senator McCarter and all Senators:  
Mourns the death of Tim Jansen of Bartelso.

**SENATE RESOLUTION NO. 1066**

Offered by Senator Dillard and all Senators:  
Honors retiring State Senator Chris Lauzen.

**SENATE RESOLUTION NO. 1067**

Offered by Senators Radogno-Cullerton and all Senators:  
Honors retiring State Senator Larry Bomke.

**SENATE RESOLUTION NO. 1068**

Offered by Senators Radogno-Cullerton and all Senators:  
Honors State Senator Suzi Schmidt.

**SENATE RESOLUTION NO. 1069**

Offered by Senators Cullerton-Radogno and all Senators:  
Honors retiring State Senator M. Maggie Crotty.

**SENATE RESOLUTION NO. 1070**

Offered by Senators Cullerton-Radogno and all Senators:  
Honors retiring State Senator James Meeks.

**SENATE RESOLUTION NO. 1071**

Offered by Senators Cullerton-Radogno and all Senators:  
Honors retiring State Senator Jeffrey M. Schoenberg.

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

**COMMUNICATION**

ILLINOIS STATE SENATE  
**JEFFREY M. SCHOENBERG**  
Assistant Majority Leader  
State Senator · 9<sup>th</sup> District

December 24, 2012

Mr. Tim Anderson  
Secretary of the Senate  
State of Illinois  
State Capitol  
Springfield, IL 62706

Dear Mr. Anderson,

Please be advised that I am tendering my resignation as a member of the Illinois State Senate from the Ninth Legislative District, effective at 5:00 p.m. CST on Monday, January 7, 2013.

I have been deeply humbled by the opportunity to serve my community and the citizens of our state for twenty-two years in the Illinois General Assembly, the past ten in the Illinois State Senate. My North Shore neighbors have trusted me to represent them at the State Capitol with independence and integrity

[January 8, 2013]

over these many years, and I will always be grateful for the unshakable confidence that they have consistently shown in my judgment and in my actions.

Sincerely,  
s/Jeffrey M. Schoenberg  
Jeffrey M. Schoenberg  
Assistant Senate Majority Leader  
9<sup>th</sup> District

cc: Hon. John J. Cullerton, President of the Illinois State Senate  
Mr. David Gross, Chief of Staff, Office of the Senate President  
Hon. Jesse White, Illinois Secretary of State  
Mr. Rupert Borgsmiller, Illinois State Board of Elections

**MESSAGE FROM THE SECRETARY OF STATE**

OFFICE OF THE SECRETARY OF STATE  
JESSE WHITE • Secretary of State

January 8, 2013

Honorable Tim Anderson  
Secretary of the Senate  
Room 401  
Capitol Building  
Springfield, IL 62706

Dear Mr. Anderson:

This office is forwarding herewith a copy of a Notice of Vacancy from the Legislative Committee of the Democratic Party for the 9<sup>th</sup> Legislative District, declaring the existence of a vacancy in the Office of State Senator in the 97<sup>th</sup> General Assembly for the 9<sup>th</sup> Legislative, as a result of the resignation of **Senator Jeffrey M. Schoenberg**.

Also enclosed is the copy of the Legislative Committee's Certificate of Appointment for **Daniel Biss, 3255 Central Street, Evanston, Illinois 60201**, who was appointed to fill the vacancy in the Office of State Senator in the 9<sup>th</sup> Legislative District for the 97<sup>th</sup> General Assembly.

Yours truly,  
s/Jesse White  
JESSE WHITE  
Secretary of State

NOTICE

Changes in the Ninety-Seventh General Assembly

SENATE

Appointment  
Daniel Biss  
3255 Central Street  
Evanston, Illinois 60201  
9<sup>th</sup> Legislative District  
Filed: January 8, 2013

Vacancy  
Jeffrey M. Schoenberg  
9<sup>th</sup> Legislative District  
Resigned: January 7, 2013  
Filed: January 7, 2013

cc: Communications Department

[January 8, 2013]

House Speaker Madigan  
House Republican Leader Cross  
Legal Department  
Legislative Affairs  
Office of the Governor  
Secretary of State  
Senate President Cullerton  
Senate Republican Leader Radogno  
State Board of Elections

**CERTIFICATE OF LEGISLATIVE COMMITTEE ORGANIZATION**

9<sup>TH</sup> LEGISLATIVE DISTRICT

STATE OF ILLINOIS  
COUNTY OF COOK

This is to certify that, in accordance with 10 ILCS 5/8-5, the Legislative Committee of the Democratic Party for the 9<sup>th</sup> Legislative District met on January 7, 2013, in the City of Glenview, County of Cook and organized by electing the following officers in conformity with the Election Code of the State of Illinois.

