

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

54th Legislative Day

November 13, 2001

PRESIDENT PHILIP:

The regular Session of the 92nd General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the gallery please rise? Our prayer today will be given by Father William Privette, Christ Episcopal Church, Springfield, Illinois. Father Privette.

FATHER WILLIAM PRIVETTE:

(Prayer by Father William Privette)

PRESIDENT PHILIP:

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

SENATOR RADOGNO:

(Pledge of Allegiance, led by Senator Radogno)

PRESIDING OFFICER: (SENATOR WEAVER)

Reading of the Journal. Senator Jones.

SENATOR W. JONES:

Mr. President, I move that reading and approval of the Journal of Wednesday, November 7th, in the year 2001, be postponed, pending arrival of the printed Journal.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jones moves the postponement in reading and approval of the -- arriving the printed transcript. There being no objection, it is so ordered. Messages.

SECRETARY HARRY:

Message from the President, dated November 7th, 2001.

Dear Mr. Secretary - Please be advised that I have appointed Senator Stone to serve on the following standing committees of the 92nd General Assembly: Committee on Agriculture and Conversation and the Committee on Licensed Activities. These appointments are effective immediately.

Signed by President Philip.

PRESIDING OFFICER: (SENATOR WEAVER)

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...Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Mr. President. Senator Watson has filed a motion with respect to Senate Bill 74; Senator Link, on Senate Bill 326; Senator Cullerton, on Senate Bill 28; Senator Lisa Madigan, with respect to Senate Bill 175; and Senator Cullerton, on Senate Bill 1046.

PRESIDING OFFICER: (SENATOR WEAVER)

Mr. Secretary, the Chair requests that these motions be printed on the Calendar. So ordered. Resolutions.

SECRETARY HARRY:

Senate Resolutions 222 through 228 are all offered by Senator Sullivan and all Members.

Senate Resolutions 229 through 235, by Senator Demuzio and all Members.

And Senate -- Resolution 236, by Senator Lightford and all Members.

They're all death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar. Introduction of Bills.

SECRETARY HARRY:

Senate Bill 1529, offered by Senator Lisa Madigan.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR WEAVER)

House Bills 1st Reading.

SECRETARY HARRY:

House Bill 1004, offered by Senator Madigan.

(Secretary reads title of bill)

And House Bill 2370, by Senator Luechtefeld.

(Secretary reads title of bill)

1st Reading of the bills.

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PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will stand at ease for a few minutes.

(SENATE STANDS AT EASE/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WATSON)

Mr. Secretary, Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measure has been assigned: Refer to the Committee on Executive - Senate Amendment 1 to House {sic} (Senate) Bill 1269.

PRESIDING OFFICER: (SENATOR WATSON)

...have your attention, please? We will be going to page 8 of the regular Calendar, page 8, in just a few moments. And we will begin with Motions in Writing, Accept Specific Recommendations for Change. And the first motion is Senate Bill 647, by Senator Cullerton, and then Senate Bill 1493, by Senator Radogno. We'll now proceed to page 8 of the regular Calendar. Bottom third of the Calendar is Motions in Writing, Accept Specific Recommendations for Change. Like to have everybody in their seats, if you would. We'd like to get started in an orderly fashion. Senate Bill 647. Senator Cullerton? John Cullerton on the Floor? Out of the record. Senate Bill 1493. Senator Radogno? ...Secretary, please read the motion.

ACTING SECRETARY HAWKER:

I move to accept the specific recommendations of the Governor as to Senate Bill 1493, in manner and form as follows:

Amendment to Senate Bill 1943 {sic}

in Acceptance of Governor's Recommendations

Motion filed by Senator Radogno.

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PRESIDING OFFICER: (SENATOR WATSON)

Would everybody please be in their seats so we can proceed?
Break up the conferences and take your seats. Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. I would move to accept this amendatory veto. This is a bill pertaining to Circuit Breaker. It changes the calculation of the drug cap to the calendar year, rather than the fiscal year. And it also changes the -- implementation date, to give the Department of Revenue more time to implement this change. I would ask for a Yes vote.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Radogno has moved to accept specific recommendations of the Governor as to Senate Bill 493 {sic}. Is there any discussion? Is there any discussion? If not, the question is, shall the Senate accept the specific recommendations of the Governor as to Senate Bill 1493, in the manner and form just stated by Senator Radogno. Those in favor will vote Aye. Opposed, vote 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's 54 voting Yes, no voting No, no voting Present. The specific recommendations of the Governor as to Senate Bill 1493, having received the required constitutional majority of Senators elected, are declared accepted. We'll now stay on page 8. We are in the middle of page 8. Motions in Writing, Override Total Vetoes. Before that we have Senator Demuzio. Senator Demuzio, what purpose do you rise?

SENATOR DEMUZIO:

Thank you. On a point of personal privilege.

PRESIDING OFFICER: (SENATOR WATSON)

State your point, sir.

SENATOR DEMUZIO:

It's my understanding that apparently my key was -- was turned

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off on that last vote, and had it been on, I would have voted in the affirmative. I pushed it, but it wasn't activated, and -- so there's nothing we can do about it, but I just thought I'd bring it up.

PRESIDING OFFICER: (SENATOR WATSON)

Thank you. We are in the middle of page 8. Motions in Writing, Override Total Vetoes. Senate Bill 635. Senator O'Malley. ...Secretary, please read the motion.

ACTING SECRETARY HAWKER:

I move that Senate Bill 635 do pass, the veto of the Governor to the contrary notwithstanding.

Motion filed by Senator O'Malley.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, Senate Bill 635 amends the Illinois Library System Act -- System Act, and it creates a Task Force to explore ways to better coordinate our current library system. The Force would be made up of nine members appointed by the Secretary with the advice and consent of the Senate. There was substantial discussion of this legislation, both in committee and -- and during the process of bringing it to a vote. It had the unanimous support of all Members voting on it during both the Senate and House discussions on our respective floors, and I would seek your support to -- to override the Governor's veto.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley has moved that Senate Bill -- excuse me, 635 do pass, the veto of the Governor to the contrary notwithstanding. Is there any discussion? Senator Welch.

SENATOR WELCH:

I've got a question of the sponsor.

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PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Welch.

SENATOR WELCH:

I'm looking at our analysis, and it says that the Secretary of State says that the legislation's unnecessary. Now, is that still true? Do you know if the Secretary of State's opposed to this legislation?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

As a matter of fact, the Secretary of State worked very closely with us to make sure that it was in the form it's in and was an avid supporter of it. So, I'm not sure where your information comes from.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch.

SENATOR WELCH:

Well, my information comes from the page I'm reading here in front of me. That's where it comes from. But -- all right. Fine.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. Chairman -- Mr. President. Did -- will the sponsor yield for question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Hendon.

SENATOR HENDON:

Were the -- appointments made by the Secretary of State restored?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

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SENATOR O'MALLEY:

Senator Hendon, I recall that we had conversations, actually, in committee, and the language of this legislation, as it passed both the House and the Senate, is in the form and content that was acceptable to you when it was before the committee.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hendon.

SENATOR HENDON:

Well, Senator O'Malley, you're correct. It was okay with me. I just want to make sure it's okay with the Secretary of State, since we have such a great relationship between us now. And I know there was an issue. And just for the record, we did make it where his appointment power is restored. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Hendon, this -- the content of this legislation is identical to what was acceptable to the Secretary of State's Office, and with their recommendation.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? If not, Senator O'Malley, to close.

SENATOR O'MALLEY:

Again, I would seek the support to pass this. I think it's important that we have the opportunity to work with our State Librarian to make sure that our library system is coordinating its efforts. We have many different kinds of libraries in this State, and its intention is to come up with better ways not only to coordinate, but make those systems efficient and use new technologies to do so. Appreciate your support.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley has moved, and the question is, shall Senate

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Bill 635 pass, the veto of the Governor to the contrary notwithstanding. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? ...the record. On that question, there's 26 voting Yes, 25 voting No, no voting Present. And the motion fails. Senate Bill 720. Senator Dudycz. Out of the record. Senate Bill 1294. Senator O'Malley? Out of the record. Senate Bill 1304. Senator O'Malley. Madam Secretary, please read the motion.

ACTING SECRETARY HAWKER:

I move that Senate Bill 1304 do pass, the veto of the Governor to the contrary notwithstanding.

Motion filed by Senator O'Malley.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Senate Bill 1304 involves the Immunization Advisory Council {sic} (Committee) in the Department of Public Health. And what it calls on is that any members of that advisory board avoid having any conflicts of interest whatsoever. This legislation had the overwhelming support of the Members of the Senate and the House and, again, effectively deals with whether or not there shall be any conflicts of interest. And -- and even the Department's representatives came forward with recommendations as to how to improve it and address any concerns they have. So, we would seek, again, the support of the Body to deal with conflicts of interest on this Immunization Advisory Board by passing Senate Bill 1304, notwithstanding the Governor's objections.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley has moved that Senate Bill 1304 do pass, the veto of the Governor to the contrary notwithstanding. Is there

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any discussion? Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President. I would just rise in opposition to this motion and would just remind everyone and -- when the Governor vetoed this, he indicated that if this bill passed, it would have a negative impact on the number of pediatric disease specialists and pediatric physicians in general, who would be able to serve on the Immunization Advisory Committee. And I think that's not something we would like to encourage. So I would urge all my colleagues to vote No.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any further discussion? Any further discussion? If not, Senator O'Malley, do you wish to close? Senator O'Malley.

SENATOR O'MALLEY:

Yes. Thank you. I -- and I appreciate the previous speaker's remarks, but I would also point out, make sure, that this does not make it impossible for any pediatrician to be a member of the advisory board. What it simply says, that if you're going to be a member of the advisory board, you cannot have a conflict of interest associated with owning stocks or being on contract with the very companies that would be making the recommendations and encouraging recommendations from this advisory board to promote a particular vaccination. So, it's pretty plain, simple and straightforward: You are not supposed to have conflicts of interest. And this legislation simply says if you're going to serve on that board, you shall not have a conflict of interest. And, again, I would appreciate the support of the Body.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1304 pass, the veto of the Governor to the contrary notwithstanding. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who

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wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there's 26 voting Yes, 25 voting No, no voting Present. And the motion fails. Senate Bill 1522. Senator O'Malley? ...O'Malley, do you wish to call -- out of the record. Senator Link, for what purpose do you rise, sir?

SENATOR LINK:

Personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

State your point.

SENATOR LINK:

A day after our last Session, there was a monumental occasion. Someone in this Chamber celebrated the milestone of reaching Jack Benny's birthday of thirty-nine. But through a little bit of survey, I found out it might have been the second time he reached Jack Benny's age. But on November 8th, Senator Jacobs celebrated a birthday and we weren't here, but I want to wish him a happy birthday, and I think we all do.

PRESIDING OFFICER: (SENATOR WATSON)

Absolutely. Will our guest on the Floor please rise? Like to wish you a happy birthday. Any further business to come before the Senate? If not, Senator Jacobs moves that we will stand adjourned until the hour of noon, Wednesday, November 14th.