**CHAIRMAN:** Jeffrey M. Schoenberg  
2744 Lincolnwood Drive, Evanston, IL 60201

**SECRETARY:** Michael Kreloff/DKF  
1926 Waukegan, Glenview, IL 60025

SIGNED: s/Jeffrey M. Schoenberg  
**Chairman, Legislative Committee of the  
Democratic Party for the 9<sup>th</sup> Legislative District**

**ATTEST:** s/Michael Kreloff/DKF  
**Secretary, Legislative Committee of the  
Democratic Party for the 9<sup>th</sup> Legislative District**

State of Illinois            )  
  )  
County of Cook            )

Subscribed and sworn to before me on this  
7<sup>th</sup> day of January 2013.  
s/Lisa Ann Lipin  
Notary Public

Illinois State Board of Elections  
2329 S. MacArthur Blvd.  
Springfield, IL 62704

Secretary Tim Anderson  
Secretary of the Senate  
Room 401 Capitol Building  
Springfield, IL 62706

Hon. Jesse White  
Secretary of State  
Index Division  
111 East Monroe Street  
Springfield, IL 62701

**Notice of Declaration of Vacancy in the Office of State Senator for the 9<sup>th</sup> Legislative  
District of the State of Illinois**

Pursuant to Section 25-6 of the Election Code, please be advised that the Legislative Committee of the Democratic Party for the 9<sup>th</sup> Legislative District declared on January 7, 2013 that a vacancy exists in the

[January 8, 2013]

office of State Senator for the 97<sup>th</sup> General Assembly for the 9<sup>th</sup> Legislative District of the State of Illinois as a result of the resignation of Senator Jeffrey M. Schoenberg.

You are hereby notified of the vacancy in the office of State Senator in the General Assembly for the 9<sup>th</sup> Legislative District as a result of the resignation of Senator Jeffrey M. Schoenberg.

Dated: **January 7, 2013**

s/Jeffrey M. Schoenberg  
Chairman, Legislative Committee of the  
Democratic Party for the 9<sup>th</sup> Legislative District

s/Michael Kreloff/DKF  
Secretary, Legislative Committee of the  
Democratic Party for the 9<sup>th</sup> Legislative District

State of Illinois            )  
  )  
County of Cook            )

Subscribed and sworn to before me on this  
7<sup>th</sup> day of January 2013.  
s/Amy B. Wagner  
Notary Public

January 7, 2013

Illinois State Board of Elections  
2329 S. MacArthur Blvd.  
Springfield, IL 62704

Secretary Tim Anderson  
Secretary of the Senate  
Room 401 Capitol Building  
Springfield, IL 62706

Hon. Jesse White  
Secretary of State  
Index Division  
111 East Monroe Street  
Springfield, IL 62701

Pursuant to Section 25-6 of the Illinois Election Code, please be advised that the attached is a duly executed Certificate of Appointment to fill the vacancy in the office of State Senator for the 9<sup>th</sup> Legislative District for the 97<sup>th</sup> General Assembly which certifies the appointment of **Daniel Biss**, who resides at **3255 Central Street, Evanston, IL 60201**, to fill the vacancy in the office of Senator for the 97<sup>th</sup> Illinois General Assembly for the 9<sup>th</sup> Legislative District created by the resignation of Senator Jeffrey M. Schoenberg.

Dated: **January 7, 2013**

s/Jeffrey M. Schoenberg  
Chairman, Legislative Committee of the  
Democratic Party for the 9<sup>th</sup> Legislative District

s/Michael Kreloff/DKF  
Secretary, Legislative Committee of the  
Democratic Party for the 9<sup>th</sup> Legislative District

State of Illinois            )  
  )  
County of Cook            )

Subscribed and sworn to before me on this  
7<sup>th</sup> day of January 2013.  
s/Amy B. Wagner  
Notary Public

[January 8, 2013]

**CERTIFICATE OF APPOINTMENT TO FILL VACANCY IN  
THE OFFICE OF STATE SENATOR IN THE GENERAL ASSEMBLY**

WHEREAS, a vacancy currently exists in the office of State Senator in the General Assembly for the 9<sup>th</sup> Legislative District by reason of the resignation of Jeffrey M. Schoenberg, who was duly elected State Senator for the 9<sup>th</sup> Legislative District, as a candidate of the Democratic Party, in the General Election held on November 4, 2008; and

WHEREAS, the Legislative Committee of the Democratic Party for the 9<sup>th</sup> Legislative District has declared the existence of the vacancy in said office and has voted to fill the vacancy in said office as required by Section 25-6 of the Election Code; and

WHEREAS, at a meeting of the Legislative Committee of the Democratic Party for the 9<sup>th</sup> Legislative District on January 7, 2013, **Daniel Biss**, who resides at **3255 Central Street, Evanston, IL 60201**, received the required number of votes to fill the vacancy of said office pursuant to Section 25-6 of the Election Code; therefore,

BE IT RESOLVED, that the Legislative Committee of the Democratic Party for the 9<sup>th</sup> Legislative District of the State of Illinois hereby appoints **Daniel Biss**, a member of the Democratic Party, to the office of State Senator in the General Assembly for the 9<sup>th</sup> Legislative District of Illinois.

Dated: **January 7, 2013**

s/Jeffrey M. Schoenberg  
Chairman, Legislative Committee of the  
Democratic Party for the 9<sup>th</sup> Legislative District

s/Michael Kreloff/DKF  
Secretary, Legislative Committee of the  
Democratic Party for the 9<sup>th</sup> Legislative District

State of Illinois            )  
  )  
County of Cook            )

Subscribed and sworn to before me on this  
7<sup>th</sup> day of January 2013.  
s/Lisa Ann Lipin  
Notary Public

**OATH OF OFFICE**

I, **Daniel Biss**, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of Senator in the 9<sup>th</sup> General Assembly for the 9<sup>th</sup> Legislative District of the State of Illinois to the best of my ability.

s/Daniel Biss  
Daniel Biss, State Senator for the 9<sup>th</sup> Legislative District

Subscribed and sworn to before me, this 7<sup>th</sup> day of January, 2103.

s/James W. Dodge  
James W. Dodge  
Notary Public

[January 8, 2013]

State of Illinois            )  
  )  
County of Cook            )

Subscribed and sworn to before me on this  
8<sup>th</sup> day of January 2013.  
s/James W. Dodge  
Notary Public

At the hour of 5:04 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

**AFTER RECESS**

At the hour of 5:07 o'clock p.m., the Senate resumed consideration of business.  
Senator Crotty, presiding.

**RESOLUTIONS CONSENT CALENDAR**

**SENATE RESOLUTION NO. 1062**

Offered by Senator Kotowski and all Senators:  
Mourns the death of Berde Sutchar.

**SENATE RESOLUTION NO. 1063**

Offered by Senator Radogno and all Senators:  
Mourns the death of Sandra J. Mills.

**SENATE RESOLUTION NO. 1064**

Offered by Senator Mulroe and all Senators: :  
Mourns the death of Donald T. Meersman of Edison Park.

**SENATE RESOLUTION NO. 1065**

Offered by Senator McCarter and all Senators:  
Mourns the death of Tim Jansen of Bartelso.

**SENATE RESOLUTION NO. 1066**

Offered by Senator Dillard and all Senators:  
Honors retiring State Senator Chris Lauzen.

**SENATE RESOLUTION NO. 1067**

Offered by Senators Radogno-Cullerton and all Senators:  
Honors retiring State Senator Larry Bomke.

**SENATE RESOLUTION NO. 1068**

Offered by Senators Radogno-Cullerton and all Senators:  
Honors State Senator Suzi Schmidt.

**SENATE RESOLUTION NO. 1069**

Offered by Senators Cullerton-Radogno and all Senators:  
Honors retiring State Senator M. Maggie Crotty.

**SENATE RESOLUTION NO. 1070**

Offered by Senators Cullerton-Radogno and all Senators:  
Honors retiring State Senator James Meeks.

**SENATE RESOLUTION NO. 1071**

Offered by Senators Cullerton-Radogno and all Senators:

Honors retiring State Senator Jeffrey M. Schoenberg.

The Chair moved the adoption of the Resolutions Consent Calendar. The motion prevailed, and the resolutions were adopted.

### PRESENTATION OF RESOLUTION

Senator Trotter offered the following Senate Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

### SENATE RESOLUTION NO. 1072

RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that a Committee of 3 members of the Senate be appointed, 2 members to be appointed by the President and one member to be appointed by the Minority Leader, to: (i) approve the final Journals of the Senate of the Ninety-Seventh General Assembly where such journals have not, prior to the adjournment sine die, been approved by the body as a whole and (ii) review, correct, and thereafter approve as final all Journals of the Senate from the First Special Session in August of 2012.

The motion prevailed.  
And the resolution was adopted.

### MESSAGES FROM THE HOUSE

A message from the House by

Mr. Mapes, Clerk:

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

HOUSE BILL 4177

A bill for AN ACT concerning government.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4177

Concurred in by the House, January 6, 2013.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by

Mr. Mapes, Clerk:

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

HOUSE BILL 3636

A bill for AN ACT concerning civil law.

Which amendment is as follows:

Senate Amendment No. 2 to HOUSE BILL NO. 3636

Concurred in by the House, January 7, 2013.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by

Mr. Mapes, Clerk:

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

HOUSE BILL 3804

A bill for AN ACT concerning criminal law.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 3804

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Senate Amendment No. 2 to HOUSE BILL NO. 3804  
Concurred in by the House, January 7, 2013.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by

Mr. Mapes, Clerk:

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

HOUSE BILL 3816

A bill for AN ACT concerning State government.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 3816

Senate Amendment No. 3 to HOUSE BILL NO. 3816

Concurred in by the House, January 7, 2013.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by

Mr. Mapes, Clerk:

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

HOUSE BILL 4148

A bill for AN ACT concerning revenue.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4148

Senate Amendment No. 4 to HOUSE BILL NO. 4148

Concurred in by the House, January 7, 2013.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by

Mr. Mapes, Clerk:

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

HOUSE BILL 5151

A bill for AN ACT concerning civil law.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 5151

Senate Amendment No. 2 to HOUSE BILL NO. 5151

Concurred in by the House, January 7, 2013.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by

Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

**SENATE JOINT RESOLUTION NO. 81**

Concurred in by the House, January 7, 2013.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by

Mr. Mapes, Clerk:

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

HOUSE BILL 1237

A bill for AN ACT concerning criminal law.

[January 8, 2013]

Which amendment is as follows:  
Senate Amendment No. 6 to HOUSE BILL NO. 1237  
Concurred in by the House, January 8, 2013.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by  
Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:  
HOUSE BILL 2105

A bill for AN ACT concerning health.  
Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 2105  
Concurred in by the House, January 8, 2013.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by  
Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:  
HOUSE BILL 3450

A bill for AN ACT concerning liquor.  
Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 3450  
Concurred in by the House, January 8, 2013.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by  
Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:  
HOUSE BILL 5019

A bill for AN ACT concerning regulation.  
Which amendment is as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 5019  
Concurred in by the House, January 8, 2013.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by  
Mr. Mapes, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:  
HOUSE BILL 5495

A bill for AN ACT concerning local government.  
Which amendments are as follows:  
Senate Amendment No. 1 to HOUSE BILL NO. 5495  
Senate Amendment No. 5 to HOUSE BILL NO. 5495  
Concurred in by the House, January 8, 2013.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by  
Mr. Mapes, Clerk:

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

[January 8, 2013]

SENATE BILL NO. 957

A bill for AN ACT concerning transportation.  
Passed the House, January 8, 2013.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by  
Mr. Mapes, Clerk:

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

SENATE BILL NO. 1076

A bill for AN ACT concerning civil law.  
Passed the House, January 8, 2013.

TIMOTHY D. MAPES, Clerk of the House

A message from the House by  
Mr. Mapes, Clerk:

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

SENATE BILL NO. 2979

A bill for AN ACT concerning economic development.  
Passed the House, January 8, 2013.

TIMOTHY D. MAPES, Clerk of the House

**MESSAGE FROM THE PRESIDENT**

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

JOHN J. CULLERTON  
SENATE PRESIDENT

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

January 8, 2013

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

Dear Mr. Secretary:

I hereby withdraw my motion to reconsider the vote on SB 744.

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

**COMMUNICATION**

**ILLINOIS STATE SENATE  
DON HARMON  
PRESIDENT PRO TEMPORE**

[January 8, 2013]

**39TH DISTRICT**

January 8, 2013

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

Dear Mr. Secretary:

I hereby withdraw my motion to reconsider the vote for Senate Bill 1556.

Sincerely,  
s/Don Harmon  
Don Harmon

At the hour of 5:43 o'clock p.m., on motion of President John J. Cullerton, the Senate stood adjourned SINE DIE.

[January 8, 2013]